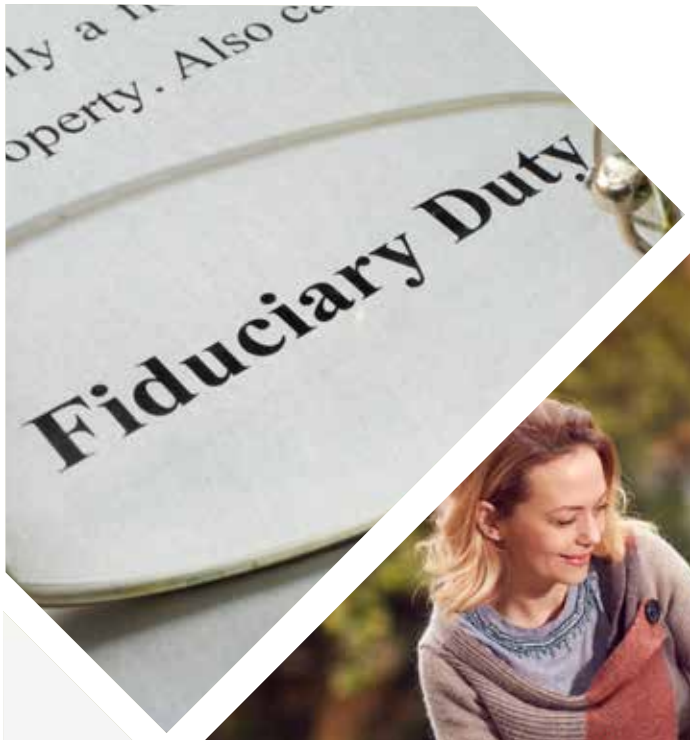
DEPARTMENT OF CONSUMER AFFAIRS

PFB

PROFESSIONAL FIDUCIARIES BUREAU

Professional Fiduciaries Bureau



SUNSET REVIEW

DECEMBER 2017

TATE OF CALIFORNIA

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DEPARTMENT OF CONSUMER AFFAI

17-232

Professional Fiduciaries Bureau
BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM
As of December 1, 2017

Section 1 –
Background and Description of the Bureau and Regulated Profession

The Professional Fiduciaries Bureau (Bureau) in the Department of Consumer Affairs (Department) is responsible for the licensure and regulation of non-family member professional fiduciaries, including conservators, guardians, trustees, and agents under durable power of attorney, as defined by the Professional Fiduciaries Act (Act). The Act was established in 2006 by SB 1550 (Figueroa, Chapter 491, Statutes of 2006).

Professional fiduciaries provide critical services to seniors, persons with disabilities, and children, including: daily care, housing and medical needs, and financial management services ranging from basic bill paying to estate and investment management. Professional fiduciaries are responsible for the property or well-being of their clients and coordinate overall care for their client's medical and/or financial needs. A professional fiduciary is not necessarily an expert in all areas and may hire other persons to handle duties for the trust or estate. However, as the ultimate decision-maker, the professional fiduciary has the responsibility to ensure appropriate and adequate services are provided for their client.

The Bureau began operations July 1, 2007, and is charged with carrying out the following functions:

- Ensuring protection of the public is the Bureau's highest priority;
- Promoting legal and ethical standards of professional conduct;
- Ensuring that applicants meet minimum requirements prior to licensure;
- Investigating all complaints; and,
- Taking disciplinary action and issuing citations against licensees when appropriate.

The Bureau's mission statement is:

To protect consumers through licensing, education, and enforcement by ensuring the competency and ethical standards of professional fiduciaries.

The Bureau Chief is appointed by the Governor, subject to confirmation by the Senate, serves under the direction and supervision of the Director of the Department of Consumer Affairs, at the pleasure of the Governor. The duty of administering and enforcing the Act is vested in the Bureau Chief, and the Act mandates that protection of the public is the Bureau's highest priority in exercising its licensing, regulatory, and disciplinary functions.

The Bureau currently licenses 1,020 professional fiduciaries. There are three pathways to qualify for licensure: (a) possess a baccalaureate degree; (b) possess an associate degree and have gained three years of experience; or, (c) have gained five years of experience prior to July 1, 2012. Applicants must also complete 30 hours of approved education courses (e.g., conservatorship,

guardianship, trust administration, and durable power of attorney) and pass an examination prior to licensure.

Licensees renew their licenses annually, are required to earn 15 hours of continuing education credit (including two hours on ethics for fiduciaries), and must submit an annual statement detailing their client casework each year. Licensees are also required to comply with reporting requirements and must abide by the Professional Fiduciaries Code of Ethics to ensure client matters are handled responsibly and without conflict.

1. **Describe the make-up and functions of each of the Bureau's committees (cf., Section 12, Attachment B).**

   The Bureau's Advisory Committee (Advisory Committee), which is established in Business and Professions Code § 6511, is responsible for examining the functions and policies of the Bureau and for making recommendations relating to professional fiduciaries when requested by the Bureau Chief. The Advisory Committee consists of seven members, five of whom are appointed by the Governor, one by the Senate Rules Committee, and one by the Speaker of the Assembly. Three members must be California-licensed professional fiduciaries actively engaged as a professional fiduciary in California. Of the four public members, one must be a member of a nonprofit organization advocating on behalf of the elderly and one must be a probate court investigator. The Advisory Committee is required by law to meet at least once each quarter.

   In addition to the Advisory Committee, two subcommittees were established in 2013 to address specific needs at the time of establishment. An Education Subcommittee and Ethics Subcommittee were established in 2013. The Education Subcommittee was established to review pre-licensing and continuing education requirements for determining if the requirements established in statute provide sufficient education to keep up with the professional fiduciary practice needs.

   An Ethics Subcommittee was established to review the Professional Fiduciaries Code of Ethics for determining if clarification of any section was needed and ensuring the code was consistent with other laws and regulations. This subcommittee did not hold any public meetings. Both subcommittees served their purpose and have not met since 2014.

Table 1a. Attendance			
Marguerite Lorenz – Past Member			
Date Appointed:	05/2012		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Advisory Committee	11/19/2013	Sacramento	Yes
Advisory Committee	02/03/2014	Sacramento	Yes
Action Planning	02/04/2014	Sacramento	Yes
Advisory Committee	05/29/2014	Sacramento	Yes
Advisory Committee	08/27/2014	Sacramento	No
Advisory Committee	11/18/2014	Sacramento	Yes
Advisory Committee	02/04/2015	Sacramento	Yes
Advisory Committee	05/20/2015	Sacramento	No
Advisory Committee	08/19/2015	Sacramento	Yes
Advisory Committee	11/18/2015	Sacramento	Yes

Prescott Cole – Past Member			
Date Appointed:	07/2013		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Education Subcommittee	11/19/2013	Sacramento	Yes
Advisory Committee	11/19/2013	Sacramento	Yes
Education Subcommittee	12/12/2013	San Francisco	Yes
Education Subcommittee	02/03/2014	Sacramento	Yes
Advisory Committee	02/03/2014	Sacramento	Yes
Action Planning	02/04/2014	Sacramento	Yes
Education Subcommittee	05/29/2014	Sacramento	Yes
Advisory Committee	05/29/2014	Sacramento	Yes
Advisory Committee	08/27/2014	Sacramento	Yes
Education Subcommittee	10/29/2014	San Francisco	Yes
Advisory Committee	11/18/2014	Sacramento	Yes

Dianna Amaya – Past Member			
Date Appointed:	11/2013		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Advisory Committee	02/03/2014	Sacramento	Yes
Action Planning	02/04/2014	Sacramento	Yes
Advisory Committee	05/29/2014	Sacramento	Yes
Advisory Committee	08/27/2014	Sacramento	Yes
Advisory Committee	11/18/2014	Sacramento	Yes

Barbara de Vries – Current Member			
Date Appointed:	08/2012		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Education Subcommittee	11/19/2013	Sacramento	Yes
Advisory Committee	11/19/2013	Sacramento	Yes
Education Subcommittee	12/12/2013	San Francisco	Yes
Education Subcommittee	02/03/2014	Sacramento	Yes
Advisory Committee	02/03/2014	Sacramento	Yes
Action Planning	02/04/2014	Sacramento	Yes
Education Subcommittee	05/29/2014	Sacramento	Yes
Advisory Committee	05/29/2014	Sacramento	Yes
Advisory Committee	08/27/2014	Sacramento	No
Education Subcommittee	10/29/2014	San Francisco	Yes
Advisory Committee	11/18/2014	Sacramento	Yes
Advisory Committee	02/04/2015	Sacramento	Yes
Advisory Committee	05/20/2015	Sacramento	Yes
Advisory Committee	08/19/2015	Sacramento	Yes
Advisory Committee	11/18/2015	Sacramento	Yes
Advisory Committee	02/03/2016	Sacramento	Yes

Advisory Committee	05/03/2016	Sacramento	Yes
Advisory Committee	08/24/2016	Sacramento	No
Advisory Committee	11/16/2016	Sacramento and Encino by teleconference	No
Advisory Committee	02/08/2017	Sacramento and Encino by teleconference	Yes
Advisory Committee	05/03/2017	Sacramento and in Encino and San Francisco by teleconference	Yes
Advisory Committee	08/16/2017	Sacramento and in Encino and San Francisco by teleconference	Yes
Advisory Committee	11/15/2017	Sacramento and in Encino and San Francisco by teleconference	Yes

Aileen Federizo – Current Member			
Date Appointed:	08/2012		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Advisory Committee	11/19/2013	Sacramento	Yes
Advisory Committee	02/03/2014	Sacramento	Yes
Action Planning	02/04/2014	Sacramento	Yes
Advisory Committee	05/29/2014	Sacramento	Yes
Advisory Committee	08/27/2014	Sacramento	Yes
Advisory Committee	11/18/2014	Sacramento	Yes
Advisory Committee	02/04/2015	Sacramento	Yes
Advisory Committee	05/20/2015	Sacramento	Yes
Advisory Committee	08/19/2015	Sacramento	Yes
Advisory Committee	11/18/2015	Sacramento	Yes
Advisory Committee	02/03/2016	Sacramento	Yes
Advisory Committee	05/03/2016	Sacramento	Yes
Advisory Committee	08/24/2016	Sacramento	No
Advisory Committee	11/16/2016	Sacramento and Encino by teleconference	No
Advisory Committee	02/08/2017	Sacramento and Encino by teleconference	Yes
Advisory Committee	05/03/2017	Sacramento and in Encino and San Francisco by teleconference	Yes

Advisory Committee	08/16/2017	Sacramento and in Encino and San Francisco by teleconference	Yes
Advisory Committee	11/15/2017	Sacramento and in Encino and San Francisco by teleconference	Yes

Kathleen Thomson – Current Member			
Date Appointed:	07/2013		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Advisory Committee	11/19/2013	Sacramento	Yes
Advisory Committee	02/03/2014	Sacramento	Yes
Action Planning	02/04/2014	Sacramento	Yes
Advisory Committee	05/29/2014	Sacramento	Yes
Advisory Committee	08/27/2014	Sacramento	Yes
Advisory Committee	11/18/2014	Sacramento	Yes
Advisory Committee	02/04/2015	Sacramento	Yes
Advisory Committee	05/20/2015	Sacramento	Yes
Advisory Committee	08/19/2015	Sacramento	Yes
Advisory Committee	11/18/2015	Sacramento	Yes
Advisory Committee	02/03/2016	Sacramento	Yes
Advisory Committee	05/03/2016	Sacramento	No
Advisory Committee	08/24/2016	Sacramento	Yes
Advisory Committee	11/16/2016	Sacramento and Encino by teleconference	Yes
Advisory Committee	02/08/2017	Sacramento and Encino by teleconference	Yes
Advisory Committee	05/03/2017	Sacramento and in Encino and San Francisco by teleconference	Yes
Advisory Committee	08/16/2017	Sacramento and in Encino and San Francisco by teleconference	Yes
Advisory Committee	11/15/2017	Sacramento and in Encino and San Francisco by teleconference	Yes

Hang Le To – Current Member			
Date Appointed:	02/2014		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Advisory Committee	02/03/2014	Sacramento	Yes
Action Planning	02/04/2014	Sacramento	Yes
Advisory Committee	05/29/2014	Sacramento	Yes
Advisory Committee	08/27/2014	Sacramento	Yes
Advisory Committee	11/18/2014	Sacramento	Yes
Advisory Committee	02/04/2015	Sacramento	Yes
Advisory Committee	05/20/2015	Sacramento	Yes
Advisory Committee	08/19/2015	Sacramento	Yes
Advisory Committee	11/18/2015	Sacramento	Yes
Advisory Committee	02/03/2016	Sacramento	Yes
Advisory Committee	05/03/2016	Sacramento	Yes
Advisory Committee	08/24/2016	Sacramento	Yes
Advisory Committee	11/16/2016	Sacramento and Encino by teleconference	Yes
Advisory Committee	02/08/2017	Sacramento and Encino by teleconference	Yes
Advisory Committee	05/03/2017	Sacramento and in Encino and San Francisco by teleconference	Yes
Advisory Committee	08/16/2017	Sacramento and in Encino and San Francisco by teleconference	Yes
Advisory Committee	11/15/2017	Sacramento and in Encino and San Francisco by teleconference	Yes

Jenny Chacon – Current Member			
Date Appointed:	01/2015		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Advisory Committee	02/04/2015	Sacramento	Yes
Advisory Committee	05/20/2015	Sacramento	Yes
Advisory Committee	08/19/2015	Sacramento	No
Advisory Committee	11/18/2015	Sacramento	Yes
Advisory Committee	02/03/2016	Sacramento	Yes
Advisory Committee	05/03/2016	Sacramento	Yes
Advisory Committee	08/24/2016	Sacramento	Yes
Advisory Committee	11/16/2016	Sacramento and Encino by teleconference	Yes

Advisory Committee	02/08/2017	Sacramento and Encino by teleconference	Yes
Advisory Committee	05/03/2017	Sacramento and in Encino and San Francisco by teleconference	Yes
Advisory Committee	08/16/2017	Sacramento and in Encino and San Francisco by teleconference	Yes
Advisory Committee	11/15/2017	Sacramento and in Encino and San Francisco by teleconference	No

King Gee – Current Member			
Date Appointed:	09/2015		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Advisory Committee	11/18/2015	Sacramento	Yes
Advisory Committee	02/03/2016	Sacramento	Yes
Advisory Committee	05/03/2016	Sacramento	Yes
Advisory Committee	08/24/2016	Sacramento	Yes
Advisory Committee	11/16/2016	Sacramento and Encino by teleconference	Yes
Advisory Committee	02/08/2017	Sacramento and Encino by teleconference	No
Advisory Committee	05/03/2017	Sacramento and in Encino and San Francisco by teleconference	Yes
Advisory Committee	08/16/2017	Sacramento and in Encino and San Francisco by teleconference	Yes
Advisory Committee	11/15/2017	Sacramento and in Encino and San Francisco by teleconference	Yes

Dawn Akel – Current Member			
Date Appointed:	11/2015		
Meeting Type	**Meeting Date**	**Meeting Location**	**Attended?**
Advisory Committee	02/03/2016	Sacramento	Yes
Advisory Committee	05/03/2016	Sacramento	Yes
Advisory Committee	08/24/2016	Sacramento	Yes

Advisory Committee	11/16/2016	Sacramento and Encino by teleconference	Yes
Advisory Committee	02/08/2017	Sacramento and Encino by teleconference	Yes
Advisory Committee	05/03/2017	Sacramento and in Encino and San Francisco by teleconference	Yes
Advisory Committee	08/16/2017	Sacramento and in Encino and San Francisco by teleconference	Yes
Advisory Committee	11/15/2017	Sacramento and in Encino and San Francisco by teleconference	Yes

Table 1b. Bureau/Committee Member Roster

Member Name (Include Vacancies)	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
Hang Le To, Chair	01/13/2014	04/13/2015	1/1/2019	Assembly Speaker	Public
Aileen Federizo, Vice Chair	08/28/2012	01/06/2015	1/1/2019	Governor	Professional
Barbara de Vries	08/28/2012	01/07/2015	1/1/2019	Governor	Professional
Kathleen Thomson	07/12/2013	01/06/2015	1/1/2019	Governor	Probate Court Investigator
Jenny Chacon	01/07/2015	N/A	1/1/2019	Senate Rules Committee	Public
King Gee	09/29/2015	N/A	1/1/2019	Governor	Nonprofit organization advocating on behalf of the elderly
Dawn Akel	11/23/2015	N/A	1/1/2019	Governor	Professional

2. In the past four years, was the Advisory Committee unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?

All Advisory Committee meetings were held as scheduled and with a quorum during the past four years.

3. **Describe any major changes to the Bureau since the last Sunset Review, including, but not limited to:**
   - **Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)**

     - The Bureau Chief position was increased from part-time to full-time in Fiscal Year 2014/15.
     - The Bureau added a full-time enforcement investigator position in Fiscal Year 2014/15.
     - Rebecca May was appointed by Governor Brown as Bureau Chief on May 22, 2017, and sworn in on June 5, 2017.
     - The Bureau's last Strategic Plan was created and approved in 2014. The Bureau began updating its Strategic Plan in October of 2017 and plans to have it finalized by Spring of 2018.

   - **All legislation sponsored by the Bureau and affecting the Bureau since the last sunset review.**

     - The Bureau has not sponsored any legislation since its last Sunset Review.
     - The following bills have been enacted since the Bureau's last sunset review, and have an impact on the operations of the Bureau.
       - AB 2024 (Bonilla, Chapter 336, Statutes of 2014) authorizes the Bureau to establish, by regulation, a system for placement of a license into retired status. The Bureau is currently working on regulations to implement this legislation and create a retired license category.
       - AB 2741 (Bonilla, Chapter 344, Statutes of 2014) extends the Bureau's sunset from January 1, 2015, to January 1, 2019.
       - SB 1159 (Lara, Chapter 752, Statutes of 2014) requires the Bureau to accept an individual tax identification number as proof of identification in lieu of a Social Security number.

