DEPARTMENT OF CONSUMER AFFAIRS
PFB
PROFESSIONAL FIDUCIARIES BUREAU

Professional Fiduciaries Bureau
Post Office Box 989005
West Sacramento, CA 95798-9005
Telephone: (916) 574-7340 FAX (916) 574-8645
Website: www.fiduciary.ca.gov

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

Citation Order

Date: **March 1, 2013**

Name: **Marsha Keeffer**

Address: **P.O. Box 1357**
Soquel, CA 95073

License Number: **PF 443**

Case Number: **PF 2012 34**

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 PF443 was issued to you, Marsha Louise Keeffer, on June 7, 2010 and will expire 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 violations(s) described below.

Cause for Violation:

Cause exists under Section 6584(d) of the Business and Professions Code 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) sections 4476 and 4482 of the Professional Code of Ethics, based on the following conduct:

Professional Code of Ethics, Title 16, CCR section 4476(b) states the licensee shall not engage in any conduct that is or could be perceived as self-serving or adverse to the best interest of the consumer. Professional Code of Ethics, Title 16, CCR section 4482(d) states the licensee may incur expenses that are appropriate to the estate. Professional Code of Ethics, Title 16, CCR section 4482(e) states the licensee shall manage the assets of the estate in the best interest of the consumer. Between October 29, 2012 and November 30, 2012, in violation of the above referenced sections of the CCR, you billed the Special Needs Trust of the beneficiary for time spent responding to a complaint filed with the Professional Fiduciaries Bureau by the beneficiary. The total charged to the estate was approximately $362.50. The Bureau determines

this charge to be self-serving, adverse to the best interest of the consumer, and not appropriate charges to the estate.

Order of Abatement and Corrective Action:

The Bureau hereby directs you to provide an order from the judge of the probate court having jurisdiction over this Special Needs Trust (SNT) approving or denying the above referenced charges to the Trust.

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.

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 this violation 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 S-209, 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 the cited person desires a formal hearing to contest the new citation or to contest the Bureaus 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 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 Chief

3-1-13
Date