

## **OUR MISSION**

To protect consumers through licensing, education, and enforcement of the Professional Fiduciaries Act by promoting and upholding competency and ethical standards across the profession.



**Professional Fiduciaries Bureau (Bureau)  
Advisory Committee Meeting  
Wednesday, June 17, 2020**

**Meeting Minutes**

**Committee Members Present**

Wendy Hatch, Vice Chair  
James Moore  
Chi Elder  
Bertha Sanchez Hayden

**Department of Consumer Affairs (DCA) Staff Present**

Rebecca May, Bureau Chief  
Angela Cuadra, Bureau Program Analyst  
Fred Chan-You, DCA Legal Counsel

- 1) Call to Order – Ms. Hatch called the meeting to order at 10:11 a.m. and stated the meeting was being held via WebEx with no physical public locations due to the Governor’s executive order N-29-20.
- 2) Roll Call & Establishment of Quorum – Ms. Cuadra called roll. Committee members Ms. Wendy Hatch, Mr. James Moore, Ms. Chi Elder, and Ms. Bertha Sanchez Hayden were present via WebEx. A quorum was established with four members present.
- 3) Advisory Committee, Bureau Chief, Staff and Legal Counsel Introductions – Committee Members, Bureau staff, and Legal Counsel introduced themselves.
- 4) Reading of the Professional Fiduciaries Bureau Mission Statement – Ms. May read the Bureau’s mission statement.

Public Comment: A member of the public commented the Bureau should create a program to train licensees to protect consumers. An additional comment was made that licensees should take care of the elderly with nurturing instead of attacking.

- 5) Discussion and Possible Approval of the Advisory Committee Meeting Minutes from August 14, 2019 – Mr. Moore motioned to approve the minutes as written. Ms. Sanchez Hayden seconded the motion. A vote by roll call was made: Ms. Hatch, Mr. Moore, Ms. Chi, and Ms. Sanchez Hayden were in favor. There was no discussion from the committee members

and the motion carried with four votes. Ms. Cuadra stated the minutes would be posted to the website as written.

Ms. Elder asked for an update on increasing the enforcement budget and Ms. May stated there would be a further discussion during item number seven on the agenda.

Public Comment: None.

6) Update from the Director's Office –

Ms. Carrie Holmes, Deputy Director of Board and Bureau Relations, welcomed new committee members Chi Elder and Bertha Sanchez Hayden and reported new appointments made by Governor Newsom since the last meeting. Ms. Holmes stated Department of Consumer Affairs (DCA) has altered its way of doing business to help slow the spread of the corona virus by closing its offices to the public in March and allowing telework for employees who are able to work from home. DCA has issued 24 waivers under the Governor's authority for continuing education, telehealth, and license reinstatement during this time. DCA is working to bring the websites of all its boards and bureaus into compliance with ADA laws by the end of the year. Finally, DCA will be offering live on-line Board Member Orientation training on July 21 and July 31.

Public Comment: None.

7) Budget Report –

Ms. Karen Munoz, DCA Budget Manager, presented the budget projection report and fund condition for the Bureau. She stated the Bureau is looking at a four percent reversion for the year which is consistent with the last few years.

Public Comment: A comment was made requesting the Bureau add funding in the budget for training licensees regarding the right to visitation for their clients.

8) Legislative Update and Discussion –

Ms. Bianca Angulo, DCA Legislative Affairs Analyst, updated the committee regarding the status of the state budget, the legislative calendar, and the status of current bills of interest to the bureau.

Committee members asked for clarification on how training will be handled under AB 1396 and why AB 2657 was not moving forward. Ms. Angulo stated she will research AB 1396 and report at the next meeting. She also speculated that AB 2657 had been held because, the Legislature focused on Covid 19 related bills which caused non-related bills to be put on hold. She stated that those held bills will likely be reintroduced next year.

Public Comment: A comment was made that the Bureau should educate licensees on SB 338. An additional comment was made regarding the Professional Fiduciaries Association of California’s support of SB 1016.

9) Bureau Updates – Ms. May presented the statistics as of April 30, 2020.

- Application Licensing and Enforcement Statistics –

<b>July 1, 2019 – April 30, 2020</b>	
New Licenses	47
Active Licenses	767
Total Licenses Issued	1,164
New Applications Received	88
AG Cases Initiated	6
Citations Issued	29
Complaints Received	127
Complaints Closed	78
Complaints Pending	95
Average Days to Close	168

- Outreach – Ms. May read the list of events attended by the Bureau since its last meeting. Ms. May asked the committee to inform the Bureau of any outreach events by email.
- E-Newsletter – Ms. May asked committee members for suggestions for the next newsletter.

