

Professional Fiduciaries Bureau

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**Professional Fiduciaries Bureau
Advisory Committee Meeting
August 23, 2010
Department of Consumer Affairs
El Dorado Room, 2nd Floor
1625 N. Market Blvd.
Sacramento, CA 95834**

Committee Members Present

Daniel Stubbs, CLPF- Chair
Sharon O'Neill, Supervising Probate Court Investigator-Vice Chair
Lisa Berg, CLPF

Committee Members Absent

Cynthia Morrow, Public Member
Clark Parker, Public Member

Staff Present

Gil DeLuna, Acting Bureau Chief
Angela Bigelow, Program Analyst
Gary Duke, DCA Legal Counsel
Jenny Turner, SSA
Lauren Van Sant, Student Assistant

Guests Present

Bev Brito, PFAC Regional President
Joe Calderaro, CSEA
Sandra Carey, PFAC Advocate

James C. Counts II, CPA
Jackie Miller, PFAC Executive Director
Stella Shvil, PFAC President

I. Call to Order - Chair
10:10 am by Daniel Stubbs, Chair.

II. Roll Call – Chief
Roll call was taken by Acting Bureau Chief Gil DeLuna. 3 committee members were present, 2 members were absent.

III. Introductions
Those in attendance introduced themselves

IV. Approval of minutes from the July 26, 2010 Meeting

The committee members reviewed the minutes of the last meeting on July 26, 2010. Ms. Berg motioned to approve the minutes as drafted. Ms. O'Neill seconded the motion. No one opposed. The motion was carried.

V. Bureau Updates - Chief

i. Status of Sunset Review

The Sunset Review report was sent to the Governor's office for review. A hearing date has not been scheduled but Mr. DeLuna expects the date to be in October or November of 2010.

ii. Status of Cite and Fine Regulations

The regulations have been prepared and sent to the Legislative & Policy Office for review.

VI. DCA Updates – DCA Representative

Mr. DeLuna stated the main focus for DCA at present was "job creation". The focus will be to expedite the licensing process to enable Californians to get to work quicker. He stated there is a list of performance measures the bureau will have to abide by and give licensing applications priority.

To date the budget for the State of California has not be approved. Operating without a budget means no travel and no spending unless the expense is "Mission Critical"

DCA Director Brian Stiger was not confirmed as Director so the Governor has appointed Mr. Stiger as the Sr. Chief Deputy Director who will function as the Acting Director for the department.

Gary Duke stated enforcement issues for the Bureau and Department are still being worked on. Accusations will be posted on the Department website. Concern was expressed that the licensee population is still confused as to the meaning of the word "accusations". Mr. Duke explained prior to an accusation being filed and posted for the public, a complete investigation has taken place. Once the bureau receives a complaint and all parties have been contacted, if there is merit to the complaint of violation of the law of breach of fiduciary duties it is sent to the AG's office for review. If the AG's office agrees with the bureau's findings an accusation is drafted.

Ms. Brito is concerned staff handling complaints at this time are not knowledgeable with fiduciary duties. Mr. DeLuna states the staff is knowledgeable with handling of complaints in general and has access to PFB laws and regulations. The staff is also utilizing Mr. DeLuna, Mr. Duke, and Ms. Bigelow while working complaints. However, the staff may need to contact fiduciaries directly to obtain additional information.

VII. Discussion on Medical Durable Power of Attorney

Mr. Stubbs stated this item should not be on the agenda.

****Public Comment****(this item was not listed on the agenda)

Ms. Brito stated much concern of unlicensed activity and that it is frustrating for those who have gone through the process to become licensed. Polled trusts are being handled by a board and advice from an attorney but do not employ a licensed fiduciary. Also, fiduciaries who state they are retiring but continue to handle cases for some time. Ms. Brito would like the bureau to get the word out for these fiduciaries to become licensed.

Mr. Counts suggest contacting the CA State BAR and AG's office to request information be posted on their sights about exposure to liability.

Mr. DeLuna suggested drafting regulation that fiduciaries cannot advertise without noting their license number.

Mr. Duke stated the above would only apply to those who are required to be licensed by the bureau.

****BREAK****

Mr. Stubbs would like to create the following committees to be voted on at the committee's next meeting:

1. Finance – Reporting breakdown of budget and coming up with options to enhance revenue possibly through Outreach.
2. Enforcement – Reporting on what is being accomplished by the bureau.
3. Continuing Education – Looking into programs that could be approved by the bureau and clarification as to what is approved.
4. Legislative/Regulation – Discussing possible changes.

Mr. Duke stated the item will need to be on the agenda before a vote can be taken.

The next PFB Advisory Committee Meeting will be held on September 27, 2010.

VIII. Strategic Planning Continued – DCA S.O.L.I.D

Reviewed Draft Strategic Plan for the bureau. S.O.L.I.D will make minor changes and the plan will be presented at the next committee meeting for approval.

IX. Adjournment

The meeting was adjourned by Chair, Daniel Stubbs. Mr. Stubbs did not state the time of adjournment.