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2 **Professional Fiduciaries Bureau (Bureau)**
3 **Advisory Committee Meeting**
4 **Wednesday, November 15, 2017**

5
6 **Meeting Minutes**

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8 **Committee Members Present**

9 Hang Le To, Chair
10 Aileen Federizo, Vice Chair (via teleconference location)
11 Dawn Akel
12 Barbara de Vries (via teleconference location)
13 King Gee
14 Kathleen Thomson

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16 **Committee Member Absent**

17 Jenny Chacon
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19 **Department of Consumer Affairs (DCA) Staff Present**

20 Rebecca May, Bureau Chief
21 Angela Cuadra, Bureau Program Analyst
22 Gary Duke, DCA Legal Counsel
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- 25 1) Call to Order – Ms. To called the meeting to order at 10:04 a.m. and stated the meeting date and
26 locations.
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28 2) Roll Call & Establishment of Quorum –
29 Ms. Cuadra called roll. Committee members Ms. Hang Le To, Ms. Dawn Akel, Mr. King Gee, and
30 Ms. Kathleen Thomson, were present at meeting location 1625 N. Market Blvd, Sacramento, CA
31 95834. Ms. Aileen Federizo was present via teleconference from teleconference location 6345
32 Balboa Blvd., #114, Bldg. 1, Encino, CA 91316. Ms. Barbara de Vries was present via
33 teleconference from teleconference location 5-Third Street, Suite 1132, San Francisco, CA 94103.
34 Ms. Jenny Chacon was absent. A quorum was established with six members present.
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36 3) Introduction of New Bureau Chief –
37 Ms. To announced Governor Jerry Brown appointed Ms. Rebecca May on May 22, 2017 and Ms.
38 May was sworn in by Department of Consumer Affairs (DCA) Director, Dean Grafilo on June 5,
39 2017.
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41 Public Comment: None.
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- 43 4) Advisory Committee Introductions –Committee Members introduced themselves.
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45 Public Comment: None.

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5) Updates from the Director's Office –

Mr. Patrick Le, Assistant Deputy Director of Board and Bureau Relations introduced himself. Prior to joining the DCA team, Mr. Le was the Assistant Chief of External Affairs for Covered California and helped implement the Affordable Care Act.

Additional changes to DCA staff:

Ms. Lally has left her position as Deputy Director of Board and Bureau Relations to join the Medical Board of California.

Mr. Christopher Castrillo joined DCA as the Deputy Director of Board and Bureau Relations.

Ms. Karen Nelson is Mr. Le's counterpart as Assistant Deputy Director of Board and Bureau Relations.

Mr. Chris Shultz joined DCA as the Chief Deputy Director.

Ms. Natalie Daniel joined DCA as the Deputy Director of Administration.

DCA's held its second quarterly meeting in September for Executive Officers and Chiefs to maintain open dialogue between the Department and the boards and bureaus.

DCA leadership training program was launched in May of 2017. The last meeting was in October and featured Senator Jerry Hill.

The prorata workgroup met in August and October to discuss potential improvements of communication. Prorata is the distribution of funds from boards and bureaus to DCA administrative offices.

Finally, the DCA strategic plan was released in July 2017 and is available on the DCA website on the publications page.

Public Comment: None.

6) Professional Fiduciaries Bureau Mission Statement –

Ms. May read the Bureau's mission statement.

Public Comment: None.

7) Discussion and Possible Approval of the Advisory Committee Meeting Minutes from August 16, 2017 –

Ms. de Vries motioned to approve the minutes as written. Ms. Thomson seconded the motion. A vote by roll call was made: Ms. Federizo, Ms. Akel, Ms. Thomson, Mr. Gee, Ms. de Vries, and Ms. To were in favor. Ms. Chacon was absent for the vote. The motion carried with six votes.

Public Comment: None.

8) Budget Report –

Ms. Nicole Dragoo presented the fund condition and reported this is up-to-date through June 30, 2017. The fund condition is healthy and the months in reserve are projected to remain steady over the next few years.

DCA's Calstars reporting system was replaced by Fiscal on July 2, 2017 and one of the challenges during the migration is that DCA is not able to run expenditure reports. This issue is being addressed and should be up and running soon.

1 Mr. Duke asked if the new system is being used statewide and Ms. Dragoo replied that DCA is in
2 the middle of the roll-out and it is expected all state departments will be on Fiscal by 2019.

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4 Public Comment: None.

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6 9) Legislative Update –

7 Mr. Gregory Pruden, Legislative Manager, introduced himself. Mr. Alex Millington, Legislative
8 Analyst, introduced himself and presented the important legislative dates for Fall/Winter
9 2017/2018.

