

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

In the Matter of the Statement of Issues Against:  
  
KENNETH CHARLES BLICKENSTAFF  
  
Respondent.

Case No. PF 2001 32  
  
OAH No. 2013050256

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision of the Director of Consumer Affairs in the above-entitled matter.

This Decision shall become effective on APRIL 2, 2014.

IT IS SO ORDERED JUL 12 2013.

  
\_\_\_\_\_  
DONALD CHANG  
Assistant Chief Counsel, Legal Affairs  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JONATHAN D. COOPER  
Deputy Attorney General  
4 State Bar No. 141461  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-1404  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

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

10 In the Matter of the Statement of Issues  
11 Against:

12 **KENNETH CHARLES BLICKENSTAFF**

13 Respondent.

Case No. PF 2011 32

OAH No. 2013050256

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

14  
15 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
16 entitled proceedings that the following matters are true:

17 **PARTIES**

18 1. Gil DeLuna (Complainant) is the Bureau Chief of the Professional Fiduciaries  
19 Bureau. He brought this action solely in his official capacity and is represented in this matter by  
20 Kamala D. Harris, Attorney General of the State of California, by Jonathan D. Cooper, Deputy  
21 Attorney General.

22 2. Respondent Kenneth Charles Blickenstaff (Respondent) is represented in this  
23 proceeding by attorney Jennifer M. Daniel, whose address is: 329 West State Street, Second  
24 Floor, Redlands, CA, 92373.

25 3. On or about May 6, 2011, Respondent filed an application, dated April 25, 2011, with  
26 the Professional Fiduciaries Bureau to obtain a professional fiduciary license.

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1 professional fiduciary license will be issued to Respondent and will immediately be revoked. The  
2 revocation will be stayed and the Respondent placed on three (3) years of probation on the  
3 following terms and conditions.

4 1. **Obey All Laws.** Respondent shall comply with all federal, state and local laws, and  
5 all rules and regulations governing the practice of a professional fiduciary. A full and detailed  
6 account of any and all violations of law shall be reported by Respondent to the Bureau within  
7 seventy-two (72) hours of occurrence.

8 2. **Compliance With Court Orders.** Respondent shall comply with any court order  
9 including, but not limited to, the payment of a fine or penalty imposed by a court order for any  
10 court action relating to any violation of duties of a professional fiduciary.

11 3. **Compliance with Criminal Probation Terms.** Within 72 hours of the imposition of  
12 probation terms against Respondent in any criminal action, Respondent shall notify the Bureau of  
13 said terms and shall provide the Bureau with a copy of the Court Order imposing said terms.  
14 Respondent shall comply with all terms and conditions of probation imposed against him in any  
15 criminal action and shall provide the Bureau with proof of compliance with said terms at such  
16 time as such compliance is required by the Court Order imposing said terms.

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

20 5. **Quarterly Reports And Interviews.** Respondent shall report quarterly to the Bureau  
21 or its designee, under penalty of perjury, providing such information as specified by the Bureau,  
22 stating whether there has been compliance with all terms and conditions of probation. Such  
23 quarterly reports may, in the Bureau's discretion, be required to include all information that  
24 would be required on the Bureau's annual statement form. In addition, the Bureau at its  
25 discretion may require additional written and in-person reports regarding compliance with the  
26 probationary terms and conditions. If the final written report is not made as directed, the period  
27 of probation shall be extended until such time as the final report is received by the Bureau.  
28 Respondent shall make available all records, books, logs and other documents to the Bureau,

1 upon request.

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

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

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

15       **9. Absence from State/Practice.** In the event Respondent should leave California to  
16 reside or practice outside the State, Respondent must provide written notification to the Bureau of  
17 the dates of departure and return. Periods of residence or practice outside of California will not  
18 apply to the reduction of the probationary period. In the event Respondent ceases to actively  
19 practice as a fiduciary in California, Respondent must provide written notification of that fact to  
20 the Bureau. The period when the Respondent is not practicing will not apply to the reduction of  
21 the probationary period. Absence from the state or absence from practice shall not relieve the  
22 Respondent from fulfilling the conditions of probation.

