

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

In the Matter of Denial Against:

Steven Baer,
6300 Variel Avenue #414
Woodland Hills, CA 91367

Applicant.

Case No. (Notice of Denial PF 2013 95)

**STIPULATION & ORDER
FOR A PROBATIONARY LICENSE**

Business & Professions Code §6582.2

IT IS HEREBY STIPULATED AND AGREED by and between the parties, STEVEN BAER, applied for a professional fiduciary license issued by the Professional Fiduciaries Bureau of California, Department of Consumer Affairs that the following is true and correct:

PARTIES

- 1) Julie Ansel is the Chief of the Professional Fiduciaries Bureau (Bureau).
- 2) Applicant Steven Baer (hereinafter "Applicant"), is representing himself in this matter and has chosen not to exercise the right to be represented by counsel.

JURISDICTION

- 3) On or about March 10, 2014, Applicant applied for a Professional Fiduciaries license. The Bureau denied Applicant's request for licensure.
- 4) On December 31, 2013, Applicant filed for bankruptcy. Said bankruptcy was discharged on April 7, 2014. Business and Professions Code (BPC) §6533(c) states "In order to meet qualifications for licensure as a Professional Fiduciary a person shall meet all of the following requirements: (c) Have not committed any acts that are grounds for denial of a license under BPC §480(a)(3)(B) or BPC §6536. BPC §480(a)(3)(B) states "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 the application is made. The act of a recent discharge of Chapter 7 Bankruptcy is substantially related to the qualifications, functions and duties of the profession.
- 5) Applicant's act as cited above constitutes a violation of the Professional Fiduciaries Act.
- 6) Pursuant to BPC §6582.2, the Bureau may enter into settlement with Applicant in lieu of issuing a Statement of Issues against Applicant.

ADVISEMENT AND WAIVERS

- 7) Applicant has carefully read and understands the charges and allegations in the Notice of Denial. Applicant has also carefully read and understands the effects of this Stipulation.
- 8) Applicant is fully aware of Applicant's rights in this matter; right to the issuance of an Accusation and a hearing in response to the Notice of Denial; the right to be represented by counsel at Applicant's own expense; the right to confront and cross-examine witnesses against Applicant; the right to present evidence and to testify on Applicant's own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review; and all other rights accorded by the Administrative Procedures Act, and other applicable laws.
- 9) Applicant voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

- 10) Applicant admits to the truth of each and every charge and allegation in the Notice of Denial.
- 11) Applicant agrees that Applicant's licensure is subject to discipline based upon the cited facts and agrees to be bound by the Director's probationary terms set forth in the Order below.
- 12) Applicant acknowledges the right to request a Statement of Issue pursuant to section 11500 et. seq of the Administrative Procedures Act (APA), upon revocation of license for cause. The Bureau extends the offer of a probationary license, without a formal hearing pursuant to the California Administrative Procedures Act; Applicant waives notice of hearing and judicial review in favor of this proposed stipulation for a probationary license, which is subject to approval by the Bureau. If not approved, this proposed stipulation is null and void and may not be used for any purpose.

CONTINGENCY

- 13) This proposed stipulation shall be subject to approval by the Director of Consumer Affairs or the Director's designee. Applicant understands and agrees that counsel for the Bureau and Bureau staff may communicate with the Director and DCA staff regarding this proposed stipulation, without notice to, or participation by Applicant.
- 14) Applicant understands, and agrees that by signing this proposed stipulation; Applicant is waiving the right to withdraw agreement and waiving the right 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 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.

- 15) The parties understand and agree that facsimile copies of this stipulation, including facsimile signatures thereto, shall have the same force and effect as the original.
- 16) Upon the Director's approval, this agreement shall be considered discipline and a public record and shall be posted on the Bureau's Internet Website as required pursuant to Business and Professions Code section 6582.2.
- 17) Upon the Director's approval, Applicant will then be able to schedule any required testing dates, if applicable.
- 18) In consideration of the foregoing admissions and stipulations, the parties agree that the Director may, without further notice or formal proceeding, issue and enter the following Order:

DECISION AND ORDER

IT IS ORDERED that 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, said licensee will be immediately revoked, with revocation stayed and Applicant issued a probationary basis for two (2) years, subject to the following terms and conditions:

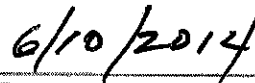
- 1) **Obey all laws:** Applicant shall obey all federal, state and local laws, and all rules and regulations governing the practice of a professional fiduciary in California. A full and detailed account of any and all violations of law shall be reported by Applicant to the Bureau in writing within 72 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.
- 2) **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.
- 3) **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.
- 4) **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, 10 days before departure, 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.

- 5) **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.
- 6) **License surrender:** During Applicant's term of probation, if Applicant ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Applicant may surrender his license to the Bureau. The Bureau reserves the right to evaluate the Applicant'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, Applicant 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.
- 7) **Violation of probation:** If Applicant violates the conditions of probation in any respect, the Bureau, after giving Applicant notice and an opportunity to be heard, may set aside this Stipulation and revoke the probationary license. If an Accusation or Petition to Revoke probation is filed against Applicant's license, the probation shall not expire, but shall automatically extend, until the accusation or petition has been acted upon by the Bureau, with the Bureau have continuing jurisdiction until the matter is final.
- 8) **Completion of probation:** Upon successful completion of probation and compliance with all mandatory licensure requirements, Applicant's license shall be fully restored.

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



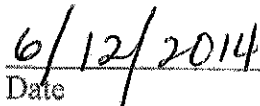
Steven Baer, Applicant



Date



Julia G. Ansel, Bureau Chief
Professional Fiduciaries Bureau



Date