   - **All regulation changes approved by the Bureau the last sunset review. Include the status of each regulatory change approved by the Bureau.**

     The Bureau has not enacted any regulatory changes since its last sunset review. The Bureau is currently drafting regulations to require fiduciaries to notify clients that they are duly licensed by the Bureau, and to implement retired and inactive license categories.

4. **Describe any major studies conducted by the Bureau (cf. Section 12, Attachment C).**

   The Bureau conducted a survey of its licensees in September 2015 to better understand industry trends and challenges. An acceptable response rate for these types of surveys is between 10 percent and 12 percent; the Bureau had a 20 percent response rate. The results below describe the findings associated with this group of participants.
   - 80% provide a fee schedule to their clients.
   - 63% have a succession plan in place.
   - 60% of respondents have a home office which is not open to the public.
   - 60% carry error and omissions insurance.
   - 60% do not employ case managers.
   - 50% mentor other professionals in the industry.
   - 49% of respondents have no staff to assist them in their professional fiduciary business.
   - 20% of respondents have been practicing for 16 or more years.

See Attachment C.

5. **List the status of all national associations to which the Bureau belongs. Does the Bureau's membership include voting privileges? List committees, workshops, working groups, task forces, etc., on which the Bureau participates. How many meetings did Bureau representative(s) attend? When and where? If the Bureau is using a national exam, how is the Bureau involved in its development, scoring, analysis, and administration?**

   Although the Bureau does not belong to any national organizations, the Bureau presents at the opening ceremony and provides continuing education courses at the Professional Fiduciaries Association of California Annual Educational Conference each year. The Bureau also attended the Sacramento Financial Abuse Specialty Team meeting to inform the team of the profession and the services provided by professional fiduciaries. The team is comprised of Adult Protective Services staff, attorneys, Department of Insurance employees, and Federal Bureau of Investigation investigators.

Section 2 – Performance Measures and Customer Satisfaction Surveys

6. **Provide each quarterly and annual performance measure report for the Bureau as published on the DCA website.**

   See Attachment E.

7. **Provide results for each question in the Bureau's customer satisfaction survey broken down by fiscal year. Discuss the results of the customer satisfaction surveys.**

   The Bureau created a customer satisfaction survey using a basic Survey Monkey account and posted a link to the survey on its website. The link was also included in the signature line of all electronic mail sent to consumers. The basic Survey Monkey account does not provide data divided by fiscal year and only allows for a maximum of 100 responses. The survey was open for responses on June 17, 2014, and the Bureau received a total of 100 responses on August 25, 2017. The Bureau is reviewing whether an upgraded Survey Monkey account would better capture and interpret survey data and is updating the questions in consultation with the Bureau's Advisory Committee. Below are the current survey questions and results as of August 25, 2017.

   Q1. Please choose the reason you contacted the Professional Fiduciaries Bureau:
   Application: 14.29%
   License Renewal: 21.43%
   Complaint: 34.69%
   Other: 29.59%

   Q2. Did you receive a timely response from the Bureau staff?
   Yes: 68.82%
   No: 31.18%

   Q3. Were you treated with respect by the Bureau staff?
   Yes: 83.7%
   No: 16.3%

Q4. If you contacted the Bureau in regard to a complaint, did you receive acknowledgement of receipt within ten days?
Yes: 21.11%
No: 20%
N/A: 58.89%

Q5. Did the Bureau staff explain the complaint process to you?
Yes: 13.33%
No: 25.56%
N/A: 61.11%

Q6. Did the Bureau staff resolve your complaint?
Yes: 7.69%
No: 30.77%
N/A: 61.54%

Q7. If you used the Bureau's website, did you find it useful?
Yes: 63.44%
No: 20.43%
N/A: 16.13%

The survey results were generally very positive. The vast majority of respondents felt they were treated with respect when they called the Bureau, and almost 70 percent said they received a timely response. In addition, over 60 percent of respondents found the Bureau's website to be useful. One area the Bureau could possibly improve is in its explanation of the complaint process; only about half of respondents felt the process was explained to them, and most felt that their complaint was not resolved; this is likely due to a possible misunderstanding of what the Bureau can do to address or mitigate complaints. The Bureau is looking at ways to improve its communication in this area.

Section 3 – Fiscal and Staff

Fiscal Issues

8. Is the Bureau's fund continuously appropriated? If yes, please cite the statute outlining this continuous appropriation.

No. Per BPC § 6590, the Professional Fiduciaries Fund is only available for expenditure by the Bureau upon appropriation by the Legislature.

9. Describe the Bureau's current reserve level, spending, and if a statutory reserve level exists.

The Bureau's current reserve level is at 4.6 months as of the end of Fiscal Year 2016/17. Pursuant to BPC § 128.5(a), the Bureau's statutory fund limit may not exceed two years in

reserve. The Bureau does not have a statutorily required minimum reserve level. The Bureau's fund is structurally sound. The budget is monitored monthly by the Bureau Chief and Budget Office staff.

10. Describe if/when a deficit is projected to occur and if/when fee increase or reduction is anticipated. Describe the fee changes (increases or decreases) anticipated by the Bureau.

Based on the Bureau's level of expenditures and projected reserve funds, a deficit is not anticipated and there are no current plans to adjust or augment fees.

Table 2. Fund Condition

(Dollars in Thousands)	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19
Beginning Balance	$344	$396	$318	$216	$216	$241
Revenues and Transfers	$479	$522	$534	$534	$583	$584
Total Revenue	$823	$918	$852	$750	$799	$825
Budget Authority	$439	$610	$636	$503	$523	$533
Expenditures	$422	$603	$635	$479	$523	$533
Loans to General Fund	$0	$0	$0	$0	$0	$0
Fund Balance	$400	$315	$216	$216	$241	$257
Months in Reserve	7.9	5.9	4.8	4.6	4.9	5.3

11. Describe the history of general fund loans. When were the loans made? When have payments been made to the Bureau? Has interest been paid? What is the remaining balance?

The Bureau has no history of General Fund loans.

12. Describe the amounts and percentages of expenditures by program component. Use *Table 3. Expenditures by Program Component* to provide a breakdown of the expenditures by the Bureau in each program area. Expenditures by each component (except for pro rata) should be broken out by personnel expenditures and other expenditures.

Table 3. Expenditures by Program Component

	FY 2013/14		FY 2014/15		FY 2015/16		FY 2016/17**	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	$8,742	$42,275	$84,149	$71,033	$105,272	$79,462	$96,638 (43%)	$104,178 (32%)
Examination	$0	$1,582	$0	$328	$0	$164	$0	$0
Licensing	$47,162	$17,291	$58,362	$26,541	$63,649	$25,159	$47,503 (21%)	$60,143 (18%)
Administration *	$116,582	$22,231	$126,313	$29,858	$182,725	$37,739	$80,640 (36%)	$90,215 (28%)
DCA Pro Rata	N/A	$165,955	N/A	$205,969	N/A	$140,445	N/A	$73,150 (22%)

Diversion (if applicable)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTALS	$172,487	$249,332	$268,824	$333,729	$351,646	$282,969	$224,781	327,686

*Administration includes costs for executive staff, board, administrative support, and fiscal services.

**Based on FM 13 expenditure totals.

13. Describe the amount the Bureau has contributed to the BreEZe program. What are the anticipated BreEZe costs the Bureau has received from DCA?

From FY 2009/10 to FY 2016/17, the Bureau has contributed a total of $4,145 to the BreEZe program. The Bureau is not on the BreEZe system currently, and unless the Bureau decides to move to the BreEZe system in the future, no additional BreEZe costs are anticipated beyond FY 2016-17.

14. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority (Business and Professions Code and California Code of Regulations citation) for each fee charged by the Bureau.

Professional fiduciary licenses are renewed annually and there have been no fee changes since the inception of the Bureau in 2007. The authority for each Bureau fee is as follows: Application – Business and Professions Code § 6533(k); Initial License – Business and Professions Code §§ 134 and 6592(b); Renewal – Business and Professions Code § 6592(c); Delinquent – Business and Professions Code § 163.5; Duplicate License – Business and Professions Code § 122; Dishonored Check – Government Code § 6157, California Civil Code § 1719; and, Cite and Fine – Business and Professions Code § 6580 and California Code of Regulations § 4600 and 4602.

Table 4. Fee Schedule and Revenue

Fee	Current Fee Amount	Statutory Limit	FY 2013/14 Revenue	FY 2014/15 Revenue	FY 2015/16 Revenue	FY 2016/17 Revenue	% of Total Revenue
Application	$400.00	Actual Cost	$40,800	$45,200	$42,800	$39,600	7%
Initial License	$600.00 + proration*	Actual Cost	$64,316	$68,573	$72,785	$58,047	11%
Renewal	$700.00	Actual Cost	$368,900	$400,400	$410,750	$429,800	81%
Delinquent Renewal	$150.00	$150.00	$2,850	$3,000	$2,100	$1,950	0
Duplicate/Replacement License	$25.00	$25.00	$25	$0	$75	$150	0
Dishonored Check	$25.00	N/A	$25	$75	$0	$25	0
Cite and Fine	Variable	None	$1,500	$2,500	$0	$1,750	0
Other	Variable	None	$964	$2,311	$5,351	$2,684	1%

TOTALS:			$479,380	$522,059	$533,861	$534,006	100%

* To ensure equity of payments, the Bureau prorates these fees per BPC § 6592(b), CCR § 4580(b), 4580(c), and 4428(a).

15. Describe Budget Change Proposals (BCPs) submitted by the Bureau in the past four fiscal years.

Table 5. Budget Change Proposals (BCPs)

BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	$ Requested	$ Approved	$ Requested	$ Approved
1111-06	2014-15	Enforcement Program Augmentation - AGPA	1.0 AGPA	1.0 AGPA	$80,000 FY 2014-15, $72,000 ongoing.	$80,000 FY 2014-15, $72,000 ongoing.	$50,000 LT AG line item.	$50,000 LT AG line item.
1111-009	2015-16	Bureau Chief Increase Position Authority from .7 to 1.0	.3 Bureau Chief	.3 Bureau Chief	$36,000 FY 2015-16 and ongoing.	$36,000 for FY 2015-16 and ongoing.		

Staffing Issues

16. Describe any Bureau staffing issues/challenges, i.e., vacancy rates, efforts to reclassify positions, staff turnover, recruitment and retention efforts, succession planning.

The Bureau is fully staffed and has not experienced challenges filling or retaining positions. The Bureau currently borrows a Staff Services Analyst position from the Department to assist with Bureau operations. This additional assistance is critical for allowing staff to meet licensing and enforcement performance goals and measures. The Bureau anticipates requesting another permanent position if the licensee population continues to grow. As it relates to succession planning, the Bureau has a policy and procedures manual and is in the process of creating desk manuals for each Bureau function (e.g. licensing, enforcement, etc.).

17. Describe the Bureau's staff development efforts and how much is spent annually on staff development.

The Bureau trains its staff through the Department's in-house training program provided by the SOLID Division to educate and train staff on a variety of workplace policies and procedures. This coursework is part of the Bureau's prorata payment to the Department and does not impose any additional cost to the Bureau. Bureau staff have attended the Office of Administrative Law (OAL)

Rulemaking training and remaining staff will attend future trainings as schedules permit. The Bureau's Enforcement Analyst will complete the SOLID Enforcement Academy by mid-2018.

Section 4 – Licensing Program

18. What are the Bureau's performance targets/expectations for its licensing program? Is the Bureau meeting those expectations? If not, what is the Bureau doing to improve performance?

The Bureau is required by regulation to inform applicants within 90 days of receipt of an application that the application is complete and accepted for filing, or that it has deficiencies and what specific information or documentation is needed to complete the application.
The Bureau's performance target for processing complete applications is 45 days from receipt of the complete application to determine eligibility to sit for the licensure examination, and 15 days to grant a license after a candidate passes the examination.

The Bureau averages 50 days to determine if a candidate can sit for the examination. However, after a candidate passes the examination, the Bureau averages only five days to issue a license. In order to improve licensing times, Bureau staff have been assessing workload and ensuring it is distributed evenly amongst staff at 30-day intervals, therefore ensuring that the eligibility for the licensing examination is processed in the most efficient manner possible. Performance measurements can be found in Attachment E.

19. Describe any increase or decrease in the Bureau's average time to process applications, administer exams and/or issue licenses. Have pending applications grown at a rate that exceeds completed applications? If so, what has been done by the Bureau to address them? What are the performance barriers and what improvement plans are in place? What has the Bureau done and what is the Bureau going to do to address any performance issues, i.e., process efficiencies, regulations, BCP, legislation?

The Bureau's application processing times have remained steady since its last sunset review. Pending applications have increased slightly over the past four years, but have not negatively impacted licensing timeframes. The increase in applications may be a result of more individuals becoming aware of the profession from outreach by the Bureau and the association.

20. How many licenses or registrations does the Bureau issue each year? How many renewals does the Bureau issue each year?

The Bureau typically issues an average of 72 new licenses and renews an average of 575 licenses each year.

Table 6. Licensee Population					
		FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17
Professional Fiduciary (PF)	Active	785*	669	712	727
	Delinquent**		185	220	268
	Retired	N/A	N/A	N/A	N/A
	Out of State	N/A	N/A	N/A	N/A
	Out of Country	N/A	N/A	N/A	N/A
Note: 'Out of State' and 'Out of Country' are two mutually exclusive categories. A licensee should not be counted in both.					

* Includes active and delinquent for FY 2013/14

**Delinquent includes all licenses which are not active and have not been canceled per the three years of inactivity. The Bureau is currently drafting regulations to allow for retired and inactive statuses.

Table 7a. Licensing Data by Type											
						Pending Applications			Cycle Times		
	Application Type	Received	Approved	Closed	Issued	Total (Close of FY)	Outside Bureau control*	Within Bureau control*	Complete Apps	Incomplete Apps	combined, IF unable to separate out
FY 2014/15	(Exam)	113	117	N/A	N/A	-	-	-	-	-	-
	(License)	72	72	N/A	72	-	-	-	-	-	-
	(Renewal)	572	572	N/A	572	-	-	-	-	-	-
FY 2015/16	(Exam)	107	88	N/A	N/A	2	1	1	50	91	N/A
	(License)	81	81	N/A	81	1	-	1	5	N/A	N/A
	(Renewal)	587	587	N/A	587	N/A	N/A	N/A	N/A	N/A	N/A
FY 2016/17	(Exam)	99	95	N/A	N/A	2	1	1	35	88	N/A
	(License)	63	63	N/A	63	5	4	1	6	N/A	N/A
	(Renewal)	614	614	N/A	614	N/A	N/A	N/A	N/A	N/A	N/A
* Optional. List if tracked by the Bureau.											

Table 7b. Total Licensing Data			
	FY 2014/15	FY 2015/16	FY 2016/17
Initial Licensing Data:			
Initial License/Initial Exam Applications Received	185	188	162
Initial License/Initial Exam Applications Approved	189	169	158
Initial License/Initial Exam Applications Closed	N/A	N/A	N/A
License Issued	72	81	63
Initial License/Initial Exam Pending Application Data:			
Pending Applications (total at close of FY)	-	3	7
Pending Applications (outside of Bureau control)*	-	1	5
Pending Applications (within the Bureau control)*	-	2	2
Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):			
Average Days to Application Approval (All - Complete/Incomplete)	-	32	28

Average Days to Application Approval (incomplete applications)*	-	91	88
Average Days to Application Approval (complete applications)*	-	26	22
License Renewal Data:			
License Renewed	572	587	614
Note: The values in Table 7b are the aggregates of values contained in Table 7a. * Optional. List if tracked by the Bureau.			

21. How does the Bureau verify information provided by the applicant?

a. What process does the Bureau use to check prior criminal history information, prior disciplinary actions, or other unlawful acts of the applicant?

Each applicant is required to submit live scan fingerprints prior to the review of their application. If a criminal history report is returned by the California Department of Justice or the Federal Bureau of Investigation, those records are obtained and reviewed by the Bureau Chief for appropriate action. Pursuant to Business and Professions Code § 6561(a)(6), applicants are required to list any other licenses or certifications they hold. Bureau staff contact those licensing agencies to check for any disciplinary actions.

b. Does the Bureau fingerprint all applicants?

Yes.

c. Have all current licensees been fingerprinted? If not, explain.

Yes.

d. Is there a national databank relating to disciplinary actions? Does the Bureau check the national databank prior to issuing a license? Renewing a license?

There is no national databank relating to disciplinary actions.

e. Does the Bureau require primary source documentation?

Yes.

22. Describe the Bureau's legal requirement and process for out-of-state and out-of-country applicants.

California is the only state that offers licenses to fiduciaries, therefore reciprocity is not applicable. Out-of-state applicants are required to undergo the same application process as in-state applicants, including submitting fingerprints. Foreign applicants who have obtained a degree outside of the United States, may have their degree evaluated by Educational Records Evaluation Service to determine if the degree contains the educational requirements stated in Business and Professions Code § 6533(f). Once the application is accepted for filing, the process is the same as in-state applications to obtain licensure.

23. Describe the Bureau's process, if any, for considering military education, training, and experience for purposes of licensing or credentialing requirements, including college

credit equivalency.

a. **Does the Bureau identify or track applicants who are veterans? If not, when does the Bureau expect to be compliant with BPC § 114.5?**

   The Bureau tracks veteran applicants, in compliance with Business and Professions Code § 114.5.

b. **How many applicants offered military education, training or experience towards meeting licensing or credentialing requirements, and how many applicants had such education, training or experience accepted by the Bureau?**

   None to date.

c. **What regulatory changes has the Bureau made to bring it into conformance with BPC § 35?**

   Regulatory changes are not needed. Per Business and Professions Code § 35, a bureau or board must provide for methods of evaluating education, training, and experience obtained in the armed services as long as such experience is applicable to the business, occupation, or profession regulated. Experiential qualification via Business and Professions Code § 6533 as a professional fiduciary, guardian, conservator, trustee, representative, or agent under power of attorney is not associated with military service.

d. **How many licensees has the Bureau waived fees or requirements for pursuant to BPC § 114.3, and what has the impact been on Bureau revenues?**

   None. The Bureau has not received any fee-waiver requests from licensees called to active duty.

e. **How many applications has the Bureau expedited pursuant to BPC § 115.5?**

   Twelve (12) military applications have been expedited by the Bureau since Business and Professions Code § 115.5 was enacted.

