

BEFORE THE  
PROFESSIONAL FIDUCIARIES BUREAU  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the of:	)	Case No.
	)	
Janet K. Welborn, Applicant	)	STIPULATION FOR A
	)	PROBATIONARY LICENSE
Applicant for a Professional Fiduciary License	)	
	)	
	)	
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- 1) Janet K. Welborn, applicant for a professional fiduciary license (hereinafter “applicant”), and Gil DeLuna, Acting Chief of the Professional Fiduciaries Bureau (Bureau) of California, hereby stipulates as follows:
  
- 2) The applicant has satisfactorily met all requirements to test for a professional fiduciary license.
  
- 3) On August 29, 2011, the applicant submitted an application for a professional fiduciary license in the State of California. A violation occurred when she answered “no” to the question related to criminal history in Part 6 of the licensing application. Making a false statement of fact required to be revealed on the application is a violation of Section 480 (c) of the Business and Professions Code.
  
- 4) Pursuant to Business and Professions Code sections 144 and 6584, applicant submitted fingerprints via LiveScan to the California Department of Justice for a criminal background check to be reviewed by the Bureau. A review of the applicant’s criminal history information prepared by the California Department of Justice indicates that she has a criminal conviction of Vehicle Code Section 23103.5, agreeing to a plea of guilty or nolo contendere to a charge of a violation of Section 23103 in satisfaction of, or as a substitute for an original charge of a violation of Section 23152 and placed on probation for three (3) years. Applicant was notified of the results of the criminal history information. In a letter of explanation that the applicant provided to the Bureau on October 7, 2011, applicant stated that she had “Wet Reckless” violation, not a DUI on 8/28/1996. Applicant also stated in the letter that she answered “no” on Part 6 of the licensing application because; (1) applicant was never told that this violation was “pled down to guilty” and (2) applicant believed that the said violation dropped off her driving record on 8/28/2009, 13 years after the incident. Applicant also provided the Bureau with a report dated 10/5/11 that indicates the violation is no longer present on her driving record. However, the fact the violation still exists on the applicant’s criminal history report and was not reported to the Bureau on the license application and is cited as cause for denial based on Business and Professions Code Section 480(a) (1). Having and maintaining a clear driving record is substantially related to the job of a professional fiduciary.
  
- 5) Pursuant to Section 6582.2 of the Business Professions Code, the Bureau may enter into settlement with an applicant instead of the issuance of a statement of issues against the applicant. As such, given the fact the conviction occurred over sixteen (16) years ago, the applicant is offered the opportunity to accept a proposed

stipulation for a probationary license without a formal hearing pursuant to the California Administrative Procedures Act.

- 6) The applicant acknowledges she has the right to request a Statement of Issues and a hearing upon denial of license for cause. Applicant waives notice of hearing and judicial review in favor of this Stipulation for a Probationary License, which is subject to approval by the Bureau. If not approved, this Stipulation is null and void and may not be used for any purpose.
- 7) This settlement shall be considered discipline and a public record and shall be posted on the bureau's Internet Web site as required pursuant to Business and Professions Code section 6582.5.

A professional fiduciary license shall be issued with terms and conditions of probation pursuant to the following order:

#### ORDER

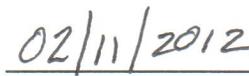
IT IS ORDERED that, within one week of the effective date of this order, the Bureau shall provide the applicant, Janet K. Welborn, with the authorization to take the national and state portions of the California Professional Fiduciary Examination. Upon applicant having successfully taken and passed both the national and state portions of the California Professional Fiduciary Examination, the applicant, will be issued a professional fiduciary license on a probationary basis, subject to the following terms and conditions:

- 1) Applicant is placed on probation for two (2) years subject to the following terms and conditions:
- 2) **Obey all laws:** Applicant shall obey all federal, state and local laws, and all rules and regulations governing the practice of a professional fiduciary in California. A full and detailed account of any and all violations of law shall be reported by applicant to the Bureau in writing within 72 hours of occurrence. If applicant is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.
- 3) **Comply with probation:** Applicant shall fully comply with the terms and conditions of probation imposed by the Bureau and shall cooperate with representatives of the Bureau or its designee in its monitoring and investigation of applicant's compliance with probation terms and conditions.
- 4) **Submit written reports:** During the period of probation, applicant shall submit written quarterly reports, under penalty of perjury, as required by the bureau. These reports shall contain statements relative to applicant's compliance with all the conditions of probation, and other information as required by the bureau.
- 5) **Tolling of probation:** In the event applicant should leave California to reside or practice outside of the state, applicant shall notify the Bureau in writing of the dates of departure and return. Periods of non-California residency or practice outside of the state shall not apply to reduction of the probationary period. No obligation imposed as a condition of probation shall be suspended or otherwise affected by such period of out-of-state residency or practice except with the written permission of the Bureau.

- 6) **Maintain valid license:** Applicant shall, at all times, maintain an active current license with the bureau including any period of suspension or period in which probation is tolled.
- 7) **License surrender:** During applicant's term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, she may surrender his license to the Bureau. The Bureau reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license she will no longer be subject to the conditions of probation. Surrender of applicant's license shall be considered a disciplinary action and shall become a part of applicant's license history with the bureau.
- 8) **Violation of probation:** If applicant violates the conditions of her probation, the Bureau, after giving respondent notice and an opportunity to be heard, may set aside the order and impose revocation of applicant's license. If during the period of probation, an accusation or petition to revoke probation has been filed against applicant's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against applicant's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the bureau.
- 9) **Completion of probation:** Upon successful completion of probation, applicant's license shall be fully restored.

Applicant agrees to comply with the terms and conditions of the above Order.

  
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Janet K. Welborn, Applicant

  
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Date

  
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Doreatha Johnson/  
Deputy Director, Legal Affairs

  
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Date