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3 **Professional Fiduciaries Bureau (Bureau)**
4 **Advisory Committee Meeting**
5 **Thursday, March 29, 2018**

6 **Meeting Minutes**

7
8 **Committee Members Present**

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

16
17 **Department of Consumer Affairs (DCA) Staff Present**

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

- 21
22
23 1) Call to Order – Ms. To called the meeting to order at 10:01 a.m. and stated the meeting date and
24 locations.
25
26 2) Roll Call & Establishment of Quorum –
27 Ms. Cuadra called roll. Committee members Ms. Hang Le To, Ms. Kathleen Thomson, Ms. Dawn
28 Akel, and Mr. King Gee were present at meeting location 1625 N. Market Blvd, Sacramento, CA
29 95834. Ms. Aileen Federizo was present via teleconference from teleconference location 6345
30 Balboa Blvd., #114, Bldg. 1, Encino, CA 91316. Ms. Barbara de Vries was present via
31 teleconference from teleconference location 5-Third Street, Suite 1132, San Francisco, CA 94103.
32 Ms. Jenny Chacon was absent. A quorum was established with six members present. Ms.
33 Chacon arrived after the establishment of a quorum at 10:14 a.m.
34
35 3) Advisory Committee, Bureau Chief, Staff and Legal Counsel Introductions –Committee Members
36 introduced themselves. Ms. Jordan Goldstein and Dan introduced themselves from the San
37 Francisco teleconference location.
38
39 Public Comment: None.
40
41 4) Updates from the Director's Office –
42 Ms. Karen Nelson, Assistant Deputy Director of Board and Bureau Services, presented updates
43 from the Director's Office.
44 The DCA welcomes Dennis Cuevas-Romero as Deputy Director of Legislative Affairs. Prior to Mr.
45 Cuevas-Romero's appointment, he was the government relations director at the American Heart
46 Association/American Stroke Association in Sacramento since 2016.

1
2 Regarding calendar updates for DCA, the Future Leadership Development Program had its first
3 graduation and there were 12 graduates. On April 30, DCA will hold its second directors quarterly
4 meeting for Executive Officers and Chiefs to meet and talk with the Director. DCA SOLID is
5 offering team building classes specifically for Committee and Board members to participate in with
6 Executive Staff. Finally, on April 10, DCA will launch licensing and enforcement workgroups to
7 share best practices and knowledge between boards and bureaus.

8
9 Public Comment: None.

- 10
11 5) Professional Fiduciaries Bureau Mission Statement –
12 Ms. May read the Bureau’s mission statement.

13
14 Public Comment: None.

- 15
16 6) Discussion and Possible Approval of the Advisory Committee Meeting Minutes from November
17 17, 2017 –
18 Ms. Federizo motioned to approve the minutes as written. Ms. Akel and Ms. de Vries seconded
19 the motion. A vote by roll call was made: Ms. de Vries, Ms. Federizo, Mr. Gee, Ms. Akel, Ms.
20 Thomson, and Ms. To were in favor. Ms. Chacon was absent for the vote. The motion carried with
21 six votes.

22
23 Public Comment: None.

- 24
25 7) Budget Report –
26 Ms. Nicole Dragoo, DCA Budget Analyst, presented the Bureau’s fund condition and expenditure
27 reports. Ms. Dragoo stated the reports are current as of February 2018 and the budget looks good
28 with a projected reversion of approximately \$10,000 at the end of this fiscal year.

29
30 Mr. Gee asked what the line item for “other regulatory fees” covers. Ms. Dragoo stated she will
31 research and follow-up with this answer. Mr. Gee also stated that it does not appear the AG line
32 item will be completely spent, and he would like to see these funds used on outreach. Ms. Dragoo
33 replied this is a baseline budget and the funds can be shifted as long as the Bureau does not
34 exceed the total expenditure authority. Ms. To asked about the personnel funding deficit and Ms.
35 Dragoo stated she will discuss Ms. May the possibility of realigning these numbers to more
36 accurately reflect actual spending.

37
38 Public Comment: None.

- 39
40 8) Legislative Update –
41 Mr. Alexander Millington, DCA Legislative Affairs Analyst, read the important legislative deadlines
42 in 2018.

- 43 • 2018 Legislation Related to the Bureau
 - 44 1. AB 1779 (Nazarian) Sexual Orientation: Change Efforts
 - 45 This bill would prohibit a mental health provider from engaging in sexual
 - 46 orientation change efforts with a patient, regardless of age, under a
 - 47 conservatorship or a guardianship.
 - 48 March 2018 Status: Introduced on January 4, 2018, this bill has been
 - 49 referred to the Assembly Committee on Business and Professions, but
 - 50 has not been scheduled for a hearing.