24. **Does the Bureau send No Longer Interested notifications to DOJ on a regular and ongoing basis? Is this done electronically? Is there a backlog? If so, describe the extent and efforts to address the backlog.**

    Yes, the Bureau sends No Longer Interested notifications to DOJ on a regular and ongoing basis. This process is performed via facsimile, and there is no backlog.

Examinations

Table 8. Examination Data				
California Examination (include multiple language) if any:				
	License Type	PF		
	Exam Title	Professional Fiduciaries Examination		
FY 2013/14	# of 1st Time Candidates	81		
	Pass %	68		
FY 2014/15	# of 1st Time Candidates	87		
	Pass %	70		
FY 2015/16	# of 1st Time Candidates	77		
	Pass %	69		
FY 2016/17	# of 1st time Candidates	90		
	Pass %	61		
	Date of Last OA	2013		
	Name of OA Developer	Center for Guardianship Certification		
	Target OA Date	2017		
National Examination (include multiple language) if any:				
	License Type	PF		
	Exam Title	Professional Fiduciaries Examination		
FY 2013/14	# of 1st Time Candidates	81		
	Pass %	73		
FY 2014/15	# of 1st Time Candidates	87		
	Pass %	55		
FY 2015/16	# of 1st Time Candidates	77		
	Pass %	64		
FY 2016/17	# of 1st time Candidates	90		
	Pass %	44		
	Date of Last OA	2013		
	Name of OA Developer	Center for Guardianship Certification		
	Target OA Date	2017		

25. Describe the examinations required for licensure. Is a national examination used? Is a California specific examination required? Are examinations offered in a language other than English?

Applicants are required to pass a computer based, multiple-choice examination which consists of two sections - one pertaining to national laws and professional practices and the other related to California-specific laws and professional practices. Currently, the Bureau only offers the examination in English and has not had any requests to offer the examination in another language.

The Bureau contracts with the Center for Guardianship Certification for the development, scoring, and analysis of the Bureau's licensing examination. The Department, on behalf of the Bureau, contracts with a separate vendor, Psychological Services, LLC to administer the examination, using computer-based testing at sites throughout California and across the country.

The Bureau will be conducting an occupational analysis through the Department's Office of Professional Examination Services in the Fall of 2017. The occupational analysis will help ensure that the content of licensure examinations reflects the knowledge required for safe entry-level (newly licensed) practice. The occupational analysis will be followed by an audit of the Center for Guardianship Certification examination program. These actions ensure the Bureau is in compliance with Business and Professions Code § 139.

26. What are pass rates for first time vs. retakes in the past 4 fiscal years? *(Refer to Table 8: Examination Data)* Are pass rates collected for examinations offered in a language other than English?

Applicants who do not pass the examination are allowed to retake it up to four times within a 12-month period. The Bureau only offers examinations in English, therefore pass rates are not collected for examinations in other languages.

27. Is the Bureau using computer based testing? If so, for which tests? Describe how it works. Where is it available? How often are tests administered?

The Bureau's entire examination is computer based and in a multiple-choice format. The examination is available at 17 sites in California: Anaheim, Atascadero, Burbank, Carson, El Monte, Fresno, Hayward, Redding, Riverside, Sacramento, San Diego, San Francisco, Santa Clara, Santa Rosa, Ventura, Visalia, and Walnut Creek. There are also 22 out-of-state sites. Tests are administered daily, Monday through Saturday, excluding holidays.

28. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe.

There are no statutes that hinder the efficient and effective processing of applications and/or examinations.

School approvals

29. Describe legal requirements regarding school approval. Who approves your schools? What role does BPPE have in approving schools? How does the Bureau work with BPPE in the school approval process?

Per Business and Professions Code § 6540, individuals, entities, agencies, and associations that propose to offer educational programs are required to apply for and obtain the approval of the Bureau. The criteria for approval are listed in California Code of Regulations, Title 16, Division 41, Article 3, § 4446. BPPE does not have a role in the Bureau's school approval process.

30. How many schools are approved by the Bureau? How often are approved schools reviewed? Can the Bureau remove its approval of a school?

The Bureau has approved two schools to provide pre-licensing and continuing education. The Bureau does not review schools once approved, but does review individual courses. The Bureau can remove school approval, although this would require a regulatory change, as educational providers are listed under California Code of Regulations, Title 16, division 41, Article 3, § 4446.

31. What are the Bureau's legal requirements regarding approval of international schools?

There is no specific statute or regulation that requires or prohibits the Bureau from approving international schools. To date, the Bureau has not received any applications from international schools seeking approval. Under California Code of Regulations § 4446 (a), in order for any school to be approved by the Bureau, they must be accredited by a regional accrediting organization recognized by the Council for Higher Education Accreditation.

Continuing Education/Competency Requirements

32. Describe the Bureau's continuing education/competency requirements, if any. Describe any changes made by the Bureau since the last review.

Licensees are required to obtain 15 hours of continuing education each renewal period including two hours in ethics for fiduciaries. No changes have been made to the Bureau's educational requirements since the Bureau's last sunset review.

a. How does the Bureau verify CE or other competency requirements?

Licensees self-certify, under penalty of perjury, that continuing education hours have been completed at the time of renewal. The Bureau conducts continuing education audits periodically to determine compliance. Per California Code of Regulations § 4452 (c), licensees are required to provide proof of continuing education course completion within 10 days of request by the Bureau.

b. Does the Bureau conduct CE audits of licensees? Describe the Bureau's policy on CE audits.

The Bureau conducts CE audits by selecting a random sample of approximately five percent of its active licensees for the audit. A letter is mailed to each licensee requesting proof of CE completion. Bureau staff reviews the responses for compliance and sends a letter of follow-up stating whether the licensee complied or if corrective action is needed.

c. What are consequences for failing a CE audit?

Licensees who cannot prove they have completed their CE are subject to administrative action such as a citation with an order of abatement, with or without a fine.

d. How many CE audits were conducted in the past four fiscal years? How many fails? What is the percentage of CE failure?

The Bureau has conducted two CE audits in the past four fiscal years, and is currently conducting a third audit. To date, seven licensees (or approximately 11% of the licensees included in the past two audits) have failed their CE audit as a result of the past two audits.

e. What is the Bureau's course approval policy?

Courses which meet the approved education requirements in California Code of Regulations § 4444 and are provided by or approved by an approved provider in California Code of Regulations § 4446 are acceptable. Additionally, the Bureau accepts course approval requests from providers that are not included in California Code of Regulations § 4446 and reviews them to ensure they meet the Bureau's educational standards.

f. Who approves CE providers? If the Bureau approves them, what is the Bureau's application review process?

The Bureau approves continuing education providers. Courses which meet the approved education requirements in California Code of Regulations § 4444 and are provided by or approved by an approved provider in California Code of Regulations § 4446 are acceptable. Additionally, the Bureau accepts course approval requests from providers that are not included in California Code of Regulations § 4446 and reviews them to ensure they meet the Bureau's educational standards. Applications are reviewed for compliance with California Code of Regulations Title 16, Division 41, Article 3.

g. How many applications for CE providers and CE courses were received? How many were approved?

The Bureau has not received any additional CE provider applications, but has received 29 applications for CE courses. All 29 applications have been reviewed by Bureau staff and approved

h. Does the Bureau audit CE providers? If so, describe the Bureau's policy and process.

The Bureau does not audit CE providers.

i. Describe the Bureau's effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensee's continuing competence.

The Bureau tasked the Advisory Committee with reviewing CE policies in 2013. A sub-committee was formed and it ultimately determined to keep the policy and regulations as they currently exist. The Bureau is considering whether to review the requirements again to determine if performance based assessments are appropriate.

Section 5 – Enforcement Program

33. What are the Bureau's performance targets/expectations for its enforcement program? Is the Bureau meeting those expectations? If not, what is the Bureau doing to improve performance?

The Bureau aims to assign complaints to an investigator within five days and close investigations within 365 days. The Bureau meets these performance targets by assigning complaints within four days, and closing investigations within 179 days on average over the last three fiscal years. For specific year breakdown per investigation type, please refer to Table 9A.

34. Explain trends in enforcement data and the Bureau's efforts to address any increase in volume, timeframes, ratio of closure to pending cases, or other challenges. What are the performance barriers? What improvement plans are in place? What has the Bureau done and what is the Bureau going to do to address these issues, i.e., process efficiencies, regulations, BCP, legislation?

The Bureau's enforcement efforts have generally stayed within recommended timelines since its inception. Enforcement slowed during Fiscal Year 2014/15 due to an increase in the number of complaints received. Once the backlog was identified, staff were redirected to aid the Bureau's enforcement team to significantly lower the backlog of complaints over the course of four months. To prevent future backlogs, the Bureau has modified its complaint intake process by implementing a requirement for staff to contact the complainant within 30 days of receipt of the complaint and established biweekly (every two weeks) complaint review meetings between enforcement staff and the Bureau Chief.

Table 9a. Enforcement Statistics			
	FY 2014/15	FY 2015/16	FY 2016/17
COMPLAINT			
Intake			
Received	148	137	120
Closed	6	2	1
Referred to INV	143	134	119
Average Time to Close	6	3	3
Pending (close of FY)	0	1	1
Source of Complaint			
Public	126	113	104
Licensee/Professional Groups	10	8	1
Governmental Agencies	4	4	4
Other	8	12	11
Conviction / Arrest			
CONV Received	0	0	0
CONV Closed	0	0	0
Average Time to Close	0	0	0
CONV Pending (close of FY)	0	0	0
LICENSE DENIAL			
License Applications Denied	0	0	0
SOIs Filed	0	0	0
SOIs Withdrawn	0	0	0
SOIs Dismissed	0	0	0
SOIs Declined	0	0	0
Average Days SOI	0	0	0
ACCUSATION			
Accusations Filed	2	2	2
Accusations Withdrawn	0	0	0
Accusations Dismissed	0	0	0
Accusations Declined	0	0	0
Average Days Accusations	0	0	0
Pending (close of FY)	2	1	2
DISCIPLINE			
Disciplinary Actions			

Proposed/Default Decisions	0	0	0
Stipulations	1	1	0
Average Days to Complete	438	296	0
AG Cases Initiated	6	2	4
AG Cases Pending (close of FY)	5	2	4
Disciplinary Outcomes			
Revocation	2	2	1
Voluntary Surrender	0	0	1
Suspension	0	0	0
Probation with Suspension[1]	0	0	0
Probation[2]	0	0	1
Probationary License Issued	3	1	3
Other	0	0	0
PROBATION			
New Probationers	3	1	3
Probations Successfully Completed	3	1	3
Probationers (close of FY)	0	0	0
Petitions to Revoke Probation	0	0	0
Probations Revoked	0	0	0
Probations Modified	0	0	0
Probations Extended	0	0	0
Probationers Subject to Drug Testing	0	0	0
Drug Tests Ordered	0	0	0
Positive Drug Tests	0	0	0
Petition for Reinstatement Granted	0	0	0
DIVERSION			
New Participants	0	0	0
Successful Completions	0	0	0
Participants (close of FY)	0	0	0
Terminations	0	0	0
Terminations for Public Threat	0	0	0
Drug Tests Ordered	0	0	0
Positive Drug Tests	0	0	0

Table 9b. Enforcement Statistics (continued)			
	FY 2014/15	FY 2015/16	FY 2016/17
INVESTIGATION			
All Investigations			
First Assigned	143	134	119
Closed	104	114	168
Average days to close	124	154	258
Pending (close of FY)	70	90	41
Desk Investigations			
Closed	8	13	4
Average days to close	164	60	154
Pending (close of FY)	2	2	0
Non-Sworn Investigation			
Closed	96	101	164
Average days to close	120	166	260
Pending (close of FY)	68	88	41
Sworn Investigation			
Closed	0	0	0
Average days to close	0	0	0
Pending (close of FY)	0	0	0
COMPLIANCE ACTION			
ISO & TRO Issued	0	0	0
PC 23 Orders Requested	0	0	0
Other Suspension Orders	0	0	0
Public Letter of Reprimand	1	0	0
Cease & Desist/Warning	0	0	0
Referred for Diversion	0	0	0
Compel Examination	0	0	0
CITATION AND FINE			
Citations Issued	7	7	4
Average Days to Complete	42	1	403
Amount of Fines Assessed	$1,000	$500	$4,000
Reduced, Withdrawn, Dismissed	5	6	0
Amount Collected	$1,000	$500	$2,000
CRIMINAL ACTION			
Referred for Criminal Prosecution	0	0	0

Table 10. Enforcement Aging						
	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17	Cases Closed	Average %
Attorney General Cases (Average %)						
Closed Within:						
0 - 1 Year			1			100%
1 - 2 Years						
2 - 3 Years						
3 - 4 Years						
Over 4 Years						
Total Attorney General Cases Closed	0	0	1	0	0	100%
Investigations (Average %)						
Closed Within:						
90 Days	60	49	61	70	310	55%
91 - 180 Days	24	31	12	20	87	16%
181 - 1 Year	11	19	25	29	84	15%
1 - 2 Years	4	4	16	37	61	11%
2 - 3 Years	0	1	0	10	11	2%
Over 3 Years	0	0	0	2	2	1%
Total Investigation Cases Closed	99	104	114	168	555	100%

35. What do overall statistics show as to increases or decreases in disciplinary action since last review?

The rate of disciplinary action taken by the Bureau has remained steady since its last sunset review.

36. How are cases prioritized? What is the Bureau's compliant prioritization policy? Is it different from DCA's *Complaint Prioritization Guidelines for Health Care Agencies* (August 31, 2009)? If so, explain why.

The Bureau's number one priority is protection of the public from negligent or incompetent licensees (Business and Professions Code § 6516). In prioritizing complaints, the Bureau gives highest priority to those complaints where there is the potential for immediate harm to the public by a licensee. The Bureau's complaint prioritization is consistent with the Department's *Complaint Prioritization Guidelines for Health Care Agencies*.

37. Are there mandatory reporting requirements? For example, requiring local officials or organizations, or other professionals to report violations, or for civil courts to report to the Bureau actions taken against a licensee. Are there problems with the Bureau receiving the required reports? If so, what could be done to correct the problems?

Licensees are required to report, within 15 business days, any information that is required to be reported on the annual statement (as specified in California Code of Regulations § 4542), including whether the licensee has been convicted of a crime; however, the Department of Justice provides the Bureau with subsequent arrest notifications on licensees. There are no problems receiving the required reports from the Department of Justice.

a. **What is the dollar threshold for settlement reports received by the Bureau?**

The Bureau does not receive settlement reports. Unlike some healing arts boards that require malpractice carriers and courts to report malpractice settlements and judgements over a certain dollar amount to the respective licensing board, there are no such requirements for the Bureau.

b. **What is the average dollar amount of settlements reported to the Bureau?**

Not applicable.

38. **Describe settlements the Bureau, and Office of the Attorney General on behalf of the Bureau, enter into with licensees.**

a. **What is the number of cases, pre-accusation, that the Bureau settled for the past four years, compared to the number that resulted in a hearing?**

During this time period, the Bureau had two pre-accusation letters of reprimand and a pre-accusation voluntary surrender of a license. Only one case has gone to hearing in the past four years.

b. **What is the number of cases, post-accusation, that the Bureau settled for the past four years, compared to the number that resulted in a hearing?**

The Bureau has settled six post-accusation cases and only one case resulted in a hearing.

c. **What is the overall percentage of cases for the past four years that have been settled rather than resulted in a hearing?**

Approximately 86 percent of the Bureau's cases have been settled without going to hearing.

39. **Does the Bureau operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases have been lost due to statute of limitations? If not, what is the Bureau's policy on statute of limitations?**

The Bureau does not operate with a statute of limitations.

40. **Describe the Bureau's efforts to address unlicensed activity and the underground economy.**

The Bureau takes unlicensed activity seriously but lacks sufficient authority to prevent unscrupulous individuals from practicing without a license. The Bureau can impose cite and fine authority up to $5,000 for unlicensed activity, though unlicensed individuals will most likely ignore the citation. The Bureau uses outreach events to educate consumers and industry groups about unlicensed activity and discusses unlicensed activity in the Bureau's e-newsletter.

Cite and Fine

41. Discuss the extent to which the Bureau has used its cite and fine authority. Discuss any changes from last review and describe the last time regulations were updated and any changes that were made. Has the Bureau increased its maximum fines to the $5,000 statutory limit?

Yes, the Bureau has increased its current maximum fine to $5,000 for each violation, pursuant to California Code of Regulations § 4602.

42. How is cite and fine used? What types of violations are the basis for citation and fine?

The Bureau has used its cite and fine authority to address problems related to unlicensed activity, working with an expired license, failure to comply with continuing education requirements, and failure to report matters to the Probate Court or the Bureau.

43. How many informal office conferences, Disciplinary Review Committees reviews and/or Administrative Procedure Act appeals of a citation or fine in the last 4 fiscal years?

The Bureau has held nine informal office conferences and no Administrative Procedure Act appeals in the last four years. The Bureau does not have a Disciplinary Review Committee.

44. What are the 5 most common violations for which citations are issued?

The five most common citations are issued for unlicensed practice, reporting violations, unprofessional conduct, failure to produce records upon request by the Bureau, and charging clients for responding to complaints filed with the Bureau.

45. What is average fine pre- and post- appeal?

The Bureau fines $500 to $5,000 depending upon the violation, averaging $1,000. In the last four years, the Bureau has not reduced a citation fine on any citations that were appealed.

