



**Professional Fiduciaries Bureau (Bureau)
Advisory Committee Meeting
Wednesday, September 15, 2021**

Meeting Minutes

Committee Members Present

Chi Elder, Chair
Bertha Sanchez Hayden, Vice Chair
Wendy Hatch
Elizabeth Ichikawa
James Moore
Denise Nelesen

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. Elder called the meeting to order at 10:01 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, Ms. Chi Elder, Ms. Bertha Sanchez Hayden, Ms. Denise Nelesen, and Ms. Elizabeth Ichikawa were present via WebEx. A quorum was established with five members present. Mr. James Moore had technical difficulties joining the meeting but was able to join at 10:07 a.m.
- 3) Advisory Committee, Bureau Chief, Staff and Legal Counsel Introductions – Committee members, bureau staff, and legal counsel introduced themselves.
- 4) Public Comment on Items Not on the Agenda –

Public Comment: None.
- 5) Reading of the Professional Fiduciaries Bureau Mission Statement – Ms. May read the Bureau's mission statement.

Public Comment: None.
- 6) Discussion and Possible Approval of the Advisory Committee Meeting Minutes from

June 23, 2021 –

Ms. Hatch motioned to approve the minutes as written. Mr. Moore seconded the motion. A vote by roll call was made: Ms. Hatch, Mr. Moore, Ms. Elder, Ms. Sanchez-Hayden, Ms. Nelesen, and Ms. Ichikawa were in favor. There was no discussion from the committee members and the motion carried with six votes. Ms. Cuadra stated the minutes would be posted to the website as written.

Public Comment: None.

7) Update from the Director's Office –

This comment was taken out of order to accommodate a scheduling conflict for the presenter of the next agenda item.

Ms. Carrie Holmes, Deputy Director of Board and Bureau Relations, reported there have been many questions as to when committees and boards will resume in-person meetings or if meetings will be able to continue to be held remotely. As of September 30th, all committees and boards will be required to return to in-person meetings and may also have virtual locations. There is pending legislation to allow meetings to continue to meet virtually until 2022, but the decision has not yet been finalized. Enhanced safety measures to combat Covid have been implemented by the State of California requiring staff to be vaccinated or to submit to weekly testing in order to attend in-person meetings. This year is a mandatory Sexual Harassment Prevention training year and all staff and committee members are required to complete training this year. A training portal has been set up for committee members to complete required training and if there are any questions, please reach out to staff. Ms. Elder reminded the committee members that Ms. May sent a link by email for committee members to access the training portal.

Public Comment: None.

8) Budget Report –

Ms. Karen Munoz, DCA Budget Manager, presented the budget projection report and fund condition for the Bureau and explained the budget process to the committee. Ms. Hatch asked about line item 7400 regarding renewals and why the amount does not match the number of licensees when divided by the renewal fee. Ms. Munoz replied that the total amount received is what was collected during the fiscal year and may not match if the fees were processed at the end of fiscal year. Those fees will be reflected as a prior year adjustment in future reports.

Public Comment: None.

9) Legislative Update and Discussion – DCA Legislative Analyst

Ms. Bianca Angulo, DCA Legislative Analyst, reviewed the legislative calendar and status of bills listed on the agenda. In response to Ms. Hatch's question regarding SB 602 at the

last meeting, Ms. Angulo advised that the bill requires all conservators to have a care plan.

Ms. Nelesen asked about revised work experience requirements for SB 826. Ms. May stated this is a committee sponsored bill which will make technical changes. This bill specifically makes a correction to AB 3144 (Chapter 681, Statutes of 2018) requiring personal representatives of a decedent's estate to be licensed but did not allow for individuals to qualify with that experience. Ms. Hatch asked what a two-year bill means. Ms. Angulo stated that a two-year bill means no further action will be taken this year, but it can be brought back in 2022.

Public Comment: A member of the public representing the Professional Fiduciaries Association of California stated that the association worked with the author on AB 465 and is in support. The association has expressed concerns to the author on AB 1062 regarding implementation. The association is also engaged with the author of AB 1194 and has concerns with due process; however, is neutral on the bill.

10) Bureau Updates – Ms. May presented the Bureau's statistics as of July 31, 2021.

- Application Licensing and Enforcement Statistics –

July 1, 2020 – July 31, 2021	
New Licenses	3
Active Licenses	827
Total Licenses Issued	1,258
New Applications Received	0
AG Cases Initiated	0
Citations Issued	0
Complaints Received	6
Complaints Closed	4
Complaints Pending	114
Average Days to Close Complaints	717

Ms. May acknowledged that 717 days is a very high average and explained that this was due to one complaint that took a long time to investigate and skewed the overall average.

