



**Professional Fiduciaries Bureau (Bureau)
Advisory Committee Meeting
Wednesday, June 23, 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 10:00 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, Ms. Bertha Sanchez Hayden, Ms. Denise Nelesen, and Ms. Elizabeth Ichikawa were present via WebEx. A quorum was established with six members present.
- 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 –
A member of the public asked how the public learns about the Sunset Review Committee and can become involved in the process.
- 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 March 10, 2021 –

Ms. Hatch requested the dates covering statistics on agenda item number 10 be corrected to reflect the ending date of January 31, 2021. Ms. Hatch motioned to approve the minutes with the proposed change. 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 amended.

Public Comment: None.

7) Update from the Director's Office –

Mr. Ryan Perez, Board and Bureau Relations, reported there is one vacancy on the bureau's advisory committee and the Department has made it a priority to fill open vacancies. He asked if any members know of a great candidate and advised that there is a link on the Department's website for anyone who would like to apply. He stated Covid-19 has affected every aspect of our world for more than a year now, but as of June 15, 2021, California's economy is back open and accordingly state employee pay cuts would be reversed effective June 30, 2021. Governor Newsom is continuing to conform to Covid-19 precautions. The ability for the Advisory Committee to meet again in person would depend on the direction from the Governor's order. During the state of emergency, the Department issued waivers to assist licensees through the pandemic and will remove waivers when it is safe and appropriate to do so. 2021 is a mandatory sexual harassment prevention training year for all employees and Advisory Committee members are required to complete the training this year.

Public Comment: A member of the public asked how often the Department updates its website regarding its enforcement case referral guidelines. He stated that the bureau does not follow this process, and could the Department please inform the public which process is correct. Ms. May asked Mr. Perez if the Department's case referral guidelines were specific to healing arts programs and Mr. Perez affirmed that she was correct.

8) Budget Report –

Mr. Paul McDermott, DCA Budget Analyst, presented the budget projection report and fund condition for the Bureau. He stated projections show that the bottom-line budget will result in reversion of approximately \$14,000.

Ms. Hatch asked what the "other regulatory/other licenses and permit line" consist of and Mr. McDermott replied that it includes application and initial licensing fees.

Ms. Hatch asked what the "insurance" line was for and Mr. McDermott replied this item has been corrected after the materials were created.

Ms. Hatch asked what is paid from the "training" line item and Ms. May replied this is for training taken by bureau employees outside of what the Department offers.

Ms. Hatch asked what the "consolidated data" line pays for and Mr. McDermott replied it is for database storage.

Ms. Nelesen asked why the balances are off for permanent positions and Mr. McDermott replied this is adjusted each year for salary and benefit increases. This line item will be better adjusted in next year's budget.

Public Comment: None.

9) Legislative Update and Discussion – DCA Legislative Analyst

Ms. Bianca Angulo, DCA Legislative Analyst reviewed the legislative calendar.

In response to Ms. Hatch's question regarding the difference between AB 596 and AB 574 at the last meeting, Ms. Angulo advised that both bills are now two- year bills and no further action will be taken on either the bill until at least January 1 2022. Ms. Angulo read the bills and stated the bills are not duplicative. Ms. Angulo read the list of bills and their statuses related to the bureau.

Ms. Hatch asked if SB 602 is related to private professional fiduciaries or public guardians and Ms. Angulo stated she would follow-up with the author's office, but that SB 602 is now a two-year bill and being held for the year.

Public Comment: A member of the public stated AB 1062 is now a two-year bill and that AB 1194 passed in the Senate Judiciary Committee on June 22, 2021. A member representing the Professional Fiduciaries Association of California (PFAC) stated that PFAC is in support of AB 465, but has concerns with the language in AB 1062 requiring notice before disposing valueless property. The definition of valueless is hard to clarify. Additionally, PFAC is working with the author's office on AB 1194 to ensure due process for licensees and the appropriate role of the court.