46. Describe the Bureau's use of Franchise Tax Bureau intercepts to collect outstanding fines. At this time, the Bureau does not use the Franchise Tax Bureau intercepts program to collect outstanding fines.

Cost Recovery and Restitution

47. Describe the Bureau's efforts to obtain cost recovery. Discuss any changes from the last review.

In each case where an accusation is filed, the Bureau requests the court to allow cost recovery of reasonable investigation costs pursuant to BPC §125.3. There have been no changes to the Bureau's cost recovery policy since its last sunset review.

48. How many and how much is ordered by the Bureau for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.

The Bureau was awarded approximately $48,188 in cost recovery from four individuals. To date, the Bureau has collected $1,250 and anticipates being able to collect $3,750 by February 2018

from one individual. The Bureau does not anticipate being able to collect the remaining $43,188 from the other three individuals as one has died, and the other two are unlikely to petition to reinstate their licenses.

49. Are there cases for which the Bureau does not seek cost recovery? Why?

The Bureau does not seek cost recovery for cases that do not go through the Attorney General's (AG) office, because there are cost savings by entering into a settlement.

50. Describe the Bureau's use of Franchise Tax Bureau intercepts to collect cost recovery.

Due to the types of cases and structure of the Bureau, the Bureau does not use intercepts to collect cost recovery.

51. Describe the Bureau's efforts to obtain restitution for individual consumers, any formal or informal Bureau restitution policy, and the types of restitution that the Bureau attempts to collect, i.e., monetary, services, etc. Describe the situation in which the Bureau may seek restitution from the licensee to a harmed consumer.

The Bureau is not authorized to obtain restitution for consumers.

Table 11. Cost Recovery (list dollars in thousands)

	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17
Total Enforcement Expenditures				
Potential Cases for Recovery *				
Cases Recovery Ordered				1
Amount of Cost Recovery Ordered				$3,750
Amount Collected				

* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act.

Table 12. Restitution (list dollars in thousands)

	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17
Amount Ordered	N/A	N/A	N/A	N/A
Amount Collected	N/A	N/A	N/A	N/A

Section 6 – Public Information Policies

52. How does the Bureau use the internet to keep the public informed of Bureau activities? Does the Bureau post meeting materials online? When are they posted? How long do they remain on the Bureau's website? When are draft meeting minutes posted online? When does the Bureau post final meeting minutes? How long do meeting minutes remain available online?

All meetings and announcements are posted on the Bureau's website and a notice is electronically mailed to an interested parties list. The Bureau also has Facebook and Twitter accounts and posts updates on these social media platforms on a regular basis. Advisory

Committee meeting agendas are posted at least ten days prior to any meetings and meeting materials are posted as soon as possible prior to the meeting. Draft meeting minutes are not posted to the Bureau's website, however finalized meeting minutes are posted after they have been approved by the Advisory Committee members by roll call vote. Meeting minutes and meeting materials remain on the Bureau's website indefinitely.

53. Does the Bureau webcast its meetings? What is the Bureau's plan to webcast future Bureau and committee meetings? How long do webcast meetings remain available online?

The Bureau webcasts all meetings, provided that webcasting is available at the site the meeting is being held. Additionally, the Bureau offers two teleconference locations which are accessible to the public and are Americans with Disabilities Act (ADA) compliant. Webcasts are uploaded to www.youtube.com and linked to the Bureau's website. These webcasts are available indefinitely.

54. Does the Bureau establish an annual meeting calendar, and post it on the Bureau's web site?

Yes.

55. Is the Bureau's complaint disclosure policy consistent with DCA's *Recommended Minimum Standards for Consumer Complaint Disclosure*? Does the Bureau post accusations and disciplinary actions consistent with DCA's *Web Site Posting of Accusations and Disciplinary Actions* (May 21, 2010)?

The Bureau's complaint disclosure policy is consistent with the Department's *Recommended Minimum Standards for Consumer Complaint Disclosure*. Accusations and disciplinary actions are posted on the Bureau's website, consistent with the Department's *Web Site Posting of Accusations and Disciplinary Actions.*

56. What information does the Bureau provide to the public regarding its licensees (i.e., education completed, awards, certificates, certification, specialty areas, disciplinary action, etc.)?

The Bureau posts the following information on its license verification webpage: license number; license issue and expiration dates; address of record; disciplinary actions; citations; public record documents; total client assets under the licensee's management; reported bankruptcy in the last ten years; and, case removals by the court.

57. What methods are used by the Bureau to provide consumer outreach and education?

The Bureau provides consumer and licensee information on its website and through electronic mail notifications. Bureau staff also attend local outreach events for the elderly in coordination with the Contractor's State License Board, local district attorney offices, and legislative representatives. For example, the Bureau participated in senior scam stopper and financial literacy events attended by numerous legislative members in 2016.

Section 7 –
Online Practice Issues

58. Discuss the prevalence of online practice and whether there are issues with unlicensed activity. How does the Bureau regulate online practice? Does the Bureau have any plans to regulate internet business practices or believe there is a need to do so?

The Bureau has not had any incidents of online practice by its licensees nor has it uncovered any online unlicensed activity. Currently, the Bureau has no plans to regulate the internet business practices of its licensees. The day-to-day professional activities of a fiduciary require appearances in court, personal contact with clients, and personal contact with other persons or entities.

Section 8 –
Workforce Development and Job Creation

59. What actions has the Bureau taken in terms of workforce development?

The Bureau acknowledges that promoting workforce development ensures a qualified licensing population is available to serve California's public. The Bureau provides website links to universities that provide coursework in fiduciary practice (California State University, Fullerton and University California, Riverside) and disseminates brochures about licensure and the profession to community colleges. The Bureau also attends several outreach events throughout the year and presents workshops at the Professional Fiduciaries Association of California's annual conference for CE credit. The Bureau and its Advisory Committee are currently exploring new ways to promote the Bureau and highlight the profession.

60. Describe any assessment the Bureau has conducted on the impact of licensing delays.

The Bureau has not assessed the impact of licensing delays on workforce development. The Bureau typically does not experience licensing delays.

61. Describe the Bureau's efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.

The Bureau has an existing relationship with California State University Fullerton and University of California Riverside which provide a fiduciary management program for pre-licensure and continuing education requirements. Both schools are familiar with the Bureau's licensing requirements. The Bureau has provided licensing brochures to community colleges in hopes of highlighting the profession for career development.

62. Describe any barriers to licensure and/or employment the Bureau believes exist.

BPC § 6533(f)(3) requires an applicant who does not hold an associate's degree or higher, to have at least five years of experience prior to July 1, 2012, to qualify for licensure. This requirement was established to grandfather in existing practitioners when the Bureau was originally formed. However, this requirement effectively prevents new individuals without a traditional associate or bachelor's degree from being licensed as a fiduciary. The Bureau believes that having experience working in the field is the most valuable training a fiduciary can receive,

and that it may be beneficial to have this date removed so that persons can enter the profession, provided they complete five years of experience and meet other requirements.

63. Provide any workforce development data collected by the Bureau, such as:

a. Workforce shortages. N/A

b. Successful training programs. N/A

Section 9 – Current Issues

64. What is the status of the Bureau's implementation of the Uniform Standards for Substance Abusing Licensees?

The Bureau is not a healing arts program and therefore is not included in this initiative.

65. What is the status of the Bureau's implementation of the Consumer Protection Enforcement Initiative (CPEI) regulations?

Because the Bureau is not a healing arts program, the regulatory changes mandated by CPEI do not apply. However, the Bureau strives to meet the Department's enforcement goals of 12 to 18 months.

66. Describe how the Bureau is participating in development of BreEZe and any other secondary IT issues affecting the Bureau.

a. Is the Bureau utilizing BreEZe? What Release was the Bureau included in? What is the status of the Bureau's change requests?

The Bureau is not currently utilizing BreEZe. The Bureau was scheduled to participate in Release 3. Prior to any future IT upgrades, the Bureau and the Department will conduct a formal cost-benefit analysis as required by the California Department of Technology. This process will identify the IT solution that best meets the needs of the Bureau. The Department's IT Office has historically handled the Bureau's change requests to its legacy systems in a timely manner.

b. If the Bureau is not utilizing BreEZe, what is the Bureau's plan for future IT needs? What discussions has the Bureau had with DCA about IT needs and options? What is the Bureau's understanding of Release 3 boards? Is the Bureau currently using a bridge or workaround system?

In anticipation of upgrading to BreEZe or another licensing and enforcement tracking system, Bureau staff partnered with Department staff to prepare a detailed process map (see Attachment F). This mapping exercise was intended to identify the processes staff undertake in performing the Bureau's licensing and enforcement functions, and to ensure that any future IT improvements will meet the unique needs of the Bureau. The Bureau currently uses Consumer Affairs System and Applicant Tracking System to track applications, licenses, and complaints; despite the limitations of these older programs, they meet the Bureau's basic IT needs. Also, see response to question 66.a.

Section 10 –
Bureau Action and Response to Prior Sunset Issues

The Bureau was last reviewed by the Senate Business, Professions and Economic Development Committee in 2014. At that time, the Committee identified five issues. Below, the Bureau will provide an update for each issue.

ISSUE #1: Long term fund condition.

Background:
There is no mandated reserve fund level for the Bureau; however, the Department's Budget Office has historically recommended that smaller programs maintain a contingency fund slightly above the standard three to six months of reserve. Maintaining an adequate reserve of at least six months provides for a reasonable contingency fund so that the Bureau has the fiscal resources to absorb any unforeseen costs, such as costly enforcement actions or other unexpected client service costs. The Bureau anticipates it has approximately 9.4 months in reserve for FY 2012/13, increasing to 12.9 months in FY 2013/14, and 18.5 months in FY 2014/15. While this is within statutory limits, it is three times the recommended reserve.

Committee Recommendation:
The Bureau should consider reducing fees sufficient to avoid accumulating a 24 month reserve if it cannot get budget authority to hire additional staff.

PFB's Action in Response to the Recommendation:
The Bureau received budget authority in Fiscal Year 2014/15 for an additional analyst to assist with enforcement. As a result, the Bureau will not be accumulating a 24-month reserve. The Bureau is not considering lowering or raising fees at this time. Please refer to Table 5 for additional budget change proposal information.

ISSUE #2: Should the Bureau establish targets for attracting new licensees?

Background:
The Bureau currently has 638 active licensees, a substantially smaller figure than the 1,300 that were anticipated at its inception. The Bureau is aware that it needs to attract more licensees, and in response, it redesigned its website for potential applicants, provided a newsletter providing updates, and created various brochures. In addition, Advisory committee members have agreed to speak on behalf of the Bureau at events within their geographical area, using an outreach presentation developed by the Bureau.

The Bureau has worked with the University of California at Berkeley's Extension Program to assist in developing a curriculum for a Fiduciary Certificate Program to attract students to the industry. This program begins in spring of 2014. The Bureau has also communicated with the California State University at Fullerton and the University of California at Riverside regarding their fiduciary student populations.

The Bureau's 2014-2016 Strategic Plan places Licensure as Goal 1, and prioritizes partnering with other government agencies, professional associations, and advocacy organizations to educate about PF licensing requirements.

Committee Recommendation:
The Bureau should brief the Committees on the potential pool of PFs and provide reasonable yearly targets for attracting new licensees.

PFB's Action in Response to the Recommendation:
Since the Bureau's last sunset review in 2014, the number of active licensees has increased from 638 to 734, an overall increase of approximately 15 percent. To attract new licensees, the Bureau continues to participate in outreach activities, partnering with other Department programs such as the Contractors State License Board. The Bureau also plans to address this issue in its upcoming strategic plan.

ISSUE #4: What is the status of BReEZe implementation by the Bureau?

Background:
The BreEZe Project will provide Department boards, bureaus, and committees with a new enterprise-wide electronic enforcement and licensing system. BreEZe will replace the existing outdated legacy systems and "work arounds" with an integrated solution based on updated technology.

BreEZe will provide all Department organizations with a solution for all applicant tracking, licensing, renewal, enforcement, monitoring, cashiering, and data management capabilities. In addition to meeting these core Department business requirements, BreEZe will improve the Department's service to the public and connect all license types for an individual licensee. BreEZe will be web-enabled, allowing licensees to complete applications, renewals, and process payments through the Internet. The public will also be able to file complaints, access complaint status, and check licensee information. BreEZe represents an important opportunity to improve the Bureau's operations to include electronic payments and expedite processing. Staff from numerous Department boards and bureaus have actively participated with the BreEZe Project. Due to increased costs in the BreEZe Project, SB 543 (Steinberg, Chapter 448, Statutes of 2011) was amended to authorize the Department of Finance to augment the budgets of boards, bureaus and other entities that comprise the Department for expenditure of non-General Fund moneys to pay BreEZe project costs.

Committee Recommendation:
The Bureau should update the Committees about the current status of its implementation of BreEZe. What have been the challenges to implementing this new system? Do you expect to encounter any service or enforcement delays as a result of the roll-out? Has the project imposed any unexpected costs on the Bureau?

PFB's Action in Response to the Recommendation:
The Bureau has not implemented BreEZe. The Bureau is currently examining its options for updating its IT system, whether it is BreEZe, another IT system, or remaining on its current IT system. The Bureau seeks to have an IT system that will make the application and renewal process simpler for licensees, allow individuals to pay fees online, be user-friendly for staff and adaptable to the Bureau's operations, and most importantly, fit within the Bureau's existing resources. To this end, the Bureau, with the help of Department staff, has prepared a detailed process map to identify the processes staff undertake in performing the Bureau's licensing and enforcement functions, and to ensure that any future IT improvements will meet the unique needs of the Bureau. The process map can be found in Attachment F.

ISSUE #5: If the licensee population does not rise in the next few years, is the Bureau sustainable as an independent regulatory agency?

Background:
The original estimated licensee population of 1,300 has not been met since the Bureau's inception in 2007. The current licensee population, 638, is one of the smallest in the Department. Because of this, the renewal fee, $700, is among the highest. Stakeholders note that the high cost of licensing may be a deterrent to prospective PFs.

The Bureau receives approximately 100 complaints per year and assigns the majority of them to a desk investigation, which takes nearly six months to close.

The Bureau's administration relies on a part-time Chief and one full time Staff Services Analyst, hampering additional recruitment and enforcement efforts. Although the Bureau's fund has ample reserves, its Budget Change Proposal requests for additional staff have been rejected by the Business, Consumer Services, and Housing Agency (Agency) for the past two years. Previous discussions to merge the Bureau with the California Board of Accountancy to optimize resources were rejected by BPED in 2009.

Committee Recommendation:
The Legislature should initiate discussions with the Bureau and Agency to discuss whether to maintain the Bureau independently if its current staffing and licensing levels do not change.

PFB's Action in Response to the Recommendation:
Yes, the Bureau is sustainable as an independent regulatory agency. The Bureau is a small licensing agency; however, it maintains good licensing and enforcement timeframes and operates within its limited budget allocations.

ISSUE #6: Should the licensing and regulation of PFs be continued and be regulated by the existing Bureau membership?

Background:
The health, safety and welfare of consumers are protected by the presence of a strong licensing and regulatory Bureau with oversight over PFs.
The Bureau should be continued with a 4-year extension of its sunset date so that the Legislature may once again review whether the issues and recommendations in this Background Paper have been addressed.

Committee Recommendation:
Recommend that the licensing and regulation of PFs continue to be regulated by the Bureau in order to protect the interests of the public, and be reviewed again in four years.

PFB's Action in Response to the Recommendation:
Yes. Professional fiduciaries make personal and financial decisions on behalf of the most vulnerable - the elderly, persons with disabilities, and minors. The Bureau serves to ensure professional fiduciaries meet certain standards and provides recourse to the public when they are exploited by unprofessional conduct. The continued licensure and regulation of the professional fiduciary industry is essential to continued consumer protection.

Section 11 – New Issues

The Bureau has not identified any new issues to include in this Report.

Attachments

A. Bureau's Policy and Procedures Manual
B. Current organizational chart showing relationship of committees to the Bureau and membership of each committee (cf., Section 1, Question 1)
C. Licensee survey
D. Year-end organization charts for last four fiscal years
E. Performance Measure Reports and Performance Based Budgeting Report
F. Bureau's Business Process Maps

Attachment A

Bureau’s Policy and Procedures Manual

Professional Fiduciaries Bureau Procedures Manual

Department of Consumer Affairs (DCA)
10/07/2013

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Professional Fiduciaries Bureau: Procedures Manual

About the Professional Fiduciaries Bureau

The Professional Fiduciaries Bureau was created by legislation that passed and was enacted into law in 2007 to regulate non-family member professional fiduciaries, including conservators,

guardians, trustees, and agents under durable power of attorney as defined by the Professional Fiduciaries Act.

Professional fiduciaries provide critical services to seniors, disabled persons, and children. They manage matters for clients including daily care; housing and medical needs; and also offer financial management services ranging from basic bill paying to estate and investment management. Requirements for licensing include passing an examination and completing thirty (30) hours of approved education courses (See Pre-Licensing Education Information, California Code of Regulations 4440 and 4446. Fifteen (15) hours of continuing education credit are required each year for renewal licenses. Licensees must comply with reporting requirements and must abide by the Professional Fiduciaries Code of Ethics so that client matters are handled responsibly and without conflict.

The following individuals are required to obtain a license as a Professional Fiduciary in California, as defined in the Professional Fiduciaries Act (Act).

- Conservators / Guardians:
  A person who acts as a conservator or guardian, for two or more persons at the same time who are not related to the professional fiduciary or to each other by blood, adoption, marriage, or registered domestic partnership.
- Trustees / Agent Under a Durable Power of Attorney:
  A person who acts as a trustee, agent under a durable power of attorney for health care, or agent under a durable power of attorney for finances, for more than three people or more than three families, or a combination of people and families that totals more than three, at the same time, who are not related to the professional fiduciary by blood, adoption, marriage, or registered domestic partnership.
- "Trustee" includes an individual who is acting as a trustee or an individual acting on behalf of an entity to perform the functions of a trustee, for a trust that includes at least one individual beneficiary, and, they are acting on behalf of more than three trustors whom are not related to them.