- 10 • 2017 Legislation Related to the Bureau –
11 So far, this year there are no bills identified that relate to the Bureau.
- 12 • 2017 Legislation Related to the Department –
 - 13 1. AB 492 (Grayson) Advertising and solicitations: government documents. This bill
14 was chaptered on September 26, 2017 and is effective January 1, 2018. This bill
15 requires businesses or individuals who charge a fee for requesting public
16 documents on behalf of another to include specified information on the document
17 that is used to request the records. In addition, this bill would prohibit solicitations
18 containing deadlines or other language that implies the document is issued by a
19 state or local government agency or requires action by the consumer. This bill
20 would authorize the Attorney General or a district attorney to bring action against
21 any person who does not conform to the provisions of this bill.
 - 22 • AB 1380 (Santiago) Developmental services: regional center services –
23 This bill is not directly related to the scope of the Bureau, but is being tracked due to a
24 request by the Bureau. This bill is a two-year bill as of September 1, 2017 and would have
25 required regional centers to develop a process by which all vendor contracts are reviewed
26 at least once every two years, and require the outcome of those reviews to be
27 documented in the regional center’s files. It would have also required an employer to
28 submit the fingerprints of a prospective in-home respite worker to the Department of
29 Justice for a criminal background check prior to employment and would have prohibited
30 employment as in-home respite provider if an applicant has specified convictions. It would
31 have also required the Department of Developmental Services to conduct an in-depth
32 review of in-home respite provider rates, as specified, and report results to the Legislature.
 - 33 • Statutory Definition of “regional center services”
34 There was a request for a definition which was answered at the last meeting. Definition
35 according to Welfare and Institutions Code (WIC) section 4704 is an agency which
36 receives state funds to provide services to individuals with disabilities.

37
38 Ms. Thomson would like to know what the specified convictions are, and Mr. Millington will
39 report at the next meeting.

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41 Public Comment: None.

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43 10) Bureau Updates –

- 44 • Statistics –

Fiscal 2017/18 year-to-date statistics	
AG Case Initiated	1
Citations Issued	5
Complaints Received	49
Complaints Closed	56
Complaints Pending	34

Average Days to Close	217
New Licenses Issued	24
Active Licenses	734
Total Licenses Issued	1,019

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- Outreach Events –
The Bureau Department of Business Oversight Trainer Convening at Fresno City Hall on September 1, 2017 and National Consumer Protection Week Financial Fair at the Mexican Consulate in Sacramento on October 16, 2017.
Upcoming events are the Dixon Senior Resource Fair in Dixon. This event was cancelled due to fire evacuations and will be rescheduled soon. The Bureau will also attend the 23rd Annual PFAC Educational Conference in Riverside May 30 through June 2, 2018.
- Sunset Review –
The report has been reviewed by Agency and is at the Governor’s Office for review. The report will be posted on the Bureau’s website once it is approved and a notice will be sent to the interested parties list once a hearing date is scheduled.
- Number of Licensed Professional Fiduciaries by County –
This list is included in the packet.
- Client Notification of Licensure Regulation Status –
The Bureau made the decision not to proceed with this regulation as written. New language has been drafted and is in the review process. Mr. Duke stated there was confusion in the regulation because of multiple references to the Probate Code.
- Update on Status of Occupational Analysis –
Thanks to the licensees who participated in the September and October workshops. We are hoping the OA will be completed in Spring 2018.
- Updated on Status of Strategic Plan –
The Bureau is working with the DCA SOLID office and survey requests have been sent out. The responses will be used to draft the Bureau’s strategic plan.

Ms. Thomson asked the nature/allegation of the AG case which was initiated. Ms. Cuadra stated we could report back at the next meeting. Ms. Thomson stated she is happy to see the staff is able to attend outreach in southern California.

Ms. Federizo asked if the licenses issued is on pace and Ms. May replied it is on pace and will report back with a comparison at the next meeting.

Ms. Montez commented the number of active licensees has hovered around 730-750 although it is not growing, it is remaining steady.

Mr. Gee asked staff to share how the events come to the attention of the Bureau and how they are selected. Ms. Cuadra replied events come in several ways and if there are any the committee members know about, please let the Bureau know. All events go through the Bureau Chief and number of attendees and travel costs are taken into consideration.

Ms. de Vries asked if it was possible for the committee members to represent the Bureau at outreach events. Ms. May stated we could consider that option.

Ms. To asked what the Bureau will do at the conference. Ms. May answered there was a table, staff provided course for CE credit. Ms. Cuadra added the conference is a great place to meet potential licensees.

Ms. To asked why there is such a difference in the number of licensees by county. Ms. Akel made a comment that was not clear on the recording. Ms. de Vries stated this has to do with population in the area.

