



Citation Order

Date: October 17, 2012
Name: Mary M. Pynenburg
Address: P.O. Box 6628
Albany, CA 94706
License Number: PF 380
Case Number: PF 2011 50

I, Gil DeLuna, hereby issue this citation solely in my official capacity as Acting Bureau Chief of the Professional Fiduciaries Bureau of California, hereinafter referred to as the "Bureau."

License History:

The records of the Bureau show that license number PF380 was issued to you, Mary Pynenburg on October 13, 2009 and expires on July 31, 2013.

Citation:

A citation is hereby issued to you in accordance with section 125.9 and 6580(b)(1) of the Business and Professions Code for the violation(s) described below.

Cause for Violation:

Cause exhibits under Section 6584(d) of the Business and Professions Code (B&P) to issue a citation for exhibiting unprofessional conduct related to the practice of a professional fiduciary, in violation of Division 41, Title 16, California Code of Regulations (CCR) section 4470 Code of Ethics, based on the following conduct:

Violation #1

Section 6560 of the B&P provides that a licensee shall keep complete and accurate records of client accounts and shall make those records available for audit by the bureau. Title 16 Section 4544, subdivision b, requires licensees to submit the records to the Bureau within fifteen (15) business days of the request. On or about March 6, 2012, March 7, 2012, March 14, 2012, March 22, 2012, March 27, 2012 and April 13, 2012, the Bureau requested you provide our office with monthly statements for record keeping of client accounts in complaint number PF2011000050. You have not provided the requested documents as of this date. Your failure to respond is a violation section 6561 and 16 CCR 4544(b).

Violation #2

Professional Code of Ethics 16 CCR 4470(b) requires licensees to comply with all local, state, and federal laws, regulations, and requirements developed by the courts and Judicial Council as a minimum guide for the fulfillment of their fiduciary duties. Probate Code section 15602 provides that a trustee is not required to give a bond to secure performance of the trustee's duties, unless a bond is required by the trust instrument. On or about July 20, 2000, you assumed trustee duties of the [REDACTED]. Article 14 (E) of the Trust states: "The Trustee shall post a bond." You failed to obtain a bond as required. Your failure to obtain the required bond is a breach of your professional fiduciary duties and a violation of your Professional Fiduciary Code of Ethics.

Violation #3

Section 6561 of the B&P requires all licensees to file an initial and annual statement with the Bureau. Your initial statement was due December 11, 2009 and your annual statement was due June 1, 2011. You failed to submit your initial and annual statements by the required due dates. Your failure to act was in violation of section 6561.

Violation # 4

Section 6533 of the B&P requires all licensees to complete an application for licensure signed under penalty of perjury. On or about July 29, 2011, you signed your application renewal application under penalty and perjury under the laws of the state of California. In the application you asserted that you completed your annual statement as required by law. This assertion was dishonest as the Bureau has not received your initial and annual statements.

Violation #5

Section 6531 of the B&P provides that no professional fiduciary shall operate with an expired, suspended, or revoked license. Your license was revoked/suspended on or about June 5, 2012, the Bureau sent you a letter instructing you that pursuant to Sections 6530(a) and 6561 of the Business and Professions Code that you are to cease your duties as professional fiduciary. You continued to conduct your fiduciary duties from August 1, 2011 to July 2, 2012. Your continued practice as an unlicensed fiduciary is a violation section 6531.

Order of Abatement and Corrective Action:

The Bureau hereby directs that you immediately take action as may be necessary to achieve full compliance with all provisions of the Professional Fiduciaries Law and regulations adopted by the Bureau.

Unless you are contesting the citation, failure to abate the violation charged within 30 days of the date of your receipt of this document may be deemed to constitute a violation of the Professional Fiduciaries Act. Failure to comply may result in disciplinary action being taken by the Bureau or other appropriate judicial relief being taken against you.