The following individuals are not required to obtain a license, as defined in the Act:

- A Trust Company or Employee: A trust company, as defined in Section 83 of the Probate Code, or one of its employees or agents acting within the course and scope of employment.
- An FDIC-Insured Institution or Employee or Agent: An FDIC-insured institution, or its holding companies, subsidiaries, or affiliates, or an employee or agent of one of these entities acting within the course and scope of employment. An affiliate means any entity that shares an ownership interest with, or that is under the common control of, the FDIC-insured institution.
- A Public Agency or an employee of a public agency: Any public agency, including a public guardian, public conservator, or other agency of the State of California or of a county of California or any regional center for persons with developmental disabilities as defined in Welfare & Institutions Code section 4620.
- A Broker-Dealer and Investment Advisor: Any person whose sole activity as a professional fiduciary is as a broker-dealer, broker-dealer agent, investment advisor, or

investment adviser representative registered and regulated under the Corporate Securities Law of 1968, the Investment Advisers Act of 1940, or the Securities Exchange Act of 1934, or involves serving as a trustee to a company regulated by the Securities and Exchange Commission under the Investment Company Act of 1940.

- Attorney: Any person licensed as an attorney under the California State Bar Act.
- Certified Public Accountant (CPA): Any person licensed as a CPA pursuant to Chapter 1 (commencing with Section 5000 of the Business and Professions Code) of Division 3 acting within the scope of practice of the CPA license.
- Enrolled Agent: Any person enrolled as an agent to practice before the Internal Revenue Service acting within the scope of practice pursuant to Part 10 of Title 31 of the Code of Federal Regulations. (See Business & Professions Code Sections 6501 and 6530 and Section 4406(e) of Article 1 of Division 41 of Title 16 of the California Code of Regulations).
- Any nonprofit corporation or charitable trust described in Internal Revenue Code section 501(c)(3).

Strategic Plan

Mission, Vision, and Values

MISSION:

- To protect the consumer through licensing and monitoring, and to ensure competent and ethical standards of practice for professional fiduciaries.

VISION:

- To maintain and enhance the physical, emotional, and financial well-being of consumers by promoting the highest professional fiduciary standards.

VALUES:

- Integrity and Ethics – We are honest, fair, and respectful in our treatment of everyone.
- Accountability – We are accountable to consumers and licensees. We operate transparently and encourage public participation in our decision-making whenever possible.
- Effectiveness – We make informed decisions in order to achieve positive, measurable results.
- Customer Service – We identify the best ways to deliver high-quality services with the most efficient use of our resources.

Goal 1: Licensure

- Increase the number of licensees by reaching out to other professions with relatable experience (i.e. social workers, gerontology, etc.).
- Partner with other government entities to increase licensure.

- Research the feasibility of creating an entry level license type for trainees, and develop the program if viable.

Goal 2: Enforcement

- Establish the Bureau's Cite and Fine program.
- Actively seek out unlicensed activity in partnership with the Department's Unlicensed Activities Unit.
- Leverage enforcement activity with Division of Investigation.
- Attend underground economy task force meetings and partner with Economic Employment Enforcement Coalition (EEEC).
- Post formal disciplinary accusations against licensed professionals on the bureaus' website. (Formal accusations are drafted by the Office of the Attorney General and issued by the Bureau only after significant wrong doing has been established through investigation.)
- Participate in the Department's Consumer Satisfaction survey on closed complaints.

Goal 3: Communication and Education

- Educate consumers and provide license information to professionals (online FAQ's for licensing information and Professional Fiduciaries Bureau forms).
- Seek out media opportunities.
- Develop Professional Fiduciaries Bureau publications in multiple foreign languages.
- Work with the Department's Publications Design unit to develop new publications.
- Partner with CIC and Outreach to increase the dissemination of PFB messages and publications.
- Develop PSA's and forums for the Senior Legislature.
- Partner with the State Bar's Trust and Estate section to increase outreach.
- Attend local Professional Fiduciary Association of California PFAC and California Association Superior Court Investigators meetings and their Annual conference for training purposes.
- Establish Outreach and communication to judges through the Administrative Office of the Courts (AOC).
- Gather and disseminate examples of industry best practices.
- Gather and disseminate victims' accounts of consumer fraud and abuse.
- Clarify the license renewal process.

Goal 4: Regulation and Legislation

- Seek Legislation to require licensure for all types of Durable Power of Attorney and Estate Administration not currently covered under present statutes.
- Develop Cite and Fine regulations.
- Develop advertising regulations requiring the inclusion of a licensee's professional fiduciary license number.
- Seek ways to streamline the license process through legislation.

Strategic Plan adopted 9/27/2010
Strategic Plan scheduled for review and adoption 11/19/2013

Licensure

Initial Licensing Processing without Screen Shots

PFB Regulation Article 2 Section 4424(a) allows the bureau within 90 days of receipt of an application to inform the applicant in writing that either, 1) the application is both complete and accepted for filing; or 2) the application is deficient and the specific information or documentation needed to complete the application

I. Central Cashiering Unit (CCU) receives the application, date stamps it, creates a record
in Applicant Tracking System (ATS), and assigns a tracking number.

II. PFB receives application and date stamps it, creates applicant folder, and matches with the applicants' fingerprint results.

III. PFB reviews application for completeness as per regulations in Article 2, Section 4422, and fulfills the requirements in ATS.

1. If application is complete, PFB generates an exam eligibility letter in ATS* and mails to applicant. The letter explains to the applicant how to apply with the Center for Guardianship Certification (CGC) before registering for the exam. ***Go to IV***

2. If application is **NOT** complete, but deficient due to:
   a. Fingerprinting:
      - Delayed or rejected: PFB generates deficiency letter in ATS* and mails to the applicant. When clearance is received, ***go back to III.1.***

   b. Applicant has a record:
      - PFB generates a letter* requesting court documents and explanation of the conviction. When documents are received, PFB analyst creates a recommendation to the Bureau Chief for review. If the Bureau Chief approves the application, ***go back to III.1.***
      - If the Bureau Chief denies the application, PFB generates a denial letter* and mails to the applicant. ***Go to Denial Procedures.***

   c. Education/Experience, Pre-Licensing Education, or if answers to any of the questions are yes:
      - PFB generates a deficiency letter requesting additional information or explanation if applicable in ATS* and mails to the applicant. When the information is received and if requirements are satisfied, ***go back to III.1.***

- When the information is received, but if requirements are **NOT** satisfied, create a recommendation to the Bureau Chief for review. If the Bureau Chief approves application, ***go back to III.1.***
- If the Bureau Chief denies application, PFB generates a denial letter* and mails to the applicant. ***Go to Denial Procedures.***

**Note: Refer to ATS procedures starting on page 10 of this manual.*

IV. Once the applicant has applied and paid for an exam fee directly to CGC, CGC notifies PFB with a spreadsheet via email.

1. PFB fulfills the exam requirement in ATS*, and the information is sent electronically to the vendor who administers the exam, Psychological Services, LLC (PSI).

   ****PFB Regulation Article 5, Section 4500 allows the applicant twelve (12) months from the date on the notification letter to achieve a passing score, with a maximum of 5 attempts, not to exceed one attempt every 30 days.***

2. PSI mails a PFB candidate handbook to the applicant to inform the applicant that he/she is eligible to register to take the exam once the applicant has paid a fee to sit for the exam directly to PSI.

3. After the applicant sits for the exam, PSI sends the exam result to PFB electronically through the ATS system. PFB verifies the applicant's results through the report system on ATS*, and enters the applicant's number on the PSI website to obtain the applicant's pass or fail results for one or both portions of the exam.

   a. The applicant passes the exam: PFB generates a license fee due letter in ATS* and mails to the applicant.

      *PFB Regulation Article 2, Section 4426(b) allows the applicant twelve (12) months from the date of the license fee due letter to pay the initial license fee or the application will be deemed abandoned.

   b. The Applicant fails one or both portions of the exam. PFB generates exam fail letter in ATS* and mails to the applicant. The letter explains that the applicant must to contact CGC to apply to re-take the exam and the exam process starts over with a new payment to CGC and PSI for each re-take for up to 5 exam tries in the 12 month eligibility period.

V. CCU receives initial licensing fee, processes it in ATS and forwards the processed initial licensing application to PFB. PFB fulfills the requirement in ATS* and transfers the information from ATS to the Consumer Affairs System (CAS). The next

day the new license number shows up on CAS and Web License Look-up (WLL), and CAS transmits electronically to the Employment Development Department (EDD) to create and mail the Wall and Pocket licenses to the **Licensee**.

**Note: Please refer to ATS procedures beginning on page 10 of this manual.*

VI. Add Initial Annual Statement to CAS.

1. Access Fiduciary's Statement(s)

   a.) Log onto CAS, and at CAS Startup menu:
      1. Enter (1) for selected code to access the Licensing Module, then press <Enter>.
      2. At the licensing screen, enter 313 to select Update Fiduciary Data, then press <Enter>.
      3. At the next screen, the cursor should be blinking on the line directly underneath the column entitled NUMBER. Type the license number there and press <ENTER>.
      4. Underneath the column entitled NAME, the fiduciary's name should be first on the list. Place an S on the line directly underneath the *Ac column next to the fiduciary being selected and press <Enter>.
      5. The fiduciary's statement reports appear on the next screen. Place an "S" on the line next to the statement year that you need to update.

Note: Initial Annual Statement procedure applies only to new licensees. For directions on adding Annual Statements for license renewals, please refer to the directions for License Renewals.

When entering Initial Annual Statements, ensure the fiduciary has provided all cases (open and closed) he or she has ever been responsible for, whether before or after the inception of the Professional Fiduciaries Bureau.

2. Add a New Court-Appointed Case.

   a.) Follow steps 1-5 <u>under Access Fiduciary's Statements.</u>
      1. Place an "A" on the line entitled ***Ac** and press <ENTER>. The Fiduciary Account screen appears.
      2. Enter the following data fields:
      - Case number. If there is no case number, enter, "NONE."
      - Annual report date = Date the report is due (MM/DD/YYYY).

- Case type = T, G, C, P. (If it is something other than these four, write it on the other line, e.g., PR for Personal Representative.)
- Court Appointed? = Y (If not court appointed leave blank)
- Appointed Date (MM/DD/YYYY)
- Rptd = Date fiduciary signed the Annual Statement (MM/DD/YYYY).
- Case Name. Abbreviate if necessary.
- Court Location = Enter the county or city only.

3. Press <Enter> to submit. You will receive a CAS message that indicates the case was entered successfully.
4. Return to the screen that displays the fiduciary's cases and repeat until all new court-appointed cases have been entered.

3. Add a New Non-Court Case – Other Clients

The steps to add a new non-court case are almost the same as those listed above except for the possible differences listed below:

a.) If there is no case number provided, type NONE.
b.) At the data field question, **Court Appointed?**, leave the field blank.
c.) At the data field, **Appointed Date**, type in the appointed date, which is the date the fiduciary accepted or opened the non-court case.

4. Add a Case That Was Opened and Closed Prior to the Fiduciary Having Applied for Licensure.

a.) Follow steps 1-5 under Access Fiduciary's Statements.

1. Place an "A" on the line entitled ***Ac** and press <ENTER>. The Fiduciary Account screen appears.
2. Enter the following data fields:

- Case number. If there is no case number, enter, "NONE."
- Annual report date = Date the report is due (MM/DD/YYYY).
- Case type = T, G, C, P. (If it is something other than these four, write it on the other line, e.g., PR for Personal Representative.)
- Court Appointed? = Y (if not court appointed leave blank).
- Appointed Date (MM/DD/YYYY) (if date is reported).
- Rptd = Date the fiduciary signed the Annual Statement (MM/DD/YYYY).
- Case Name. Abbreviate if necessary.
- Court Location. Enter the county or city only.

3. Tab down to the **End Date** field to enter the closed date.
4. Tab to Rptd to enter the date the Fiduciary signed the statement.
5. Press <Enter> to submit. This case will not roll over to the next annual statement.

VII. Close an Initial Annual Statement

After all client cases have been entered in the Annual Statement:

1. Select F2.
2. On the Annual Reports screen that appears, type "M" on the line next to the statement year that you want to close.
3. Enter the following data in the following data fields:
   - Compl? = Enter "Y" for "Yes."
   - Fid Type?= C,G,T,P, or Other (as reported in Part 1. of the statement).
   - Total Client Assets? = Enter the total dollar amount of assets the fiduciary manages (as reported in Part 3. of the statement).
   - Filed Bankruptcy? = Enter "Y" for "Yes" if the licensee has filed bankruptcy in the last 10 years. Leave blank if the licensee has not filed bankruptcy. (As reported in Part 4., Section 2 of the statement or initial application).
   - Business Address = Address of Record or Business Address (as reported in Part 1. of the statement).
   - Fax Number (as reported in Part 1 of the statement).
4. Look at the Initial Application and Initial Annual Statement for the following:
   - Other License type (Initial application Part 2., Initial annual statement Part 2.).
   - Pre-Licensing Education (Initial application Part 4.).
   - Education (Initial application Part 5.).
   - Experience (Initial application Part 5.).
   - References (Initial application Part 5.).
   - Business Interests (Initial annual statement Part 4., Section 1.).
   - Bankruptcy (Initial application Part 3., Initial annual statement Part 4, Section 2.).
5. Press <Enter>. The Statement should now read, "Statement complete."

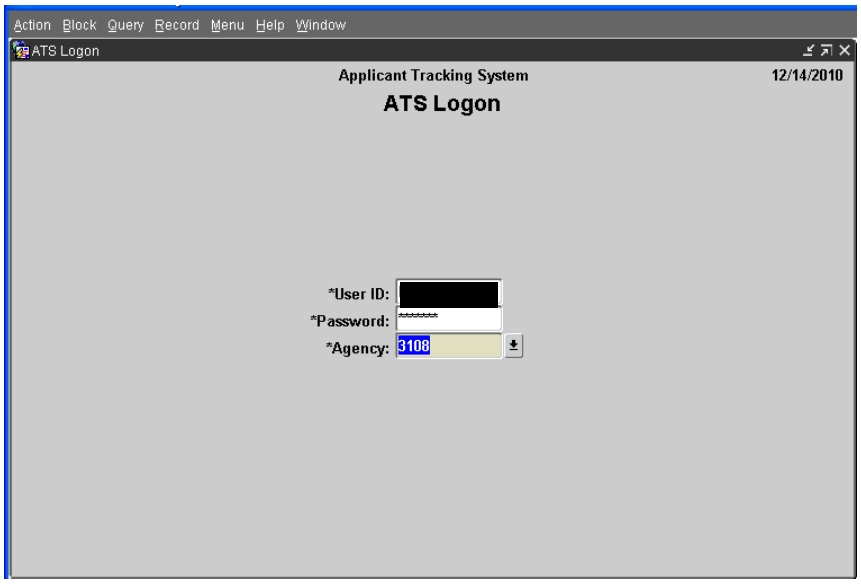
VIII. File the Annual Statement

1. Place an "X" on the colored post-it tab that contains the Annual Statement date.
2. Place the tab on page 1 of the Annual Statement.
3. Place the statement in the file.

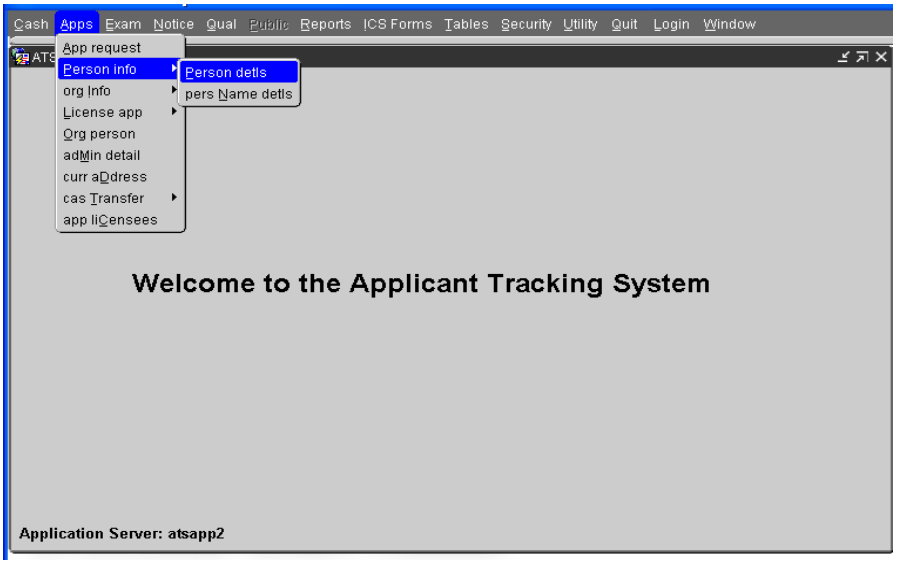
Initial Licensing Processing with Screen Shots

*PFB Regulation Article 2, Section 4424(a) allows the bureau within 90 days of receipt of an application to inform the applicant in writing that either: 1) the application is both complete and accepted for filing; or 2) the application is deficient and the specific information or documentation needed to complete the application.

I. Access the ATS system here: http://atsapp3.dca.ca.gov:7777/forms/frmservlet?
   1. Enter ATS User ID, Password, and Agency ID (3108 for PFB).