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

- Application Licensing and Enforcement Statistics –

July 1, 2020 – May 31, 2021	
New Licenses	80
Active Licenses	824
Total Licenses Issued	1,246
New Applications Received	85
AG Cases Initiated	1
Citations Issued	7
Complaints Received	103
Complaints Closed	58
Complaints Pending	115
Average Days to Close Complaints	298

- Strategic Plan – Licensing Objective – Ms. May
Ms. May explained the goals of the strategic plan and reviewed what the bureau has accomplished thus far and what remains to be done under the licensing

objective. The bureau completed goal 1.3 by completing an occupational analysis in 2018 and worked with the exam developer to update the examination to better reflect the profession. The bureau is moving forward with goal 1.4 though due to department's limited resources, the first phase of the project has been scaled back to accepting online renewal payments only. Goal 1.5 is an on-going project as the bureau is always updating the website to provide updated information. Ms. May asked the committee members to return to the next meeting with some ideas for discussion on goals 1.1 and 1.2.

- Business Modernization Plan – Ms. May stated the Bureau has been working with the Department to implement an online presence for its applicants and licensees. The Bureau had anticipated it would start accepting payments online near the end of 2021; however, due to limited resources, the timeline has been pushed out and the bureau is not able to provide a new date for project completion at this time
- Outreach Events – Ms. May stated no outreach events were attended since the last meeting due to the pandemic, however the bureau would be attending the following events soon: 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 the latest newsletter was posted to the website and sent to the interested parties list last week.
- Website Updates – Ms. May stated the Bureau is consistently making updates to its website, usually for clarity and to convey important updates. Last month the Bureau added a new page on how to submit a Public Records Act request. The bureau has also made several changes as needed related to pandemic-related updates. In response to a request at a previous meeting, the bureau is currently working with the Department to update its database so that the website will more accurately display the aggregate dollar amount of assets managed by licensees.
- Delays in Mail Delivery and Receipt – Ms. May stated slow downs by the United States Postal Service and items being erroneously returned to sender from the bureau's post office box have caused significant delays. In response to this issue, the bureau's post office box will be closed effective June 30, 2021 and all mail should be directed to the bureau's physical address.

Ms. Elder asked if members should provide feedback at the next meeting or by email and Ms. May asked for feedback to be provided at the next meeting.

Public Comment: A member of the public stated the public is asking the bureau to conduct administrative hearings not criminal investigations. Ms. May stated the bureau

does not have authority to investigate criminal acts. Ms. Hatch asked what the bureau can do if it finds violations through civil or probate hearings and Mr. Chan-You advised that her question was not related to the agenda item.

11) Proposed Rulemakings Update –

Ms. May reported that the inactive/retired license remain 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 was noticed, and a public hearing was held, and the bureau will work with the Department to work through the comments and complete this rulemaking package

Public Comment: A public member on behalf of PFAC commented that PFAC recognizes the challenges with the client notification regulation. He stated that PFAC provided written comments during the comment period and looks forward to seeing the final package as it works through the process.

12) Approved Rulemaking Update – Rebecca May, Bureau Chief

Ms. May reported that the Expedited Licensure Section 100 regulation has been approved by the Office of Administrative Law.

Public Comment: None.

13) Future Agenda Items –

Ms. Cuadra noted there was a request from a member of the public for the bureau to inform the public of how to get involved in the sunset review process. The bureau will agendize goals 1.1 and 1.2 of the strategic plan to be discussed by the committee. Ms. Hatch asked that the bureau discuss when the bureau can move forward with an administrative hearing. Ms. Elder asked for a recap of the investigative vs. enforcement process. Mr. Chan-You stated some of these requests include discussing privileged information and as the bureau's legal counsel Mr. Chan-You recommends not adding these items to future agendas.

Public Comment: None.

14) Future Meeting Dates

- Wednesday, September 15, 2021
- 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.

15) Adjournment – The meeting was adjourned at 11:18 a.m.