Public Comment: Comments were made suggesting the newsletter include an article to educate licensees on the right to visitation and to add an advocate corner. A commentator stated that he did not understand why certain complaints are closed and does not understand how a licensee can work more than 24 hours in one day. A request was made to add dates and times of scheduled hearings for licensees with the Office of Administrative Hearings.

10) Proposed Rulemakings –

Ms. May reported the inactive/retired license and client notification proposed regulations are in the pre-approval process. The proposed regulation for substantial relationship and rehabilitation criteria is in its final few weeks of the process.

Public Comment: None.

11) Future Agenda Items –

Ms. Cuadra listed the following suggested agenda items as requested by Advisory Committee members and members of the public:

- Training for licensees to align with the mission statement of the Bureau.

- Budget for training licensees on handling of conservatorships.
- Update on how training will be held for AB 1396.
- Budget for training on SB 338 for licensees on the visitation for conservatees.
- Answer from the Bureau how a fiduciary can work more than 24 hours in a day.
- List of hearings for actions taken against licensees be added to the Bureau's website.
- Add an advocate corner to the newsletter.
- List of future agenda items added to the newsletter.
- How to add an item to the agenda.

Public Comment: A member of the public asked for a list of agenda items from past meetings be added to the agenda and listed in the newsletter. Another public member asked why the addition to the newsletter was not discussed and Mr. Chan-You explained the item cannot be discussed because it is not on the agenda and it will be considered as a public comment.

#### 12) Future Meeting Dates

- Wednesday, September 2, 2020
- Wednesday, December 2, 2020

Committee members did not mention any scheduling conflicts and were asked to contact Ms. Cuadra if there are any conflicts.

Public Comment: A public member commented that members of the public are confounded on how to get items on the agenda and would like to have an item on the next agenda of how to get items on the agenda. A member of the public asked the criteria to have an item added to the agenda and Mr. Chan-You stated that is decided by the Bureau.

#### 13)Public Comment on Items Not on the Agenda –

Ms. Hatch explained the purpose of the public comment on items not on the agenda and that there will be a two-minute limit for each commenter.

A member of the public stated that the bureau does not have any oversight and should have a state audit. Ms. May responded that the bureau undergoes oversight by the Legislature every four years via the sunset review process. The bureau's last sunset review was conducted in 2018 and the Legislature extended the bureau's sunset by four years at that time.

#### 14)Adjournment – The meeting was adjourned at 11:16 a.m.

**BUDGET REPORT**  
**Expenditure Projection**  
**2019-20 - FM 12**

Object Description	FY 2018-19	FY 2019-20				
	Preliminary EXPENDITURES Month 12	Budget Allotment 2019-20	Current Year 7.21.2020	Percent Spent	Projections to Year End	Unencumbered Balance
<b>PERSONNEL SERVICES</b>						
Salary & Wages (Staff)	127,157	125,000	138,177	111%	138,177	(13,177)
Statutory Exempt	93,522	77,000	100,752	131%	100,752	(23,752)
Temp Help (Seasonal)	0	22,000	0	0%	0	22,000
Committee Members	1,400	0	400	0%	600	(600)
Staff Benefits	102,921	132,000	121,174	92%	121,174	10,826
<b>TOTALS, PERSONNEL SVCS</b>	325,000	356,000	360,503	101%	360,703	(4,703)
<b>OPERATING EXPENSE AND EQUIPMENT</b>						
General Expense	546	5,000	781	16%	781	4,219
Fingerprint Reports	49	0	200	0%	200	(200)
Printing	0	1,000	1,761	176%	1,761	(761)
Communication	1,842	1,000	349	35%	349	651
Postage	949	2,000	207	10%	300	1,700
Insurance	1,045	0	7	0%	7	(7)
Travel In State	1,186	4,000	772	19%	772	3,228
Training	235	1,000	164	16%	164	836
Facilities Operations	39,795	32,000	41,219	129%	41,219	(9,219)
C&P Services Interdept.	13	3,000	365	0%	400	2,600
C&P Services - External	965	0	8,400	0%	8,400	(8,400)
<b>DEPARTMENTAL SERVICES</b>						
Pro Rata	39,000	114,000	102,377	90%	102,377	11,623
<b>INTERAGENCY SERVICES:</b>						
Consolidated Data Center	1,090	0	930	0%	930	(930)
Information Technology	67	1,000	354	35%	354	646
<b>ENFORCEMENT:</b>						
Attorney General	26,594	74,000	65,132	88%	65,132	8,868
Office of Admin. Hearings	70	0	2,100	0%	2,100	(2,100)
Major Equipment	0	11,000	4,010	0%	4,010	6,990
<b>TOTALS, OE&amp;E</b>	184,594	249,000	229,129	92%	229,257	19,743
<b>TOTAL EXPENSES</b>	509,594	605,000	589,632	97%	589,960	15,040
Scheduled/Unsch Reimbursements	(1,000)	(1,000)				(1,000)
<b>NET APPROPRIATION</b>	508,594	604,000	589,632	98%	589,960	14,040
<b>Surplus/(Deficit):</b>						<b>2%</b>