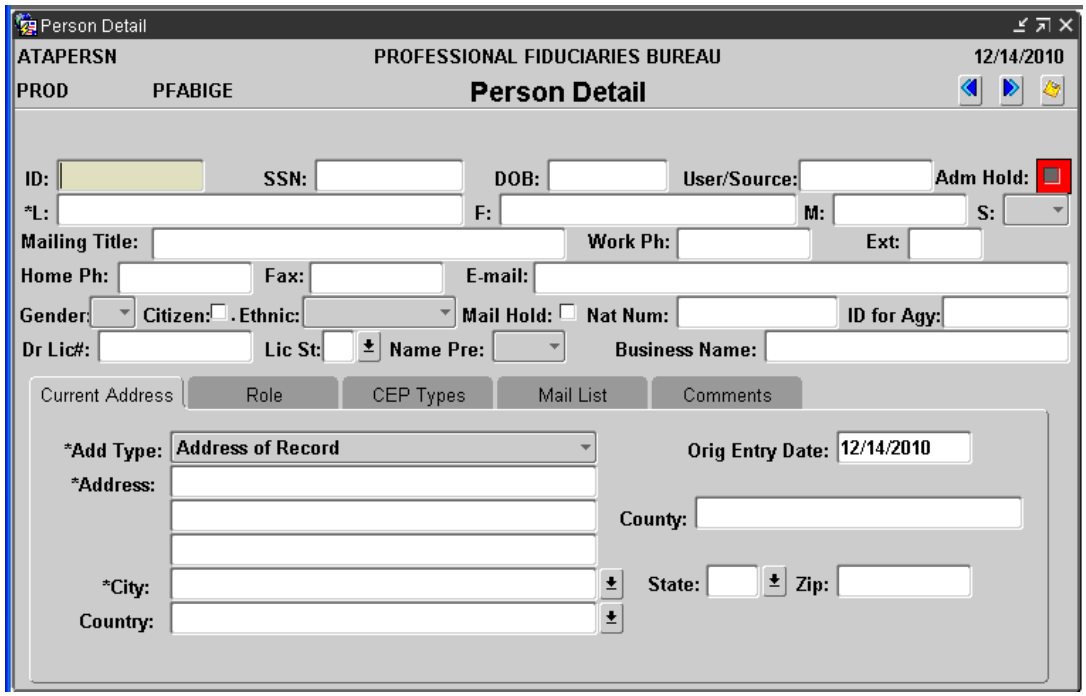


a. Click on **Apps Menu**, select **Personal Info**, then **Person Details**.



II. **Person Detail** information:

1. Hit F11
2. Enter ATS ID, then **Ctrl Key** + **F11**. If data entered by Cashiering does not auto-fill, then manually enter the following:
    a. SSN
    b. DOB
    c. Last name
    d. First name
    e. Middle Name
    f. Work number
    g. Home number (optional)
    h. Fax number (optional)
    i. E-mail address (optional)
    j. Gender (optional)
3. Hit Shift + Page Down to move to second block.
4. Enter Address of Record from application.
   Use "↓" key to get to "*Add Type" to switch to Business Address.
5. In second block, enter business address information from application, then hit **Ctrl + S** to save.



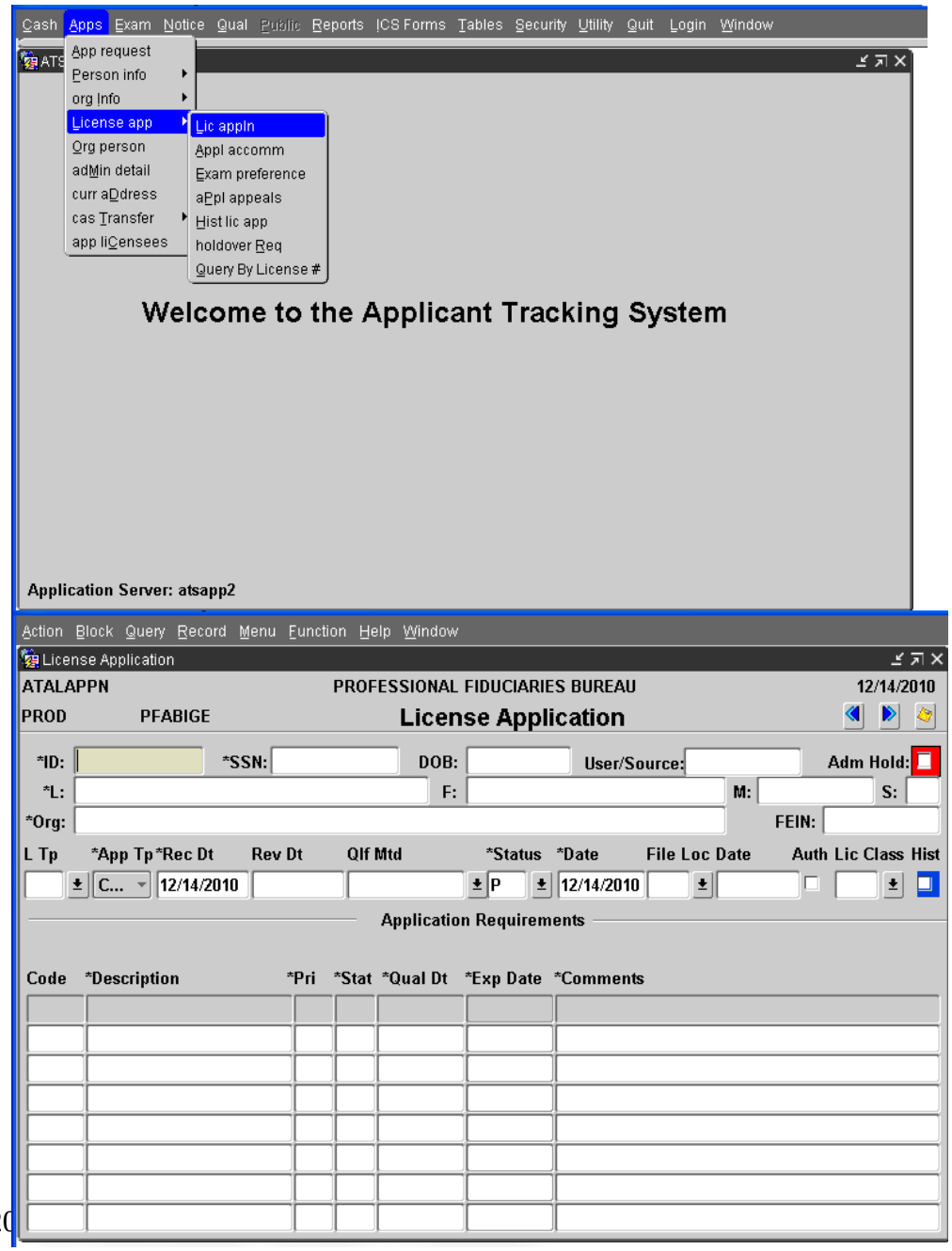
6. Hit “Shift” + “Page Down” to move to second block.
7. Use “↑” key to get to “Add Type”= Address of Record.
8. Enter address of record from application, then “Ctrl” + “S” to save.

Note: If Business Address and Address of Record are the same, hit “Ctrl” + “S” without making any changes.

9. Hit F4 to return to the main menu.

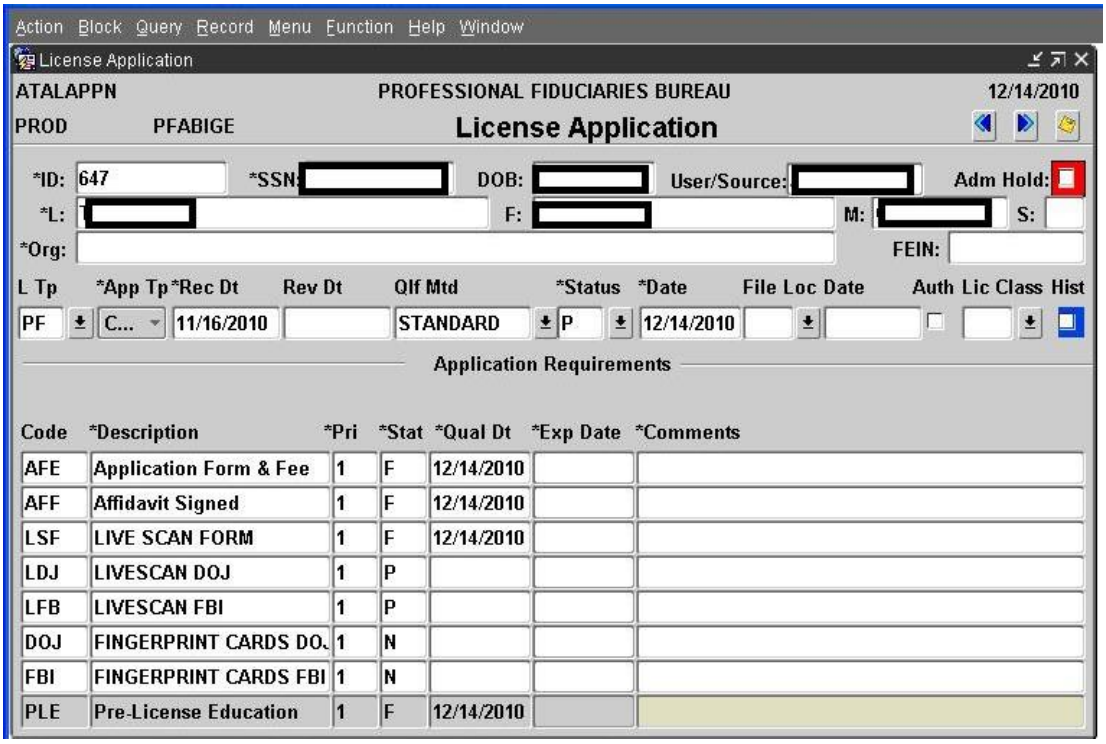
III. From **Main Menu**, select **Apps**, then **License App**, then **Lic appln**: (Key Bureau Shortcut: “Alt” + “A” + “L” + “L”)

1. License Application screen appears.



2. On License Application Screen, enter ATS ID, then Ctrl Key + F11 to bring up record.
3. Enter Shift + Page Down to get to L Tp field and enter the following:

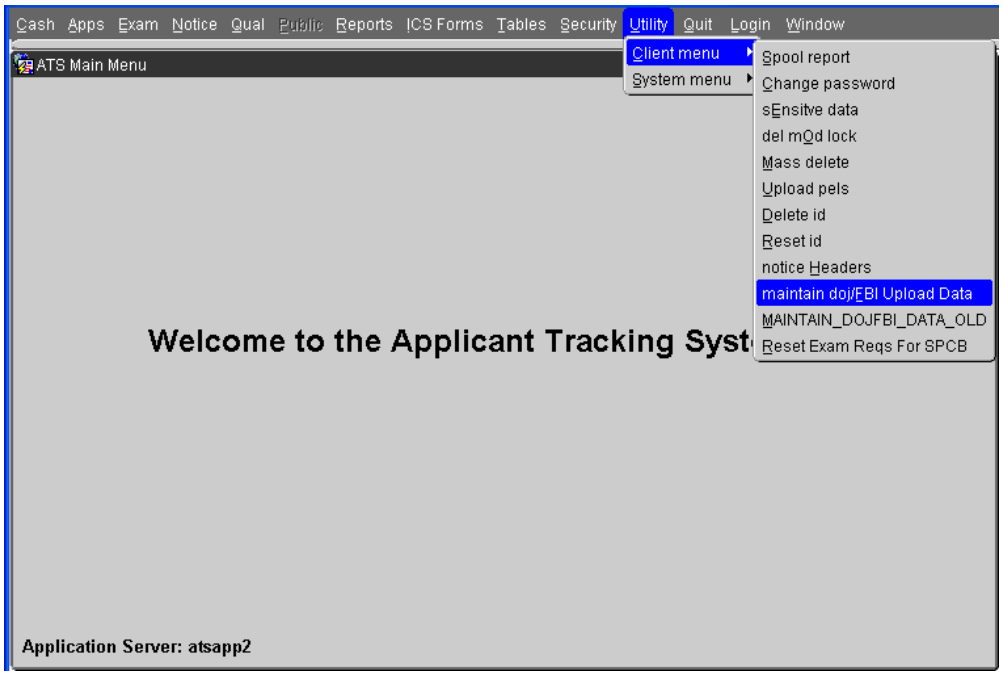
   L Tp = PF
   App Tp = "C" if applicant is approved for exam; "D" if anything is deficient.
   Rec Dt = Oldest date-stamp date on application
   Qlf Mtd = Standard
4. Hit Ctrl + S to bring up Applicant requirements.
5. Hit "Shift" + "Page Down."
6. Enter "F" in all ***Stat** entries fields that indicate the requirement is complete, except **Livescan DOJ** and **FBI**.



7. Hit "Ctrl" + "S" to Save.
8. Hit F4 to return to main menu

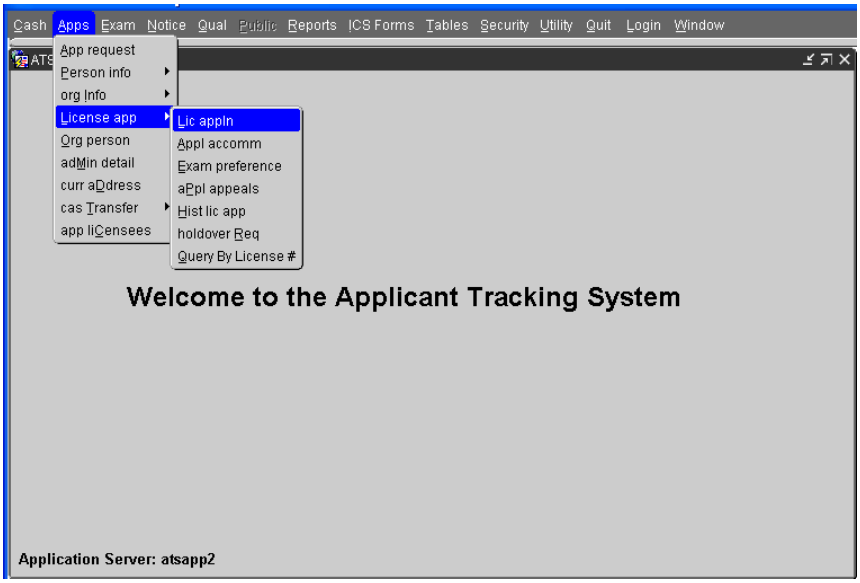
IV. Click on the **Utility Menu** and choose **Client Menu**, then **Maintain DOJ/FBI Upload Data**.

(KeyBureau shortcut: "Alt" + "U" + "C" + "F".)

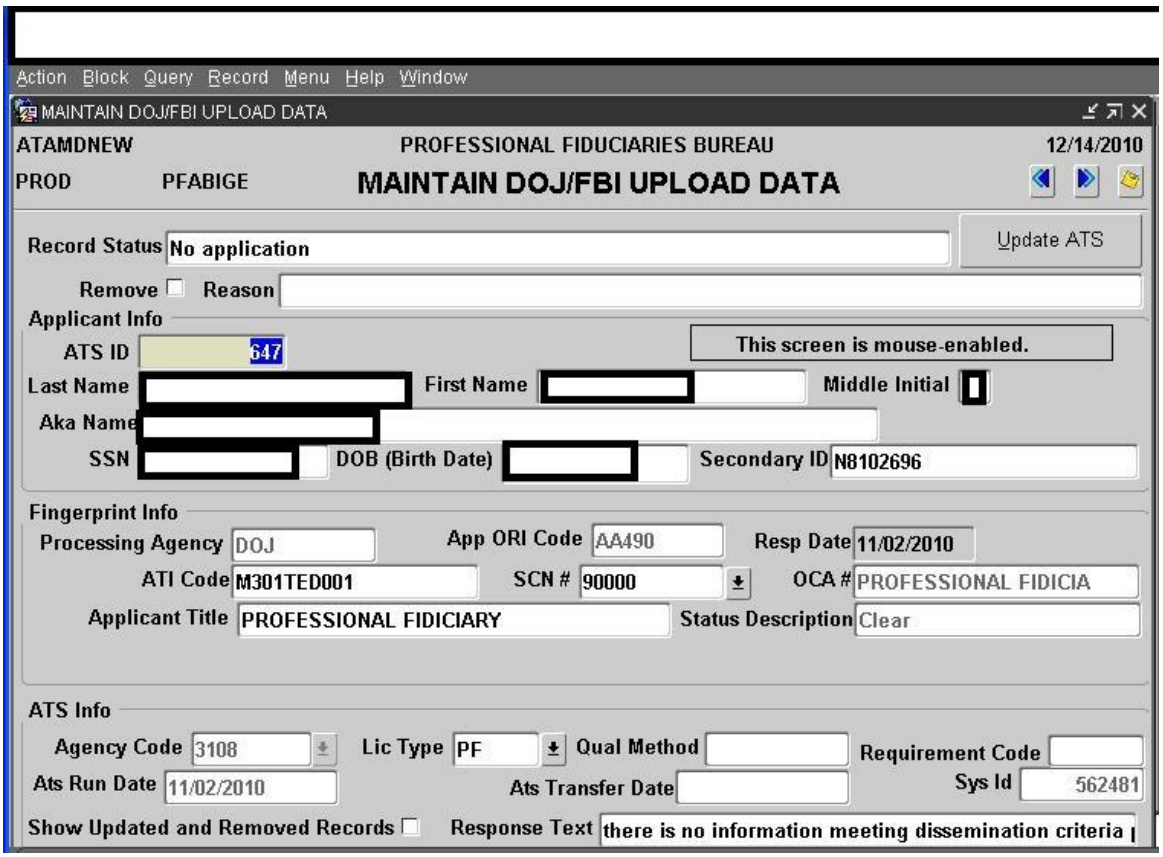


1. Enter ATS ID
2. Hit “Ctrl” + “F11.”
3. Verify it is correct applicant and results
4. Click on Update ATS.
5. Verify the information
6. Click on “Yes.”
   - You will be returned to the maintenance screen.
   - Click on F11, re-enter ATS ID to search for applicant’s next record.
7. Repeat for all results of applicant.
8. Hit “F4” to return to Main Menu.

