

BEFORE THE DIRECTOR  
DEPARTMENT OF CONSUMER AFFAIRS  
FOR THE PROFESSIONAL FIDUCIARIES BOARD  
STATE OF CALIFORNIA

In the Matter of:

ROBERT JAMES SCHNIEDERS,

Applicant for Professional Fiduciary License

Respondent.

Case No. PF 2011 22

**DECISION**

The attached Stipulation for a Probationary License is hereby adopted by the Director of Consumer Affairs as the Decision in the above-entitled matter.

This Decision shall become effective \_\_\_\_\_.

IT IS SO ORDERED this 9th day of May, 2012.

  
\_\_\_\_\_  
DOREATHEA JOHNSON  
Deputy Director, Legal Affairs  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 RENE JUDKIEWICZ  
Deputy Attorney General  
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*Attorneys for Complainant*  
7

8 **BEFORE THE**  
**PROFESSIONAL FIDUCIARIES BUREAU**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues  
Against:

12 **ROBERT JAMES SCHNIEDERS**  
13 **2708 Foothill Blvd, #242**  
14 **La Crescenta, CA 91214**  
**Applicant for Professional Fiduciary**  
**License**

15 Respondent.  
16

Case No. PF 2011 22

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Gil DeLuna (Complainant) is the Acting Bureau Chief of the Professional Fiduciaries  
22 Bureau. He brought this action solely in his official capacity and is represented in this matter by  
23 Kamala D. Harris, Attorney General of the State of California, by Rene Judkiewicz, Deputy  
24 Attorney General.

25 2. Robert James Schnieders (Respondent) is represented in this proceeding by attorney  
26 Lisa MacCarley, whose address is Law Office of Lisa MacCarley, 3436 North Verdugo Road,  
27 Suite 100, Glendale, California 91208.  
28



1 basis for the charges in the Statement of Issues, and that Respondent hereby gives up his right to  
2 contest those charges.

3 9. Respondent agrees that his application for a Professional Fiduciary License is subject  
4 to denial and he agrees to be bound by the Bureau's probationary terms as set forth in the  
5 Disciplinary Order below.

6 10. This stipulation shall be subject to approval by the Director of the Department of  
7 Consumer Affairs or his designee. Respondent understands and agrees that counsel for  
8 Complainant and the staff of the Professional Fiduciaries Bureau may communicate directly with  
9 the Director or his designee regarding this stipulation and settlement, without notice to or  
10 participation by Respondent or his counsel. By signing the stipulation, Respondent understands  
11 and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the  
12 time the Director considers and acts upon it. If the Director fails to adopt this stipulation as the  
13 Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or  
14 effect, and, except for this paragraph, it shall be inadmissible in any legal action between the  
15 parties, and the Director shall not be disqualified from further action by having considered this  
16 matter.

17 11. The parties understand and agree that facsimile copies of this Stipulated Settlement  
18 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
19 effect as the originals.

20 12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
21 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
22 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
23 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
24 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
25 writing executed by an authorized representative of each of the parties.

26 13. In consideration of the foregoing admissions and stipulations, the parties agree that  
27 the Director may, without further notice or formal proceeding, issue and enter the following  
28 Disciplinary Order:

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that, within one week of the effective date of this Decision and  
3 Order, the Bureau shall provide Respondent with the authorization to take the federal and state  
4 portions of the California Professional Fiduciary Examination. Upon Respondent Robert James  
5 Schnieders having successfully taken and passed both the federal and state portions of the  
6 California Professional Fiduciary Examination, a professional fiduciary license will be issued to  
7 Respondent Robert James Schnieders and will immediately be revoked. The revocation will be  
8 stayed and the Respondent placed on three (3) years of probation on the following terms and  
9 conditions.

10 14. **Obey All Laws.** Respondent shall comply with all federal, state and local laws, and  
11 all rules and regulations governing the practice of a professional fiduciary. A full and detailed  
12 account of any and all violations of law, except for minor traffic violations resulting in a fine of  
13 \$499 or less, and except for parking violations, shall be reported by Respondent to the Bureau  
14 within seventy-two (72) hours of occurrence.

15 15. **Compliance With Court Orders.** Respondent shall comply with any court order  
16 including the payment of a fine or penalty imposed by a court order for any court action relating  
17 to any violation of duties of a professional fiduciary.

18 16. **Compliance With Criminal Probation Terms.** Within 72 hours of the imposition  
19 of probation terms against Respondent in any criminal action, Respondent shall notify the Bureau  
20 of said terms and shall provide the Bureau with a copy of the Court Order imposing said terms.  
21 Respondent shall comply with all terms and conditions of probation imposed against him in any  
22 criminal action and shall provide the Bureau with proof of compliance with said terms at such  
23 time as such compliance is required by the Court Order imposing said terms.

24 17. **Compliance With Probation Terms.** During the period of probation, Respondent  
25 shall comply with the terms and conditions of probation and demonstrate no cause for  
26 disciplinary action or denial of licensure.