- Business Modernization Plan – Ms. May stated the Department has determined the Bureau's fund condition is not able to support the business modernization plan at this time and the program will not be moving forward with it.
- Outreach Events – Ms. May presented at NEXT Village in San Francisco on June 22, 2021, via Zoom; and the PFAC Annual Conference, August 25-28, 2021 virtually. Ms. May asked the committee to inform the bureau of any outreach events by email.

- E-Newsletter – Ms. May stated that bureau staff is beginning to work on the fall newsletter and if there are any suggestions for content to please contact the bureau.
- Delays in Mail Delivery and Receipt – Ms. May stated that the bureau’s post office box was closed effective June 30, 2021, and all forms on the bureau’s website have been updated to reflect the address change. Ms. May requested all mail be mailed to the bureau’s physical address.
- Sunset Review – Ms. May stated the bureau’s sunset review has been extended an additional year to 2024. Ms. May explained the sunset review process and stated that the bureau will provide updates as the process begins to move next year.
- Complaint/Investigation Process Overview – Ms. May explained the complaint process in response to requests at previous meetings. Ms. May also explained that much of the process is not public because it is privileged and if divulged could jeopardize future investigations.

Ms. Hatch expressed appreciation to the bureau for laying out the format of the complaint process.

- Strategic Plan – Enforcement Objective – Ms. May asked the advisory committee members to examine objective 2.4 under the enforcement goal of the strategic plan and bring back ideas to discuss at the next advisory meeting.

Public Comment: A member of the public stated the current 827 active licensees does not match with the budget and asked if there is a big drop off of licensees each year. Ms. May stated that the number of licensees is steadily but slowly increasing. Another member of the public commented that the one complaint must have taken much longer to close to result in an average of 717 days to close, he would like for the bureau to categorize the type of complaints that have been investigated, and that the bureau has determined it is not a violation when a licensee bills for more than 24 hours in a day.

11) Strategic Plan Discussion of Recommendations from the Committee for Goal 1: Licensure – Ms. May began the discussion on the following items:

- Item 1.1 - Increase licensee population to facilitate consumer access to fiduciaries.

Ms. Nelesen stated the bureau could reach out to social work schools and paralegals to present the positives of being a fiduciary. Ms. Ichikawa suggested reaching out to

community colleges to create a pilot program and local BAR associations. Ms. Hatch stated this is something that is already done through certificate programs at California State University Fullerton, University of California Riverside, and the Professional Fiduciary Association of California Academy. Ms. Elder suggested a focus group to invite key stakeholders for a roundtable such as city, county, and aging agencies. Ms. Elder also suggested offering a sliding fee schedule for new applicants depending on their ability to pay.

- Item 1.2 – Create and develop an apprentice program as a pathway to licensure to promote increased knowledge and experience within the profession.

Ms. Nelesen suggested that a lot of the items discussed in item 1.1 could apply to 1.2 and be accomplished through the community colleges. Mr. Moore stated that as a licensee, he has had several employees come through his office who are now licensed with the bureau.

Public Comment: A member of the public commented that the bureau should focus on the demand for care for consumers instead of increasing the number of licensees.

12) Proposed Rulemakings Update –

Ms. May reported that the inactive/retired license remains in the pre-review process. The client notification proposed regulations were filed with the Office of Administrative Law on February 23, 2021. A 45-day comment period closed June 8, 2021, and a public hearing was held, and the bureau is working with the Department to work through the comments received and to complete this rulemaking package.

Public Comment: None.

13) Approved Rulemaking Update – Rebecca May, Bureau Chief

Ms. May reported that the Mailing Address of the Bureau Section 100 regulation has been approved by the Office of Administrative Law.

Public Comment: None.

14) Future Agenda Items –

Ms. Cuadra noted the agenda for the next meeting would include 2022 Chair and Vice Chair elections and 2022 proposed meeting dates. There were suggestions during the meeting for possible inclusion on a future agenda to include types of cases that action has been taken on by the bureau and the number of active licensees in the statistics compared to the budget numbers.

Public Comment: A member of the public suggested the bureau verify the website is closed caption as required by the ADA on its website and videos.

15) Future Meeting Dates

- Wednesday, December 8, 2021

Committee members did not mention any scheduling conflicts for the future dates and were asked to contact Ms. Cuadra if any conflicts arise.

Public Comment: None.

16) Adjournment – The meeting was adjourned at 11:38 a.m.