V. On the **Apps Menu**, select **License app**, then **Lic appln**.



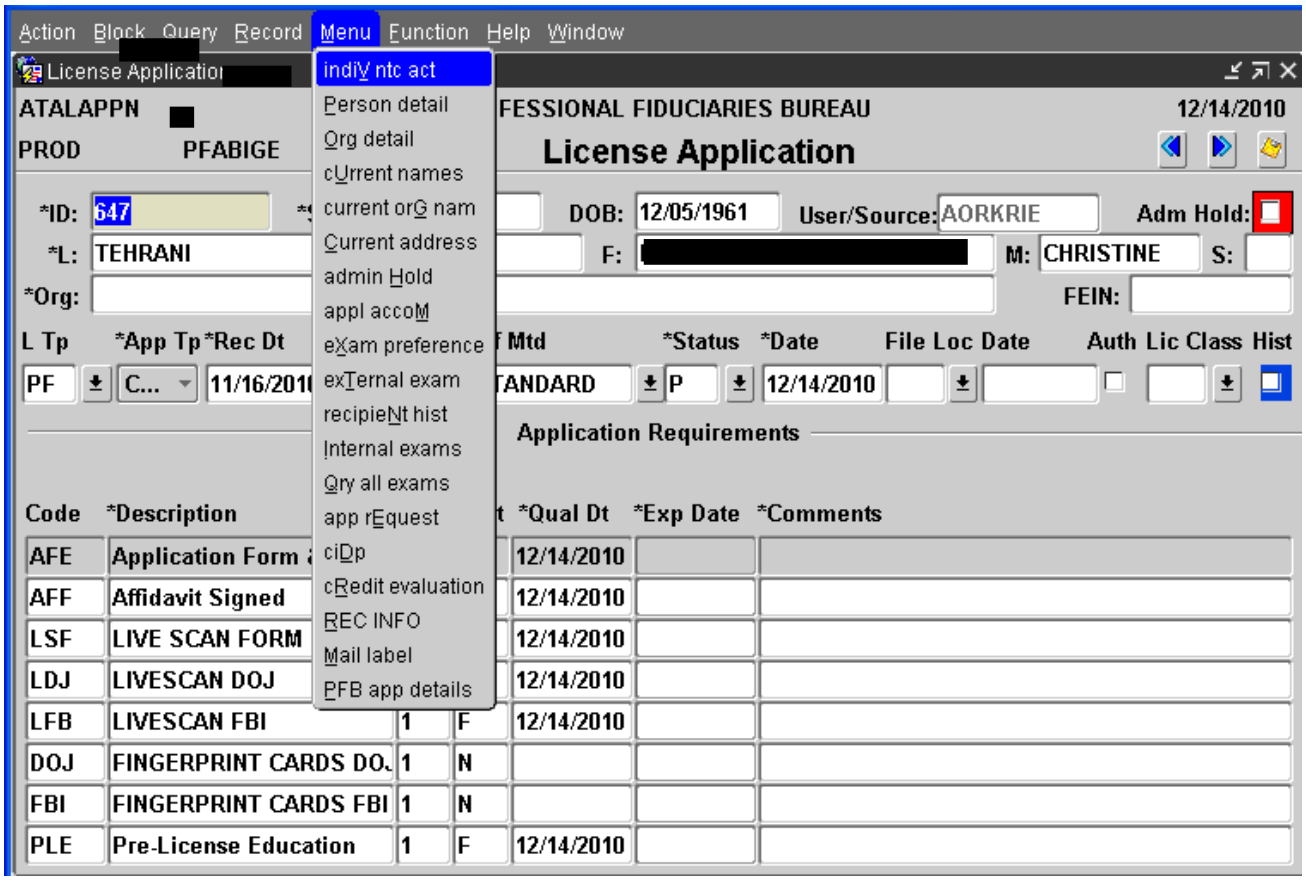
(KeyBureau shortcut: “Alt” + “A” + “L” + “L”.)

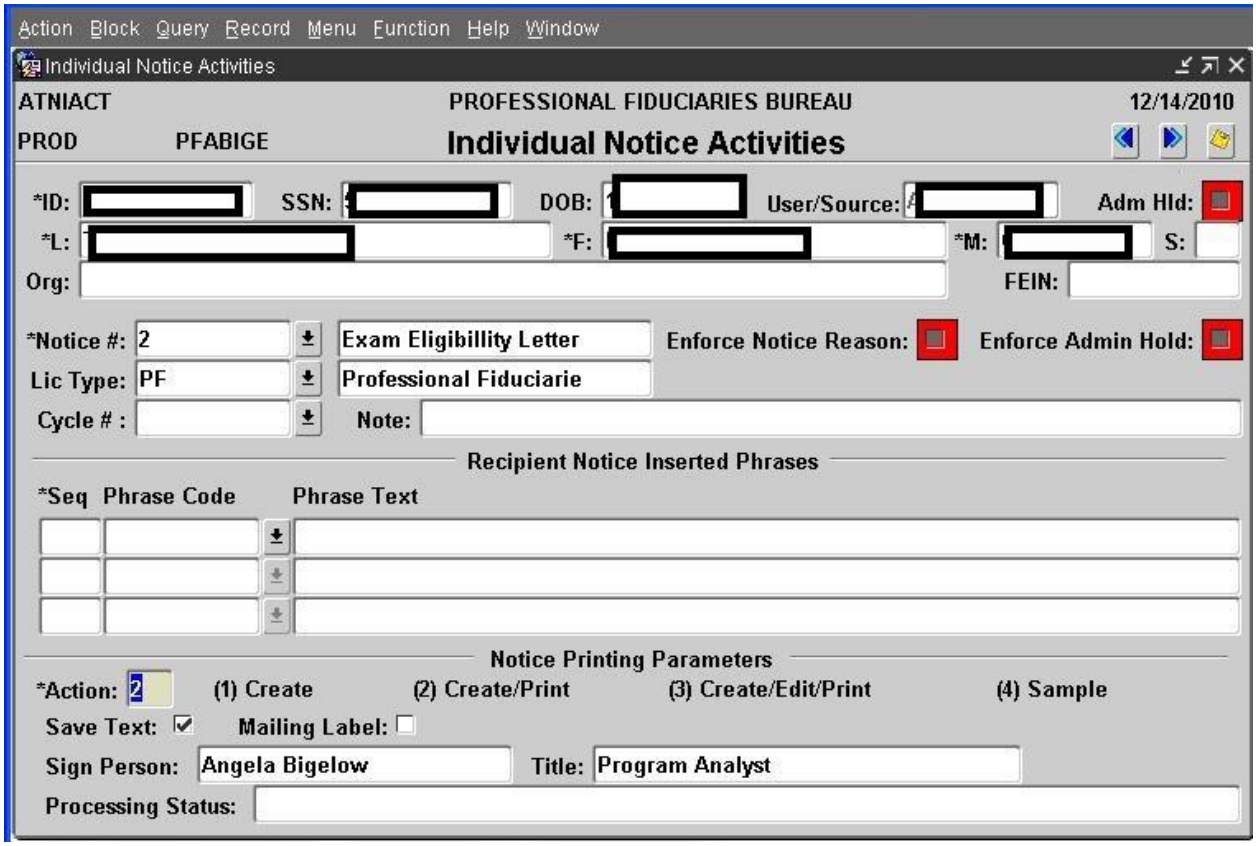


1. If all requirements are complete, then to create an Applicant Exam Eligibility Notice.
2. From the **Menu** select **menu** then select **indiV ntc act**. (KeyBureau Shortcut: “Alt” + “M” + “V”).

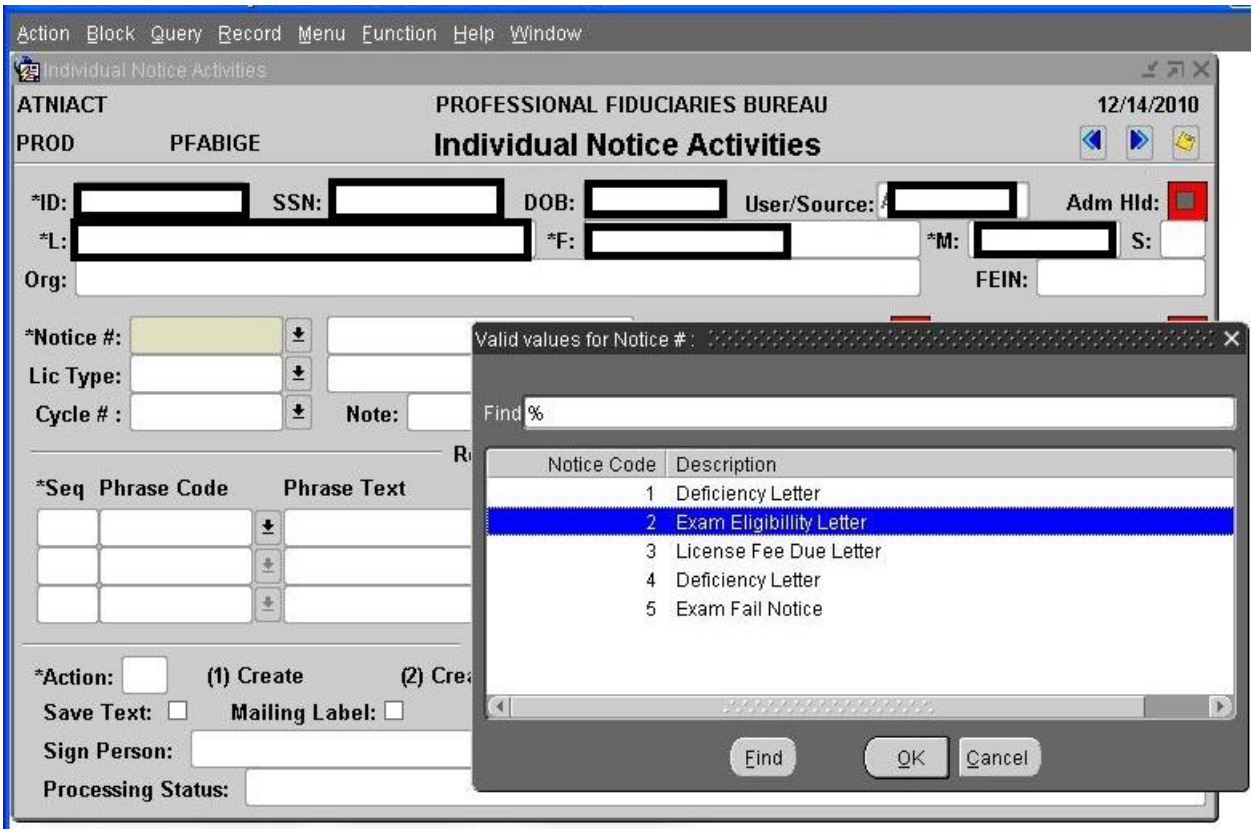
Note: If current applicant record does not appear, enter ATS ID# + “Ctrl” + “F11.”

3. Applicant information will appear.
4. Hit “Shift” + “Page Down” to get to ***Notice#:** field.





5. On the **Notice Drop-down menu**, select the correct type of notice.
6. Click "OK."



7. Hit “Tab” key 3 times, then “Shift” + “Page Down” 2 times to get to Notice Printing Parameters.

8. Hit “Ctrl” + “S” to create letter. Letter will appear in new window.

9. Print letter, sign, copy, and send to applicant.

10. Place copy of letter in applicant file and file in Pending Applications drawer.

Professional Fiduciaries Bureau
Post Office Box 989007
West Sacramento, CA 95798-9007
Telephone: (916) 574-7340 FAX (916) 928-7968
Website: www.fiduciary.ca.gov

"Caring for California's loved ones"

December 14, 2010 Examination Eligibility #: 647

[redacted]

Dear [redacted]

The Professional Fiduciary Bureau has determined you eligible to take the CA Professional Fiduciary Licensing Examination. Your examination eligibility period is for twelve (12) months.

The examination consists of two parts, one part that is national in scope and one part that is specific to California law. You must achieve a passing score on both parts of the exam to be considered for licensure.

The examination provider is the Center for Guardianship Certification (CGC). To register for the exam you must complete the examination application form available on the CGC web site at www.guardianshipcert.org. Following registration, you will need your examination eligibility number to schedule for the exam.

You may contact CGC at (717) 238-4689 or email, certification@guardianshipcert.org with any questions regarding the examination.

If you fail either one or both parts of the exam you may sit for re-examination a maximum of four (4) times within your twelve (12) month eligibility period not to exceed one re-examination attempt every thirty (30) days. If you do not pass both parts of the exam within your eligibility period, you must start the licensing process over from the beginning.

Sincerely,

Angela Bigelow
Program Analyst

VI. Licensee contacts CGC and registers for Exam. Refer to IV page 7.

CAS Activities

I. Access Fiduciary Statements

1. Log onto CAS, and at CAS Startup menu:
   Enter (1) for selected code to access the Licensing Module and 3108 for Outside Agency Number, then press <Enter>.

```
L001            C O N S U M E R   A F F A I R S   S Y S T E M S       12/14/10
                              - Start Up Menu -

                     CCCCCCCCC   AAAAAAAAA    SSSSSSSSS
                    CCCC         AAA   AAA   SSSS
                    CCCC         AAAAAAAAA    SSSSSSSSS
                    CCCC         AAA   AAA          SSSS
                     CCCCCCCCC   AAA   AAA    SSSSSSSSS

        CODE  CAS OPTIONS                 CODE  BAR & MISC. OPTIONS
        ----  -------------------------  ----  -----------------------
          1 = LICENSING                     6 = ACTIVITY REPORTING
          2 = ENFORCEMENT                   7 = BAR MAIN MENU
          3 = LICENSING TABLES              8 = INTAKE MENU
          4 = ENFORCEMENT TABLES            9 = BAR REPORTS
          5 - ENFORCMNT LETTER MAINT        0 - BAR TAS MENU
          E   ENFORCEMENT QUERY
          L - LICENSING QUERY

                            Enter Selected Code  1

PF1=QUIT  PF4=CONTACTS                      ENTER OUTSIDE AGENCY NUMBER 3108
```

2. At the licensing screen, enter 313 to select Update Fiduciary Data, then press <Enter>.

```
L300PF            PROFESSIONAL FIDUCIARIES LICENSING BUREAU          12/14/10
                                LICENSING MENU

SELECTION 313

          ADD PERSONAL LICENSE..... 310     UPDATE GENERAL NOTEBOOK.. 327
          UPDATE PERSONAL LICENSE.. 320
          UPDATE LICENSE STATUS.... 315     DELETE PERSONAL.......... 330
          UPDATE FIDUCIARY DATA.... 313
                                            MASS ADDRESS UPDATE...... 341
                                            CASHIERING............... 350
                                            SSN NUMBER UPDATE........ 360

          VOID/DUP/REPL LIC NOTICE. 303     LICENSES................. 600
                                            QUERY LICENSE(PRIMARY)... 601
                                            QUERY LICENSE(SECONDARY). 602

PF1=QUIT
```

3. At the next screen, the cursor should be blinking on the line directly underneath the column entitled NUMBER. Type the license number there and press <ENTER>.

```
DCE120P0 PF        Professional Fiduciaries Licensing Bureau          12/14/2010
DCE120M0                   Fiduciaries by License                     23:53:40.6

Agy: 3108 LicTp: PF

     -   L   I   C   E   N   S   E   -        - R  E  P  O  R  T -
*Ac  Number  Name                              Tp Sched Dt  Due Dt
--- 187      ---------------------------------
    00000187                                    A 20110130 20110130
    00000188                                    A 20110901 20110901
    00000189                                    A 20110501 20110501
    00000190                                    A 20111001 20111001
    00000191                                    A 20110130 20110130
    00000192                                    A 20101101 20101101
    00000193                                    A 20110901 20110901
    00000194                                    A 20110901 20110901
    00000195                                    A 20110901 20110901
    00000196                                    A 20110601 20110601
Dec 14,10                                                          1:53 PM
*Go                                                          SY5 PROD
F1=help,F2=return,F3=quit,F4=add,F5=flip,F6=Go,F7=bkwrd,F8=frwrd,F12=main
```

4. Underneath the column entitled **NAME**, the fiduciary's name should be first on the list. Place an "S" on the line directly underneath the ***Ac** column next to the fiduciary being selected and press <Enter>.

```
DCE120P9 PL       Professional Fiduciaries Licensing Bureau          12/14/2010
DCE120M9                      Fiduciary Reports                      14:18:27.2

Lic PF

    -   R  E  P  O  R  T     V  E  R  S  I  O  N  S   -
*Ac Sched Dt  Due Dt    Status      Type      FID-ID
--- -------- -------- ---------- ---------- ----------
s   20110901 20110901 Incomplete Annual     0000001054
    20100901 20100901 Complete   Annual     0000000494
    20080830 20080830 Complete   Original   0000000068
                          *** End of Data ***



Dec 14,10                                                              2:18 PM
*Go                                                                 SY5 PROD
F1=help,F2=retrn,F3=quit,F4=add,F5=flip,F6=Go,F7=bkwrd,F8=frwrd,F12=main
```

5. The fiduciary's statement reports appear on the next screen. Place an "S" on the line next to the statement year that you need to update.

```
DCE120P0 PF       Professional Fiduciaries Licensing Bureau          12/14/2010
DCE120M0                   Fiduciaries by License                    13:53:40.6

Agy: 3108 LicTp: PF


     -   L   I   C   E   N   S   E   -        - R  E  P  O  R  T -
*Ac  Number  Name                              Tp Sched Dt  Due Dt
--- 187      ---------------------------------
 S  00000187                                   A 20110130 20110130
    00000188                                   A 20110901 20110901
    00000189                                   A 20110501 20110501
    00000190                                   A 20111001 20111001
    00000191                                   A 20110130 20110130
    00000192                                   A 20101101 20101101
    00000193                                   A 20110901 20110901
    00000194                                   A 20110901 20110901
    00000195                                   A 20110901 20110901
    00000196                                   A 20110601 20110601
Dec 14,10                                                              1:53 PM
*Go                                                                 SY5 PROD
F1=help,F2=retrn,F3=quit,F4=add,F5=flip,F6=Go,F7=bkwrd,F8=frwrd,F12=main
```

II. Add a New Court-Appointed Case

1. Follow steps 1-5 under Access Fiduciary's Statements.
2. Place an A on the line entitled *Ac and press <ENTER>. The Fiduciary Account screen appears.

```
No records with prefix 3108PF found for the current input
DCE121P0 PB       Professional Fiduciaries Licensing Bureau          12/14/2010
DCE121M0                     Fiduciary Accounts                      14:20:26.2

Gene Lawrence Marchi
Lic: PF  00000063  FidID: 0000001054

    Fid
*Ac Typ  Case Name                                      Fid AcctID
--- ---  ---------------------------------------- ----------
A                          *** End of Data ***



Dec 14,10                                                                2:20 PM
*Go                                                                   SY5 PROD
F1=help,F2=return,F3=quit,F4=add,F5=flip,F6=Go,F7=bkwrd,F8=frwrd,F12=main
```

3. Enter the following data fields:

- Case number. If there is no case number, enter, “NONE.”
- Annual report date = Date the report is due (MM/DD/YYYY).
- Case type = T, G, C, P. (If it is something other than these four, write it on the Other line, e.g., PR for Personal Representative.)
- Court Appointed? = Y (if not court appointed leave blank).
- Appointed Date (MM/DD/YYYY) (if date is reported).
- Rptd = Date the fiduciary signed the Annual Statement (MM/DD/YYYY).
- Case Name. Abbreviate if necessary.
- Court Location. Enter the county or city only.

```
DCF121P0 PA        Professional Fiduciaries Licensing Bureau        A 12/14/2010
DCF121M0                       Fiduciary Account                      14:21:03.8

Lic: PF  00000068     FidID: 0000001054      AcctID:

Case Number None_____________________     Fiduciary actions reported?
Annual Report date: 09/01/2010

Case Type C Other Desc _____________________
Court Appointed? _  Appointed Date: 08/20/2010       Rptd: 08/20/2010

Begin Date:            Rptd              End Date:            Rptd

Case Name   Alan Smith _____________________________

Court Location _____________________________


Dec 14,10                                                              1 more >
PGo                                                                 SY5 PROD
ENTER=confm,F1=help,F2=return,F3=quit,F5=flip,F6=Go,F10=left,F11=right,F12=main
```

4. Press <Enter> to submit. You will receive a CAS message that indicates the case was entered successfully.
5. Return to the screen that displays the fiduciary’s cases and repeat until all new court-appointed cases have been entered.