27 18. **Quarterly Reports And Interviews.** Respondent shall report quarterly to the Bureau  
28 or its designee, under penalty of perjury, providing such information as specified by the Bureau,

1 stating whether there has been compliance with all terms and conditions of probation. Such  
2 quarterly reports may, in the Bureau's discretion, be required to include all information that  
3 would be required on the Bureau's annual statement form. In addition, the Bureau at its  
4 discretion may require additional written and in-person reports regarding compliance with the  
5 probationary terms and conditions. If the final written report is not made as directed, the period  
6 of probation shall be extended until such time as the final report is received by the Bureau.  
7 Respondent shall make available all records, books, logs and other documents to the Bureau,  
8 upon request.

9       **19. Other Reports And Records.** Upon request by the Bureau, Respondent shall submit  
10 to the Bureau reports related to Respondent's duties as a professional fiduciary including, but not  
11 limited to, criminal court probation reports and other reports as specified by the Bureau.  
12 Respondent shall submit specific records to the Bureau for inspection upon request by the Bureau.

13       **20. Maintain Active License.** Respondent shall, at all times while on probation,  
14 maintain a current and active license with the Bureau, including any period during which  
15 suspension or probation is tolled. Should Respondent's license, by operation of law or otherwise,  
16 expire, then upon renewal Respondent's license shall be subject to any and all terms of this  
17 probation not previously satisfied.

18       **21. Probation Monitoring Costs.** All costs incurred for probation monitoring during the  
19 entire probation shall be paid by the Respondent. The monthly cost may be adjusted as expenses  
20 are reduced or increased. Respondent's failure to comply with all terms and conditions may also  
21 cause this amount to be increased.

22       **22. Absence From State/Practice.** In the event Respondent should leave California to  
23 reside or practice outside the State, Respondent must provide written notification to the Bureau of  
24 the dates of departure and return. Periods of residence or practice outside of California will not  
25 apply to the reduction of the probationary period. In the event Respondent ceases to actively  
26 practice as a fiduciary in California, Respondent must provide written notification of that fact to  
27 the Bureau. The period when the Respondent is not practicing will not apply to the reduction of  
28 the probationary period. Absence from the state or absence from practice shall not relieve the

1 Respondent from fulfilling the conditions of probation.

2       **23. Surrender Of License.** Following the effective date of this disciplinary order, if  
3 Respondent is unable or unwilling to satisfy the terms and conditions of probation, Respondent  
4 may voluntarily request the surrender of his license to the Bureau. The Bureau reserves the right  
5 to evaluate Respondent's request and to exercise its discretion whether to grant the request or to  
6 take any other action deemed appropriate and reasonable under the circumstances. Upon formal  
7 acceptance of the surrender, Respondent shall, within fifteen (15) days, deliver his license  
8 certificate and pocket license to the Bureau and Respondent shall no longer engage in any  
9 practice for which a license is required. Upon formal acceptance of the tendered license,  
10 Respondent will no longer be subject to the terms and conditions of probation.

11       Voluntary surrender of Respondent's license shall be considered to be a disciplinary action  
12 and shall become a part of Respondent's license history with the Bureau. Respondent may not  
13 petition the Bureau for reinstatement of the surrendered license. Should Respondent at any time  
14 after voluntary surrender ever reapply to the Bureau for licensure, Respondent must meet all  
15 requirements for licensure then in effect including, but not limited to, filing a current application,  
16 meeting all educational requirements and taking and passing any and all examinations required of  
17 new applicants.

18       Surrender without the written consent of the Bureau shall not, during any period in which  
19 the license may be renewed, restored, reissued, or reinstated, deprive the Bureau of the authority  
20 to initiate or continue a disciplinary proceeding against Respondent, or to enter an order  
21 suspending or revoking the license, or otherwise to take disciplinary action.

22       **24. Violation Of Probation.** If Respondent violates the probationary terms and  
23 conditions in any respect, the Bureau, after giving Respondent notice and the opportunity to be  
24 heard, may vacate the stay and reinstate the disciplinary order which was stayed. If, during the  
25 period of probation, an Accusation or Petition to Revoke Probation is filed against Respondent, or  
26 if the matter has been submitted to the Office of the Attorney General for the filing of such, then  
27 the Bureau shall have continuing jurisdiction until all matters are final, and the period of  
28 probation shall be extended until all matters are final.

1           **25. Restoration Of License.** Upon successful completion of all of the probationary  
2 terms and conditions and the expiration of the period of probation, Respondent's license shall be  
3 unconditionally restored.

4           **26. Random Drug Screening**

5           Respondent, at his own expense, shall participate in random testing, including but not  
6 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug  
7 screening program as directed by the Bureau or its designee. Respondent may be required to  
8 participate in testing for the entire probation period and the frequency of testing will be  
9 determined by the Bureau or its designee. At all times, Respondent shall fully cooperate with the  
10 Bureau or its designee, and shall, when directed, submit to such tests and samples for the  
11 detection of narcotics, hypnotics, dangerous drugs or other controlled substances as the Bureau or  
12 its designee may direct. Failure to timely submit to testing as directed shall be considered a  
13 violation of probation. Any confirmed positive test for any drug not lawfully prescribed by a  
14 licensed practitioner as part of a documented medical treatment shall be considered a violation of  
15 probation and shall result in the automatic suspension of Respondent's professional fiduciary  
16 license.