2. AB 3144 (Committee on Business and Professions) Professional Fiduciaries Bureau
 This is the Professional Fiduciaries Bureau sunset bill. As currently written, this bill would extend the sunset date of the Bureau to January 1, 2023. A joint Senate and Assembly committee heard testimony from the Professional Fiduciaries Bureau on March 5th.
 March 2018 Status: Introduced on February 16, 2018, this bill has been referred to the Assembly Committee on Business and Professions, but has not been scheduled for a further hearing.
3. SB 909 (Hertzberg) Uniform Trust Decanting Act
 This bill would allow a fiduciary of an irrevocable trust to distribute the property of a first trust to one or more second trusts, or to modify the first trust without the consent of the beneficiaries or approval of a court, subject to certain exceptions. This bill would require notification of affected parties prior to 'decanting' and would create court authority to allow 'decanting' on application by a fiduciary, a beneficiary, or other specified parties.
 March 2018 Status: Introduced on January 18, 2018, this bill has been referred to the Senate Judiciary Committee, but has not been scheduled for a hearing.

Ms. Federizo asked if there is a difference in requirements for AB 1779 if the conservator is acting in a limited rather than general capacity. Mr. Millington stated he will check on this and report back at the next meeting.

- 2018 Legislation Related to the Department

Mr. Millington stated all bills on this list are dead except for AB 827 which is now a two-year bill as of 9/1/2017, and remains in the second house.

- AB 1380 (Santiago) Developmental services: regional center services – Update on the list of “Specified Convictions” related to this bill.

At the November 2017 Advisory Committee Meeting, information was requested regarding which ‘specified convictions’ might prohibit employment as an in-home respite provider under AB 1380 (Santiago), above. Briefly, this bill would place restrictions to employment eligibility for individuals with history of sex crimes, *attempted* child abuse, *attempted* child neglect/endangerment, *attempted* elder or dependent adult abuse, theft, robbery, burglary, or any other felony. Further, this bill would place a bar against individuals with convictions for fraud against a government health care or supportive services program, child neglect/endangerment, and elder or dependent adult abuse.

More specifically, AB 1380 would add section 4686.1 to the Welfare and Institutions Code, specifying that in-home respite worker employees must submit fingerprints to the DOJ prior to employment.

Public Comment: Mr. Jerry Desmond commented on behalf of the Professional Fiduciary Association of California (PFAC) in support of the extension of the Bureau’s sunset.

- 9) Bureau Updates –
 - Statistics –

Two-Year Fiscal Year Statistics Comparison	As of February 2017	As of February 2018
New Licenses	45	44
Active Licenses	719	734
Total Licenses Issued	977	1,039
Accusations Files	3	1
Citations Issued	1	7
Complaints Received	79	106
Complaints Closed	82	101
Complaints Pending	86	30
Average Days to Close	412	212

1
2 Ms. May stated the Bureau has issued the same number of licenses as last year, but there is an
3 increase of approximately three percent in active licenses. The number of complaints received
4 has increased by about 35 percent, but the Bureau has seen a decrease in the number of pending
5 complaints and average days to close a complaint.
6

7 Ms. Jordan Goldstein asked about the increase in complaints. Ms. May accredits this to increased
8 visibility of the Bureau through outreach. Mr. Gee commended the staff on decreasing the
9 average number of days to close a complete and asked what enabled staff to reduce this. Ms.
10 May responded there has been a change in process and the complexity of complaints. Ms.
11 Federizo asked if there is a target percentage to increase licensure each year and Ms. May
12 responded there is not.
13

14 • Types of Attorney General Cases –
15

16 Ms. May stated cases forwarded to the AG office are citations being formally appealed or an
17 egregious violation of law. Recent examples of cases sent to the AG: a licensee who failed to
18 notify the Bureau she had been removed from a case by the court; failure to provide records to
19 the Bureau upon request by the Bureau; a licensee made false statements to the court and was
20 surcharged by the court; and, a licensee had sold a client's car and forged documents.
21

22 • Outreach Events –

23 A handout was included with outreach events attended since the last advisory meeting and
24 upcoming events. Additional outreach events added since the materials were created. Angela will
25 be attending a senior fraud prevention fair in Yreka and in June heading back to Redding for a
26 resource fair.
27

28 • Sunset Review –
29

30 Ms. May announced the Sunset Review is now behind us and the joint committee has
31 recommended a four-year extension of the Bureau with AB 3144.
32

33 • Update on Occupational Analysis –
34

35 Ms. May reported the Occupational Analysis is completed and OPES staff are
36 currently writing the report. The report should be released in early May. During the
37 last workshop, in addition to finishing the occupational analysis, OPES staff were
38 able to conduct the linkage study (i.e., linking the tasks and knowledge collected
39 during the occupational analysis with the Core Competencies of the California

1 Professional Fiduciary Examination provided by the National Guardianship
2 Association). This portion has been completed and we do not need to schedule
3 another workshop to finish the project.