# 3108 - Professional Fiduciary Fund

## Analysis of Fund Condition

Prepared 8.24.2020

(Dollars in Thousands)

### Budget Act 2020 w/2019-20 Projected Figures

	PY 2019-20	Budget Act CY 2020-21	BY 2021-22
<b>BEGINNING BALANCE</b>	\$ 296	\$ 273	\$ 264
Prior Year Adjustment	\$ -	\$ -	\$ -
Adjusted Beginning Balance	<u>\$ 296</u>	<u>\$ 273</u>	<u>\$ 264</u>
 <b>REVENUES AND TRANSFERS</b>			
Revenues:			
4121200 Delinquent fees	\$ 3	\$ 2	\$ 2
4127400 Renewal fees	\$ 483	\$ 501	\$ 501
4129200 Other regulatory fees	\$ 24	\$ 17	\$ 17
4129400 Other regulatory licenses and permits	\$ 89	\$ 117	\$ 117
4163000 Income from surplus money investments	\$ 7	\$ 3	\$ 3
Totals, Revenues	<u>\$ 606</u>	<u>\$ 640</u>	<u>\$ 640</u>
Totals, Revenues and Transfers	<u>\$ 606</u>	<u>\$ 640</u>	<u>\$ 640</u>
Totals, Resources	<u>\$ 902</u>	<u>\$ 913</u>	<u>\$ 904</u>
 <b>EXPENDITURES</b>			
Disbursements:			
1111 Department of Consumer Affairs Program Expenditures (State Operations)	\$ 591	\$ 605	\$ 605
9892 Supplemental Pension Payments (State Operations)	\$ 12	\$ 12	\$ 12
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 26	\$ 32	\$ 32
Total Disbursements	<u>\$ 629</u>	<u>\$ 649</u>	<u>\$ 649</u>
 <b>FUND BALANCE</b>			
Reserve for economic uncertainties	\$ 273	\$ 264	\$ 255
 <b>Months in Reserve</b>	5.0	4.9	4.7

**Professional Fiduciaries Bureau  
September 2, 2020 Legislative Update**

**Important Dates Occurring During Final Recess – Fall 2020**

- **August 31** – Last day for each house to pass bills, final recess begins upon adjournment
- **September 30** – Last day for Governor to sign or veto bills passed by the Legislature before September 1 and in the Governor's possession on or after September 1
- **November 3** – General Election
- **November 30** – Adjournment sine die, final adjournment for the legislative year
- **December 7** – Regular Session 2021-22 convenes
- **January 1, 2021** – Statutes take effect
- **January 4** – Legislature reconvenes

**2020 Legislation Related to the Bureau**

**AB 1263 (Low) Contracts: consumer services: consumer complaints**

This bill would prohibit contracting for, or to propose to contract for, an agreement to not file a complaint with a licensing board or to participate in a license board's investigation into a licensee for a consumer service.

**July 2020 Status:** Referred to the Senate Business, Professions and Economic Development Committee

**AB 1616 (Low) Department of Consumer Affairs: boards: expunged convictions**

This bill would require programs under the Department of Consumer Affairs (Department), that post information on their website regarding an individual's license being revoked due to a criminal conviction, to post notification of the expungement order for current licensees or remove information about the revoked license within 90 days of the program receiving an expungement order related to the conviction. This bill would require the Board, upon receiving an expungement order, to remove within the same period the initial posting on its internet website that the person's license was revoked, if the person is not currently licensed and does not reapply for licensure. The bill would also require a person to pay a \$50 fee to the Board, unless another amount is determined by the board, to cover the administration costs of this bill.