23       **10. Surrender Of License.** Following the effective date of this disciplinary order, if  
24 Respondent is unable or unwilling to satisfy the terms and conditions of probation, Respondent  
25 may voluntarily request the surrender of his license to the Bureau. The Bureau reserves the right  
26 to evaluate Respondent's request and to exercise its discretion whether to grant the request or to  
27 take any other action deemed appropriate and reasonable under the circumstances. Upon formal  
28 acceptance of the surrender, Respondent shall, within fifteen (15) days, deliver his license

1 certificate and pocket license to the Bureau and Respondent shall no longer engage in any  
2 practice for which a license is required. Upon formal acceptance of the tendered license,  
3 Respondent will no longer be subject to the terms and conditions of probation.

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

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

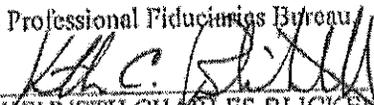
15 **11. Violation Of Probation.** If Respondent violates the probationary terms and  
16 conditions in any respect, the Bureau, after giving Respondent notice and the opportunity to be  
17 heard, may vacate the stay and reinstate the disciplinary order which was stayed. If, during the  
18 period of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

22 **12. Restoration Of License.** Upon successful completion of all of the probationary  
23 terms and conditions and the expiration of the period of probation, Respondent's license shall be  
24 unconditionally restored.

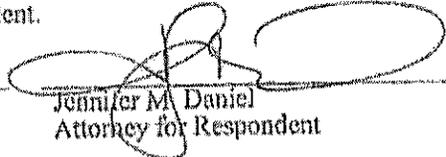
#### 25 ACCEPTANCE

26 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
27 discussed it with my attorney, Jennifer M. Daniel. I understand the stipulation and the effect it  
28 will have on my application for a professional fiduciary license. I enter into this Stipulated

1 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
2 bound by the Decision and Order of the Professional Fiduciaries Bureau

3 DATED: 6/13/13   
4 KENNETH CHARLES BLICKENSTAFF  
Respondent

5 I have read and fully discussed with Respondent Kenneth Charles Blickenstaff the terms  
6 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
7 Order. I approve its form and content.

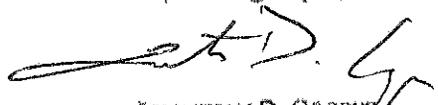
8 DATED: 6/13/13   
9 Jennifer M. Daniel  
Attorney for Respondent

10 ENDORSEMENT

11 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
12 submitted for consideration by the Professional Fiduciaries Bureau.

13 Dated: 6/18/13

14 Respectfully submitted,  
15 KAMALA D. HARRIS  
Attorney General of California  
16 FRANK H. PACOE  
Supervising Deputy Attorney General

17   
18 JONATHAN D. COOPER  
19 Deputy Attorney General  
Attorneys for Complainant

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**Exhibit A**

**Statement of Issues No. PF 2011 32**

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JONATHAN D. COOPER  
Deputy Attorney General  
4 State Bar No. 141461  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-1404  
6 Facsimile: (415) 703-5480  
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8 **BEFORE THE**  
**PROFESSIONAL FIDUCIARIES BUREAU**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Statement of Issues  
11 Against:

Case No. PF 2011 32

12 **KENNETH CHARLES BLICKENSTAFF**  
13 Respondent.

**STATEMENT OF ISSUES**

14  
15 Complainant alleges:

16 **PARTIES**

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

20 2. On or about May 6, 2011, the Professional Fiduciaries Bureau, Department of  
21 Consumer Affairs, received an application for a professional fiduciary license from Kenneth  
22 Charles Blickenstaff (Respondent). On or about April 25, 2011, Kenneth Charles Blickenstaff  
23 certified under penalty of perjury to the truthfulness of all statements, answers, and  
24 representations in the application. The Bureau denied the application on August 26, 2011.

25 **JURISDICTION**

26 3. This Statement of Issues is brought before the Professional Fiduciaries Bureau,  
27 Department of Consumer Affairs, under the authority of the following laws. All section  
28 references are to the Business and Professions Code unless otherwise indicated.

STATUTORY AND REGULATORY PROVISIONS

4. Section 480 of the Code states:

(a) A board may deny a license regulated by this code on the grounds that the applicant has done one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

(3)(A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, no person shall be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

(c) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact required to be revealed in the application for the license.

5. Section 6533 of the Code states:

In order to meet the qualifications for licensure as a professional fiduciary a person shall

1 meet all of the following requirements:

2

3 (c) Have not committed any acts that are grounds for denial of a license under Section 480  
4 or 6536.

5

6 6. Section 6536 of the Code states:

7 The bureau shall review all applications for licensure and may investigate an applicant's  
8 qualifications for licensure. The bureau shall approve those applications that meet the  
9 requirements for licensure, but shall not issue a license to any applicant who meets any of the  
10 following criteria:

11 (a) Does not meet the qualifications for licensure under this chapter.

