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

In the Matter of the Application of:	)	Case No.
	)	
Treneatra A. Farmer	)	STIPULATION FOR A
	)	PROBATIONARY LICENSE
Applicant for a Professional	)	
Fiduciary License	)	
	)	
Respondent.	)	
	)	

1) Treneatra A. Farmer, applicant for a professional fiduciary license (hereinafter "applicant"), and the Professional Fiduciaries Bureau (Bureau) of California, Department of Consumer Affairs hereby stipulate as follows:

2) The applicant has satisfactorily met all requirements to test for a professional fiduciary license.

3) OnOctober 28, 2011, the applicant submitted an application for a professional fiduciary license in the State of California.

4) Pursuant to Business and Professions Code (B&P) Sections 144 and 6533.5, 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 reveals that she has three (3) criminal convictions from 1978 to 1982. Applicant was notified of the results of the criminal history information.

5) The applicant was convicted for violating Penal Code (PC) 484/488 petty theft, a misdemeanor, in 1978 in Orange County, where she received twelve (12) months unsupervised probation. In 1982, applicant again was convicted for violating PC 484 - theft in Los Angeles County and was sentenced this time to twenty four (24) months probation. The third conviction occurred in 1982 in Los Angeles County for violating PC 487.1 – grand theft: property, a misdemeanor, where she received twenty-four (24) months probation plus ordered to pay a fine.

6) In part 6 of the licensing application, in response to the question whether she has ever been convicted of any federal or state law, she answered "yes". The applicant submitted a letter of explanation dated October 28, 2011. In the letter, the applicant explained she was "very young" when she had a run in with law enforcement and she does not remember the exact dates of the conviction(s). She further explained her criminal record was expunged when she had an assistant teacher job with the Los Angeles Unified School District.

7) Due to the vagueness of the responses in the applicant's letter of explanation, on January 5, 2012, Gil DeLuna, the Acting Bureau Chief emailed the applicant, notifying her that her letter of explanation was insufficient to make a determination as to her suitability for licensure and requested she provide a more detailed explanation of what occurred.

8) On January 5, 2012, the applicant emailed the Bureau explaining that her responses were vague because she was unable to remember much related to the convictions due to the time that has elapsed. She further stated she did not think there was a conviction in 1982 and that she honestly did not remember. However, in 1978 she remembered a trespassing charge but the circumstances were not clear in her mind. Applicant was notified of the results of the criminal history information. However, the fact the violation still exists on her criminal history report and the explanation she provided was insufficient and is substantially related to the job of a professional fiduciary.

9) The Bureau determined that the convictions are substantially related to the qualifications, functions and duties of a professional fiduciary as cited as cause for denial based upon B&P Sections 480(a)(1) and 6536(b).

10) Pursuant to B&P Section 6582.2, 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 thirty (30) 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.

11) 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.

12) This proposed stipulation shall be subject to approval by the Director of Consumer Affairs or the Director's designee. Respondent understands and agrees that counsel for the Bureau and Professional Fiduciaries Bureau staff may communicate with the Director and DCA staff regarding this proposed stipulation, without notice to, or participation by, applicant.

13) By singing this proposed stipulation, applicant understands, and agrees, that she may not withdraw her agreement, or seek to rescind the stipulation, prior to the time the Director considers and acts upon it. If the Director fails to adopt the proposed stipulation as the Decision and Order, this *Stipulation for a Probationary License and Order* shall have no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Director shall not be disqualified from further action by having considered this matter.

14) Upon the Director's approval, this agreement 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 6582.2.

15) The parties understand and agree that facsimile copies of this *Stipulation for a Probationary License and Order,* including facsimile signatures thereto, shall have the same force and effect as the original.

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, Treneatra A. Farmer,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 termsand 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.

Treneatra A. Farmer, Applicant — Date 8-13-12

Doreathea Johnson
Deputy Director, Legal Affairs — Date 8-28-12