Fine:

The Bureau is authorized to issue citations containing orders of abatement and/or administrative fines pursuant to Sections 125.9 or 6580(b)(1) of the Business and Professions Code against a professional fiduciary who has committed any acts or omissions which are in violation of the Act or the regulations contained in Division 41, Title 16, California Code of Regulations.

The fine for violation #1 is \$500.00
The fine for violation #2 is \$500.00
The fine for violation #3 is \$500.00
The fine for violation #4 is \$500.00
The fine for violation #5 is \$500.00

Payment of the administrative fine, if any and abatement will be considered satisfactory resolution of the violation(s) cited.

The citation will become a final order of the Bureau 30 days after the date of issuance of the citation. Payment must be made by cashier's check or money order only, payable to the Professional Fiduciaries Bureau. A personal or business check will not be accepted. Please indicate the citation number on the cashier's check or money order and mail it to the Bureau at 1625 North Market Blvd., Suite N-324, Sacramento, CA 95834.

Appeal of Citation:

If you desire a hearing to contest the finding of the violation, the request must be made in writing within thirty (30) days of the issuance of this citation.

In addition to requesting an administrative hearing as provided for in subdivision (b)(4) of Section 125.9 of the Business and Professions Code, you may request an informal conference to review the acts charged in the citation. Your request for an informal conference must be made in writing, within ten (10) days after the issuance of the citation. If the conference is requested, the Bureau will hold the conference within sixty (60) days from the receipt of your request.

At the conclusion of the informal conference, the Bureau may affirm, modify or dismiss your citation, including any fine levied or order of abatement issued. The Bureau will issue a written decision explaining the reasons for its action. The decision will be deemed to be a final order of the Bureau with regard to the citation issued; including any administrative fine levied or order of abatement.

If the citation, including any fine levied or order of abatement, is modified, the citation originally issued shall be considered withdrawn and a new citation issued. If you desire a formal administrative hearing to contest the new citation or to contest the Bureau's affirmation of the citation, you must make a new request in writing, within thirty (30) days of receipt of the informal conference decision, to the Bureau. The formal administrative hearing will be conducted as provided for in subdivision (b)(4) of Section 125.9. You may not request an informal conference for a citation which has been modified following an informal conference.

If a hearing is not requested, payment of any fine will not constitute an admission of the violation charged. Issuance of a citation is subject to public disclosure. Notwithstanding any other provision of law, if a fine is paid to satisfy an assessment based on the finding of a violation, payment of the fine will be represented as a satisfactory resolution of the matter for purposes of public disclosure. **Where a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee in accordance with the Business and Professions Code Section 125.9.**



Gil DeLuna, Acting Bureau Chief

10-17-12

Date

**DEPARTMENT OF CONSUMER AFFAIRS
PROFESSIONAL FIDUCIARIES BUREAU**

Mary M. Pynenburg (PF380)
P.O. Box 6628
Albany, CA 94706

Re: License Number: PF 380
Case Number: PF 201150
Citation No: PF 201150

I hereby acknowledge receipt of the above referenced citation and notification of my rights to contest the citation pursuant to Business and Professions Code Section 125.9 and Title 16, California Code of Regulations Sections 4600.

___ Enclosed is a cashier's check or money order in the amount of \$_____ as payment for the citation and fine assessment.

___ *I hereby contest the citation and request an informal office conference. I understand that I am not waving my right to a formal hearing pursuant to Chapter 5 (commencing with Section 11500) of Part 1, Division 3 of Title 2 of the Government Code.

___ *I request a formal administrative hearing pursuant to Chapter 5 (commencing with Section (11500) of Part 1, Division 3 of title 2 of the Government Code.

___ *I request an informal conference, however in lieu of personally attending; I am enclosing information and/or documents for use in re-evaluating the circumstances surrounding the issuance of the citation.

The citation, order of abatement and/or administrative fine is contested for the following reasons:

***No administrative fines are due while a citation is under appeal. If appealing, do not submit and payment at this time.**

Name: _____

Date: _____

Signature: _____

Telephone Number: _____

Title: _____

FAX No: _____