**July 2020 Status:** Referred to the Senate Business, Professions and Economic Development Committee

**AB 2430 (Nazarian) Professional fiduciaries: prelicensing and renewal or restoration: education**

This bill would require professional fiduciaries licensees to have one hour of instruction in lesbian, gay, bisexual and transgender (LGBT+) cultural competency beginning January 1, 2022.

**July 2020 Status:** Held, per the Assembly Appropriations Committee.

**AB 2657 (Maienschein) Financial abuse of elder or dependent adults**

This bill would allow Adult Protective Services to share relevant information with a federal law enforcement agency investigating a known, or suspected, case of elder or dependent adult abuse. The bill would also permit Adult Protective Services to share relevant information with a local code enforcement agency investigating a property where the health and safety of an elder, or dependent adult resident, is at risk.

**July 2020 Status:** No longer moving forward.

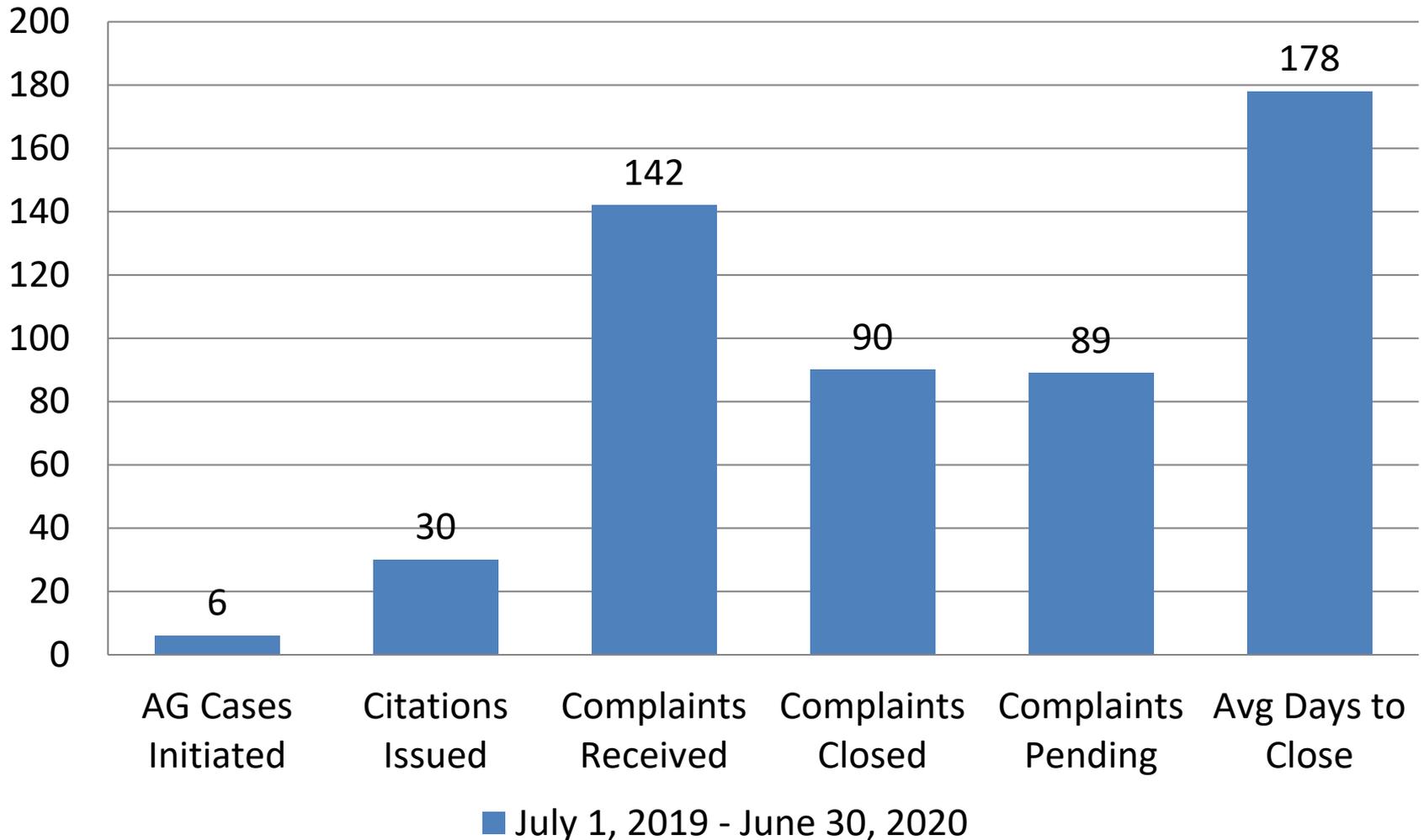
Answer to Question from last Board meeting:

Question: As related to AB 1396 – “how will training be handled?”