Public Comment: None.

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2 11) Discussion of the Professional Fiduciaries Code of Ethics and Possible Ways to Improve the
3 Code –

4 Ms. de Vries stated the Code seems inclusive of all situations and asked why the WIC codes were
5 included. Ms. Cuadra stated there was a request at the last meeting that the Bureau include these
6 codes in the review of the section.

7 Ms. Federizo stated there are a lot of sections that say “shall” and should be changed to “may” as
8 sometimes the court pulls in a licensee and forbids the licensee to do certain things and it is a
9 conflict of interest. Mr. Duke asked Ms. Federizo to identify the specific sections. Ms. Federizo
10 stated 4482(b) and (c). Ms. Thomson stated to add something to the effect of “unless a specific
11 court order directs....”

12 Mr. Duke stated changing a “shall” to a “may” loosens the authority of the Bureau but he will
13 research this.

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15 Public Comment: None.
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17 12) Review and Discussion of Proposed Rulemakings

18 • Client Notification

19 Ms. May stated the Bureau believes this language will be effective in meeting the
20 requirements of statute. Mr. Duke stated this is the first draft after withdrawing the previous
21 package and will continue to be reviewed and modified as needed. Ms. Federizo asked if
22 the licensee could use the notice list and Mr. Duke stated that could be included in the list.
23

24 Public Comment:

25 Mr. Jeff Moore asked if notification of the PVP would be included. Mr. Duke asked what
26 the PVP is and Ms. Federizo stated probate volunteer panel and it is an attorney
27 appointed by the court. The PVP is discharged once the conservator is appointed. Ms. de
28 Vries stated San Francisco does not have a PVP, this must be different from county to
29 county. Mr. Duke stated this would be a person on the notice list.

30 Mr. James Counts stated there is not a requirement for licenses which have been
31 suspended or retired. Mr. Duke stated this is not part of the intent of the regulation. The
32 intent of the regulation is to notify the client that the licensee is licensed.

33 Ms. Jordan Goldstein stated the original language extended the scope outside of the intent
34 by notifying the probate attorney is overkill and would bombard the attorneys with paper.

35 Mr. Counts stated Arial font should not be required. Attorneys in California already know
36 fiduciaries are licensed in California. This is outside the parameters of the legislative
37 intent. The Bureau will consider this issue. Ms. Federizo concurs with Ms. Goldstein’s
38 comment.
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40 • Inactive/Retired License Status

41 Business and Professions Code gives the Bureau authority to establish regulations for
42 licensees to place their license in an inactive or retired status.

43 Ms. de Vries asked if you are in retired status, do you have to take the continuing
44 education each year. Ms. May replied that you do not, but you do if you decide to come
45 out of the retired status. Ms. Cuadra stated in a retired status you pay the application fee
46 to designate your license as retired and do not have to do anything else unless you wish to
47 come out of retirement.
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50 13) Future Agenda Items

51 Specified convictions AB 1380

1 Nature/allegations of AG cases
2 Comparison to last year statistics

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4 Public Comment: None.

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6 14) Future Meeting Dates
7 -Wednesday, February 7, 2018
8 -Wednesday, May 16, 2018
9 -Wednesday, August 15, 2018
10 -Wednesday, November 7, 2018
11 There were no conflicts mentioned by any of the committee members.

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13 Public Comment: None.

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15 15) Election of 2018 Chair and Vice Chair –

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17 Chair position
18 Ms. de Vries nominated Ms. Federizo for the position of committee chair and Ms. Federizo
19 declined the nomination. Ms. Federizo nominated Ms. To for the position of committee chair, the
20 nomination was seconded by Ms. de Vries. A vote by roll call was made: Ms. Federizo, Ms. Akel,
21 Ms. Thomson, Mr. Gee, Ms. de Vries, and Ms. To were in favor. Ms. Chacon was absent for the
22 vote. The motion carried with six votes.

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24 Vice Chair position
25 Ms. de Vries nominated Mr. Gee for the position of committee vice chair, the nomination was
26 seconded by Ms. Federizo and Mr. Gee declined the nomination. Ms. de Vries nominated Ms.
27 Thomson for the position of committee vice chair, the nomination was seconded by Ms. Federizo.
28 A vote by roll call was made: Ms. Federizo, Ms. Akel, Ms. Thomson, Mr. Gee, Ms. de Vries, and
29 Ms. To were in favor. Ms. Chacon was absent for the vote. The motion carried with six votes.

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31 Public Comment: None.

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33 16) Public Comment on Items Not on the Agenda – None.

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35 17) Adjournment – The meeting was adjourned at 11:28 a.m.