12 (b) Has been convicted of a crime substantially related to the qualifications, functions, or  
13 duties of a professional fiduciary.

14 (c) Has engaged in fraud or deceit in applying for a license under this chapter.

15 (d) Has engaged in dishonesty, fraud, or gross negligence in performing the functions or  
16 duties of a professional fiduciary, including engaging in such conduct prior to January 1, 2009.

17 (e) Has been removed as a professional fiduciary by a court for breach of trust committed  
18 intentionally, with gross negligence, in bad faith, or with reckless indifference, or has  
19 demonstrated a pattern of negligent conduct, including a removal prior to January 1, 2009, and all  
20 appeals have been taken, or the time to file an appeal has expired.

21 7. Section 6537 of the Code states:

22 The bureau may deny a license for the reasons specified in Section 480 or 6536. An  
23 applicant notified of the denial of his or her application for licensure shall have the right to appeal  
24 to the bureau as specified in Chapter 2 (commencing with Section 480) of Division 1.5.

25 8. Section 6584 of the Code states, in pertinent part:

26 A license issued under this chapter may be suspended, revoked, denied, or other  
27 disciplinary action may be imposed for one or more of the following causes:

28

1 (g) The revocation of, suspension of, or other disciplinary action against, any other  
2 professional license by the State of California or by another state. A certified copy of the  
3 revocation, suspension, or disciplinary action is conclusive evidence of that action.  
4

5 9. California Code of Regulations, Title 16, section 4520, states:

6 For purposes of denial of a license pursuant to Division 1.5 (commencing with Section 475)  
7 of the Business and Professions Code, a crime or act shall be considered to be substantially  
8 related to the qualifications, functions or duties of a professional fiduciary if to a substantial  
9 degree it demonstrates present or potential unfitness of a person holding a license to perform the  
10 functions authorized by the license in a manner consistent with the public health, safety or  
11 welfare. Such crimes or acts shall include but not be limited to fiscal dishonesty or breach of  
12 fiduciary responsibilities of any kind.

13 10. California Code of Regulations, Title 16, section 4522, states:

14 When considering the denial of a license under Section 480 or 6536 of the Business and  
15 Professions Code, the Bureau, in evaluating the rehabilitation of the applicant and his or her  
16 present eligibility for a license, shall consider the following criteria:

17 (a) The nature and severity of the act(s) or crime(s) under consideration as grounds for  
18 denial.

19 (b) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) under  
20 consideration as grounds for denial which also could be considered grounds for denial under  
21 Sections 480 and 6536.

22 (c) The time that has elapsed since commission of the act(s) or crime(s) referred to in  
23 subdivision (a) or (b).

24 (d) The extent to which the applicant has complied with any terms of parole, probation,  
25 restitution or any other sanctions lawfully imposed against the applicant.

26 (e) Evidence, if any, of rehabilitation submitted by the applicant.

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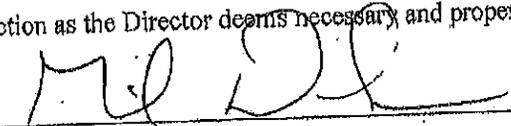
1 substantially benefit himself, or substantially injure another, as set forth above in paragraphs 12-  
2 15.

3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
5 and that following the hearing, the Professional Fiduciaries Bureau, Department of Consumer  
6 Affairs, issue a decision:

- 7 1. Denying the application of Kenneth Charles Blickenstaff for a professional  
8 fiduciary's license;  
9 2. Taking such other and further action as the Director deems necessary and proper.

10 DATED: 3-22-2013



11 GIL DELUNA  
12 Acting Bureau Chief  
13 Professional Fiduciaries Bureau  
14 Department of Consumer Affairs  
15 State of California,  
16 Complainant

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

In the Matter of the Statement of Issues  
Against:

**KENNETH CHARLES BLICKENSTAFF**

Respondent.

Case No. PF 2011 32

OAH No. 2013050256

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Director of Consumer Affairs and the Professional Fiduciaries Bureau as the Decision and Order in the above entitled matter.

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

It is so ORDERED \_\_\_\_\_.

\_\_\_\_\_  
FOR THE PROFESSIONAL FIDUCIARIES  
BUREAU  
DEPARTMENT OF CONSUMER AFFAIRS