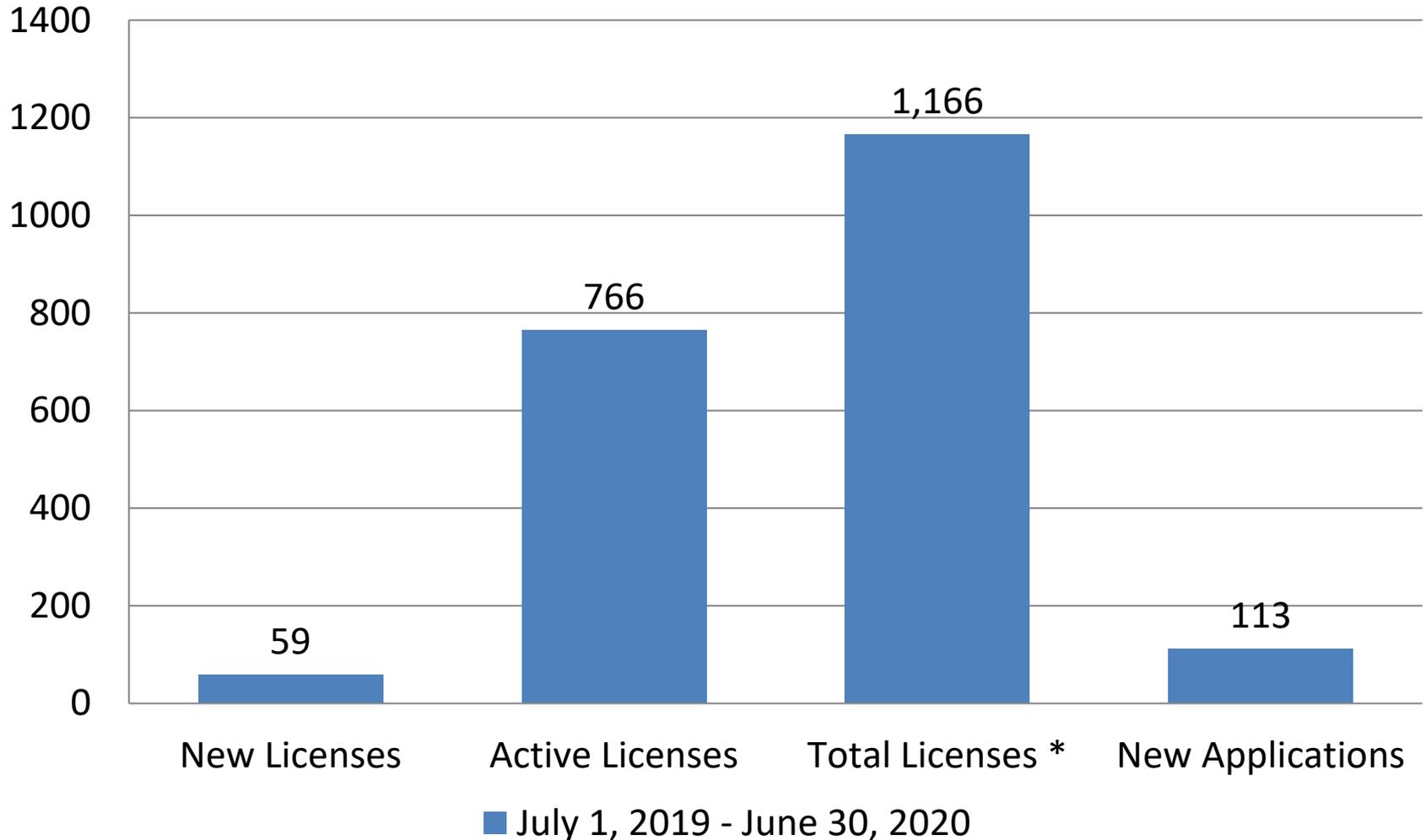
Answer: As noted in the bill language, Welfare and Institutions Code section 15657.03(y), the Judicial Council will develop “forms, instructions and rules relat[ed] to matters governed by this section.” The bill requires Judicial Council to promulgate these forms on, or before January 1, 2021. As these forms have not yet been released the instructions for training are not yet available.

# Complaint Statistics FY 2019-20

## July 1, 2019 – June 30, 2020



# Licensing Statistics Through July 1, 2019 – June 30, 2020



\* Total licenses issued since July 1, 2008