4
5 OPES staff are currently in communication with the Center for Guardianship
6 Certification. Assuming the non-disclosure agreement is signed and OPES receives
7 the information requested, the review should be released by the end of May 2018.

8
9 Public Comment: Ms. Goldstein asked about the psychometric evaluation. Ms. May stated a
10 discussion as to whether changes can be made to the examination between DCA and the
11 examination creator. Ms. May will asked OPES to come to explain.

- 12
13 • Updated on Strategic Plan –

14
15 Ms. May stated Bureau staff met with DCA SOLID team to review answers from the survey
16 provided by stakeholders and a plan was drafted with objectives to be carried out over the next
17 four years. The plan was recently approved by the Director of DCA and an action planning
18 meeting is scheduled for April 25 to plan how each objective will be accomplished.

19
20 Public Comment: None.

21 22 10) Update of Proposed Rulemakings

- 23 • Update regarding Inactive/Retired License Proposed Regulation – Sections 4560-4580 of
24 Article 8 of Title 16 of the California Code of Regulations

25
26 The Bureau has completed the rulemaking file to DCA and it is in the internal review process. The
27 Bureau will update the committee once the file is submitted to the Office of Administrative Law.

28
29 Public Comment: None.

30 31 11) Review and Discussion of Draft Language for Client Notification Proposed Regulations

- 32 • Client Notification Proposed Regulation – Section 4640 of Article 12 of Title 16 of the
33 California Code of Regulations

34
35 Bureau staff has submitted proposed language which has been reviewed by legal counsel and a
36 copy of the proposed language is in the materials. Mr. Chan-You highlighted the changes to the
37 proposed language and stated the clarity issues have been addressed.

38
39 Ms. Federizo asked if she sends a notice to a conservatee and files in the client file is notice
40 served? It doesn't make sense to notice the client even if they do not understand it. Mr. Chan-You
41 stated that is why there is the option of notifying other persons. Ms. Akel asked if licensees are
42 required to notify when the trust is drafted, but sometimes licensee does not know they are named
43 in the trust. Mr. Chan-You explained notice is required once the fiduciary/client relationship
44 begins.

45
46 Break: 10:57-11:05

47
48 Mr. Chan-You read BPC 138 and stated the proposed regulation does not exceed the scope of
49 the statutory section. The Bureau will do further research and present at the next meeting. Ms.
50 Thomson stated the petition for conservatorship lists the licensee and is provided to parties
51 required by the court and asked would this meet the notice requirements? Ms. Federizo added the

1 list is all relatives who are required to be noticed by the court. This is done for transparency and to
2 allow family to contest in court. Ms. Federizo asked what is a natural person and Mr. Chan-You
3 stated anyone who is not a corporation, so a human being. Ms. Federizo also asked if the email
4 sent has to have a confirmation, Mr. Chan-You stated no, the date and time sent is sufficient.
5

6 Public Comment: Ms. Goldstein asked if the text is on the Bureau's website and Mr. Chan-You
7 stated it is in the material packet for this meeting on the website. Ms. Goldstein stated she
8 remembers originally the regulation was to notify how to contact the Bureau and she believes the
9 intent of the law is being expanded. Mr. Desmond stated the draft regulation has progressed and
10 improved. PFAC will submit comments to the Bureau in a couple of weeks. PFAC supports the
11 concept of this regulation.
12

13 12) Discussion and Possible Recommendations from Committee Members for Future Outreach
14 Opportunities

15
16 Ms. May asked for help identifying outreach events from the committee members and
17 stakeholders.
18

19 Public Comment: None.
20

21 13) Solicitation and Discussion of Ideas and Articles from Committee Members for the Professional
22 Fiduciaries Bureau's E-Newsletter
23

24 Ms. May stated she would like to have the newsletter ready to go by June 15 and the deadline for
25 submissions in May 15.

26 Ms. Akel stated she would send some ideas to the Bureau.
27

28 Public Comment: None
29

30 14) Future Agenda Items

- 31 • AB 1779 Differentiate between limited and general?
- 32 • AB 3144 Conversation on proposals
- 33 • OPES to explain the rest of occupational analysis process
- 34 • Client Notification Regulation
- 35 • Strategic Plan
36

37 Public Comment: None.
38

39 15) Future Meeting Dates

40 -Wednesday, May 16, 2018

41 -Wednesday, August 15, 2018

42 -Wednesday, November 7, 2018

43 There were no conflicts mentioned by any of the committee members.
44

45 Public Comment: None.
46

47 16) Public Comment on Items Not on the Agenda – None.
48

49 17) Adjournment – The meeting was adjourned at 11:29 a.m.