17           **27. Abstain From Drug Use**

18           Respondent shall completely abstain from the possession or use of controlled substances,  
19 dangerous drugs and their associated paraphernalia except when the drugs are lawfully prescribed  
20 by a licensed practitioner as part of a documented medical treatment. Upon request of the Bureau  
21 or its designee, Respondent shall provide documentation from the licensed practitioner that the  
22 prescription for the drug was legitimately issued and is a necessary part of the treatment of  
23 Respondent. Failure to timely provide such documentation shall be considered a violation of  
24 probation. Any use of controlled substances not supported by the documentation timely provided  
25 shall be considered a violation of probation.

26           **28. Compliance With Alcohol-Related Terms Of Criminal Probation**

27           Respondent shall not operate a motor vehicle with any measurable amount of alcohol in his  
28 blood system, shall not operate a motor vehicle within six hours of having consumed any

1 alcoholic beverages, shall not refuse to take a chemical/breath test for alcohol or drug  
2 consumption when requested by a peace officer.

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4  
5 **ACCEPTANCE**

6 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
7 discussed it with my attorney, Ms. Lisa MacCarley. I understand the stipulation and the effect it  
8 will have on my Applicant for Professional Fiduciary License. I enter into this Stipulated  
9 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
10 bound by the Decision and Order of the Director of the Department of Consumer Affairs.

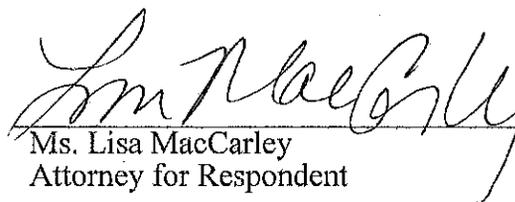
11  
12 DATED: 03/19/12



ROBERT JAMES SCHNIEDERS  
Respondent

13  
14  
15  
16 I have read and fully discussed with Respondent Robert James Schnieders the terms and  
17 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
18 I approve its form and content.

19  
20 DATED: 3-17-2012

  
Ms. Lisa MacCarley  
Attorney for Respondent

**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of the Department of Consumer Affairs.

Dated: 3/20/12

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
KAREN B. CHAPPELLE  
Supervising Deputy Attorney General

  
RENE JUDKIEWICZ  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Statement of Issues No. PF 2011 22**

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 RENE JUDKIEWICZ  
Deputy Attorney General  
4 State Bar No. 141773  
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5 Los Angeles, CA 90013  
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6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

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11 Against:

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12 **ROBERT JAMES SCHNIEDERS**  
13 **2708 Foothill Blvd, #242**  
**La Crescenta, CA 91214**  
14 **Applicant for Professional Fiduciary**  
**License**

**STATEMENT OF ISSUES**

15 Respondent.

16  
17 Complainant alleges:

18 PARTIES

19 1. Gil DeLuna (Complainant) brings this Statement of Issues solely in his official  
20 capacity as the Acting Bureau Chief of the Professional Fiduciaries Bureau (Bureau), Department  
21 of Consumer Affairs.

22 2. On or about June 15, 2011, the Bureau received an application for a Professional  
23 Fiduciary License from Robert James Schnieders (Respondent). On or about June 10, 2011,  
24 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and  
25 representations in the application. The Bureau denied the application on July 20, 2011.

26 ///

27 ///

28 ///



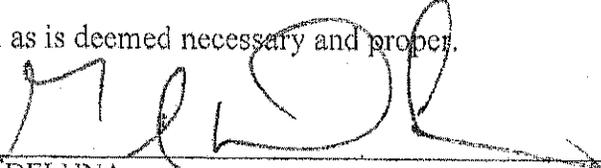
1 a. In the subject application, Respondent checked off the "NO" box to the following  
2 question: "Omitting minor traffic violations resulting in a fine of \$499 or less, have you ever  
3 been convicted of, or pled guilty or nolo contendere to, any violation of any federal or state  
4 statute, city or county ordinance, or law of a foreign country? This includes all misdemeanor and  
5 felony convictions." Yet, on or about March 29, 2007, in a criminal proceeding entitled *People v.*  
6 *Schnieders* (Super. Ct. Los Angeles County, 2007, No. PAS7PS0028301), Respondent was  
7 convicted by plea of nolo contendere of the misdemeanor of reckless driving, in violation of  
8 Vehicle Code section 23103, subdivision (a). [[RJ Note to self: Check crim court case #, to see if  
9 no contest plea, and what kind of offense, misd. or infraction.]]

10 PRAYER

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged.  
12 and that following the hearing, the Director of Consumer Affairs issues a decision:

- 13 1. Denying Respondent's application for a Professional Fiduciary License; and  
14 2. Taking such other and further action as is deemed necessary and proper.

15 DATED: 1-19-11

16   
17 GIL DELUNA  
18 Acting Bureau Chief  
19 Professional Fiduciaries Bureau  
20 Department of Consumer Affairs  
21 State of California  
22 Complainant

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