III. Add a New Non-Court Case – Other Clients

The steps to add a new non-court case are almost the same as those listed above, except for the possible differences listed below:

1. If there is no case number provided, type **NONE**.
2. At the data field question **Court Appointed?**, leave blank.

3. At the data field Appointed Date, type in the appointed date because this represents the date the Fiduciary accepted or opened the non-court case.

```
No records with prefix 3108PF found for the current input
DCE121P0 PB        Professional Fiduciaries Licensing Bureau          12/14/2010
DCE121M0                     Fiduciary Accounts                       14:20:26.2

[redacted]
Lic: PF [redacted]

    Fid
*Ac Typ  Case Name                                    Fid AcctID
--- ---  ----------------------------------------- ----------
A                          *** End of Data ***



Dec 14,10                                                                  2:20 PM
*Go                                                                     SYS PROD
F1-help,F2-return,F3-quit,F4-add,F5-flip,F6-Go,F7-bkwrd,F8-frwrd,F12-main
```

IV. Add a Closed Case. (Case was opened and closed before the applicant applied for licensure with PFB.)

1. Place an A on any line in the *Ac column to add a closed case, and press ENTER. Enter case number. If there is no case number, enter, “NONE.”
2. Enter initial annual report date.
3. Enter case type (T, G, C, P etc. If it is something other than these four, enter it on the OTHER line).
4. If it has a case number, place a “Y” on the court appointed line; if it doesn’t, leave it blank.
5. Enter End Date (MM/DD/YYYY).
6. Enter Reported date (date the licensee signed the statement).
7. Enter case name.
8. Enter court location (only if it is a court case).
9. Press ENTER to submit.

```
DCF121P0 PA        Professional Fiduciaries Licensing Bureau        A 12/15/2010
DCF121M0                        Fiduciary Account                     14:21:57.5

Lic: PF  00000107      FidID: 0000000828      AcctID:

Case Number None_____________________     Fiduciary actions reported?
Annual Report date: 07/30/2010

Case Type T Other Desc _________________________
Court Appointed? Y  Appointed Date: 04/02/2010        Rptd: 07/30/2010

Begin Date:             Rptd              End Date: 06/08/2010 Rptd 07/30/2010

Case Name               ______________________________

Court Location Los Angeles_____________________________


Dec 15,10                                                                1 more >
PGo                                                                   SY5 PROD
ENTR=confm,F1=help,F2=return,F3=quit,F5=flip,F6=Go,F10=left,F11=right,F12=main
```

V. Close an Annual Statement

After all client cases have been entered in the Annual Statement:

1. Select F2
2. On the Annual Reports screen that appears, type “M” on the line next to the statement year that you want to close.
3. Enter the following data in the following data fields:
   - Compl? = Enter “Y” for “Yes.”
   - Fid Type?= C,G,T,P, or Other (as reported in Part 1. of the statement).
   - Total Client Assets? = Enter the total dollar amount of assets the fiduciary manages (as reported in Part 3. of the statement).
   - Filed Bankruptcy? = Enter “Y” for “Yes” if the licensee has filed bankruptcy in the last 10 years. Leave blank if the licensee has not filed bankruptcy. (As reported in Part 4., Section 2 of the statement or initial application).
   - Business Address = Address of Record or Business Address (as reported in Part 1. of the statement).
   - Fax Number (as reported in Part 1 of the statement).
4. Look at the Initial Application and Annual Statement for the following:
   - Other License type (Initial application Part 2., Annual statement Part 2.).
   - Pre-Licensing Education (Initial application Part 4.).
   - Education (Initial application Part 5.).
   - Experience (Initial application Part 5.).
   - References (Initial application Part 5.).
   - Business Interests (Initial annual statement Part 4., Section 1.).
   - Bankruptcy (Initial application Part 3., Initial annual statement Part 4, Section 2.).
5. Press <Enter>. The Statement should now read, “<u>Statement complete</u>.”

VI. Release License in CAS

1. Select F2 twice.
2. Enter 315 and press <Enter>.
3. Enter the license number and press <Enter>.
4. At Secondary Status, delete the number 24.
5. At Hold License Print, replace the Y with an N.
   Press <Enter> to submit.

Note: The license will not be mailed to the licensee until the renewal fee has been cashiered.

VII. File the Annual Statement.

1. Place an "X" on the colored post-it tab that contains the Annual Statement date.
2. Place the tab on page 1 of the Annual Statement.
3. Place the statement in the file.

Renewal Process

The Professional Fiduciaries Bureau requires all licensees to renew their licenses annually. The renewal date is the last day of the birth month of the licensee.

The Employment Development Department (EDD) sends a renewal notice to the licensee 60 days prior to the renewal deadline for the licensee. The renewal notice indicates the renewal date and applicable renewal fee. The renewal notice has a detachable slip at the bottom of the notice requiring a licensee signature that indicates, under penalty of perjury, that the licensee has completed the required 15 hours of Continuing Education at a certified instructional facility (See Appendix C for list of schools which have been certified) , and a completed Annual Statement, as indicated on the PFB Internet site.

The Statement is reviewed to ensure all questions are answered. As with initial licensee applications, renewal packets may also be deficient. In these cases, no official letter template exists. When such situations arise, the PFB places a phone call and follow-up email to the licensee to obtain the missing information.

Once all necessary renewal information has been received by PFB, the Annual Statement information must be entered into CAS:

Annual Statements—Adding and Closing Cases

I. Access Fiduciary's Statement(s)

1. Log onto CAS, and at CAS Startup menu:
    a. Enter (1) for selected code to access the Licensing Module, 3108 for Outside Agency Number, then press <Enter>.

```
L001            C O N S U M E R   A F F A I R S   S Y S T E M S       12/14/10
                              - Start Up Menu -

                     CCCCCCCCC   AAAAAAAAA    SSSSSSSSS
                    CCCC         AAA   AAA   SSSS
                    CCCC         AAAAAAAAA    SSSSSSSSS
                    CCCC         AAA   AAA          SSSS
                     CCCCCCCCC   AAA   AAA    SSSSSSSSS

        CODE  CAS OPTIONS                  CODE  BAR & MISC. OPTIONS
        ----  -------------------------   ----  ------------------------
          1 = LICENSING                      6 = ACTIVITY REPORTING
          2 = ENFORCEMENT                    7 = BAR MAIN MENU
          3 = LICENSING TABLES               8 = INTAKE MENU
          4 = ENFORCEMENT TABLES             9 = BAR REPORTS
          5 - ENFORCMNT LETTER MAINT         0 - BAR TAS MENU
          E   ENFORCEMENT QUERY
          L - LICENSING QUERY

                              Enter Selected Code  1

PF1=QUIT   PF4=CONTACTS                        ENTER OUTSIDE AGENCY NUMBER 3108
```

b. At the licensing screen, enter 313 to select Update Fiduciary Data, then press <Enter>.

```
L300PF            PROFESSIONAL FIDUCIARIES LICENSING BUREAU          12/14/10
                                LICENSING MENU

SELECTION 313

          ADD PERSONAL LICENSE..... 310     UPDATE GENERAL NOTEBOOK.. 327
          UPDATE PERSONAL LICENSE.. 320
          UPDATE LICENSE STATUS.... 315     DELETE PERSONAL.......... 330
          UPDATE FIDUCIARY DATA.... 313
                                            MASS ADDRESS UPDATE...... 341
                                            CASHIERING............... 350
                                            SSN NUMBER UPDATE........ 360

          VOID/DUP/REPL LIC NOTICE. 303     LICENSES................. 600
                                            QUERY LICENSE(PRIMARY)... 601
                                            QUERY LICENSE(SECONDARY). 602

PF1=QUIT
```

c. At the next screen, the cursor should be blinking on the line directly underneath the column entitled NUMBER. Type the license number there and press <ENTER>.

```
DCE120P0 PF       Professional Fiduciaries Licensing Bureau          12/14/2010
DCE120M0                   Fiduciaries by License                    13:53:40.6

Agy: 3108 LicTp: PF

     -   L   I   C   E   N   S   E   -        - R   E   P   O   R   T -
*Ac  Number  Name                              Tp Sched Dt  Due Dt
--- 187      ---------------------------------
    00000187                                    A 20110130 20110130
    00000188                                    A 20110901 20110901
    00000189                                    A 20110501 20110501
    00000190                                    A 20111001 20111001
    00000191                                    A 20110130 20110130
    00000192                                    A 20101101 20101101
    00000193                                    A 20110901 20110901
    00000194                                    A 20110901 20110901
    00000195                                    A 20110901 20110901
    00000196                                    A 20110601 20110601
Dec 14,10                                                          1:53 PM
*Go                                                            SYS PROD
F1=help,F2=return,F3=quit,F4=add,F5=flip,F6=Go,F7=bkwrd,F8=frwrd,F12=main
```

d. Underneath the column entitled **NAME**, the fiduciary's name should be first on the list. Place an "S" on the line directly underneath the ***Ac** column next to the fiduciary being selected and press <Enter>.

```
DCE120P0 PF        Professional Fiduciaries Licensing Bureau          12/14/2010
DCE120M0                    Fiduciaries by License                    13:53:40.6

Agy: 3108 LicTp: PF


     -   L   I   C   E   N   S   E   -        - R  E  P  O  R  T -
*Ac  Number  Name                              Tp Sched Dt  Due Dt
--- 187      ---------------------------------
 S  00000187                                   A 20110130 20110130
    00000188                                   A 20110901 20110901
    00000189                                   A 20110501 20110501
    00000190                                   A 20111001 20111001
    00000191                                   A 20110130 20110130
    00000192                                   A 20101101 20101101
    00000193                                   A 20110901 20110901
    00000194                                   A 20110901 20110901
    00000195                                   A 20110901 20110901
    00000196                                   A 20110601 20110601
Dec 14,10                                                            1:53 PM
*Go                                                              SY5 PROD
F1=help,F2=retrn,F3=quit,F4=add,F5=flip,F6=Go,F7=bkwrd,F8=frwrd,F12=main
```

e. The fiduciary's statement reports appear on the next screen. Place an "S" on the line next to the statement year that you need to update.

```
[          ]        Professional Fiduciaries Licensing Bureau          12/14/2010
                              Fiduciary Reports                        14:18:27.2

[                    ]
Lic PF [          ]

    -   R  E  P  O  R  T     V  E  R  S  I  O  N  S   -
*Ac Sched Dt  Due Dt    Status      Type       FID-ID
--- -------- -------- ---------- ---------- ----------
s   20110901 20110901 Incomplete Annual     0000001054
    20100901 20100901 Complete   Annual     0000000494
    20080830 20080830 Complete   Original   0000000068
                          *** End of Data ***



Dec 14,10                                                            2:18 PM
*Go                                                              SY5 PROD
F1=help,F2=retrn,F3=quit,F4=add,F5=flip,F6=Go,F7=bkwrd,F8=frwrd,F12=main
```

II. Add a New Court-Appointed Case

1. Follow steps VI.1 under Access Fiduciary's Statements (Page 7 of this manual).
2. Place an "A" on the line entitled ***Ac** and press <ENTER>. The Fiduciary Account screen appears.

```
No records with prefix 3108PF found for the current input
DCE121P0 PB       Professional Fiduciaries Licensing Bureau          12/14/2010
DCE121M0                     Fiduciary Accounts                      14:20:26.2

Lic: PF                FidID: 0000001054

    Fid
*Ac Typ  Case Name                                     Fid AcctID
--- ---  ------------------------------------------ ----------
A                         *** End of Data ***



Dec 14,10                                                              2:20 PM
*Go                                                              SY5 PROD
F1=help,F2=retrn,F3=quit,F4=add,F5=flip,F6=Go,F7=bkwrd,F8=frwrd,F12=main
```

3. Enter the following data fields:

- Case number. If there is no case number, enter, “NONE.”
- Annual report date = Date the report is due (MM/DD/YYYY).
- Case type = T, G, C, P. (If it is something other than these four, write it on the Other line, e.g., PR for Personal Representative.)
- Court Appointed? = Y (if not court appointed leave blank).
- Appointed Date (MM/DD/YYYY) (if date is reported).
- Rptd = Date the fiduciary signed the Annual Statement (MM/DD/YYYY).
- Case Name. Abbreviate if necessary.
- Court Location. Enter the county or city only.

```
DCF121P0 PA        Professional Fiduciaries Licensing Bureau        A 12/14/2010
DCF121M0                       Fiduciary Account                      14:21:03.8

Lic: PF  00000068     FidID: 0000001054      AcctID:

Case Number None_____________________     Fiduciary actions reported?
Annual Report date: 09/01/2010

Case Type C Other Desc ___________________________
Court Appointed? _  Appointed Date: 08/20/2010        Rptd: 08/20/2010

Begin Date:            Rptd              End Date:            Rptd

Case Name   Alan Smith ____________________________

Court Location ____________________________


Dec 14,10                                                              1 more >
*Go                                                            SYS PROD
ENTER=confm,F1=help,F2=return,F3=quit,F5=flip,F6=Go,F10=left,F11=right,F12=main
```

4. Press <Enter> to submit. You will receive a CAS message that indicates the case was entered successfully.
5. Return to the screen that displays the fiduciary’s cases and repeat until all new court appointed cases have been entered.

III. Add a New Non-Court Case – Other Clients

The steps to add a new non-court case are almost the same as those listed above, except for the possible differences listed below:

1. If there is no case number provided, type **NONE**.
2. At the data field question **Court Appointed?**, leave blank.
3. At the data field **Appointed Date**, type in the appointed date because this represents the date the Fiduciary accepted or opened the non-court case.

IV. Add a Closed Court-Appointed or Non-Court-Appointed Case. (Case was opened and closed after the date of the last statement.)

1. Follow steps VI.1 under Access Fiduciary's Statements (Page 7 of this manual).
2. Place an A on any line in the *Ac column to add a closed case, and press ENTER.

```
No records with prefix 3108PF found for the current input
DCE121P0 PB       Professional Fiduciaries Licensing Bureau          12/14/2010
DCE121M0                     Fiduciary Accounts                      14:20:26.2

Gene Lawrence Marchi
Lic: PF  00000063  FidID: 0000001054

    Fid
*Ac Typ  Case Name                                      Fid AcctID
--- ---  ---------------------------------------- ----------
A                         *** End of Data ***




Dec 14,10                                                              2:20 PM
*Go                                                                  SY5 PROD
F1=help,F2=return,F3=quit,F4=add,F5=flip,F6=Go,F7=bkwrd,F8=frwrd,F12=main
```

3. Enter the following:
   - Case number. If there is no case number, enter **NONE**.
   - Annual report date (MM/DD/YYYY).
   - Case type = T, G, C, P. (If it is something other than these four, write it on the Other line, e.g., PR for Personal Representative.)
   - Court Appointed? = Y; if not a court-appointed case, leave this field blank.
   - End Date. (MM/DD/YYYY).
   - Rptd = Date the fiduciary signed the Annual Statement (If appointed dated was reported)

- Case Name. Abbreviate if necessary.
- Court location (only if it is a court case, and city or county only).
- Press ENTER to submit.

```
[redacted] PA        Professional Fiduciaries Licensing Bureau        A 12/15/2010
                              Fiduciary Account                         14:21:57.5

Lic: PF [redacted]      FidID: [redacted]      AcctID:

Case Number None_____________________     Fiduciary actions reported?
Annual Report date: 07/30/2010

Case Type T Other Desc _________________________
Court Appointed? Y  Appointed Date: 04/02/2010       Rptd: 07/30/2010

Begin Date: __________ Rptd __________   End Date: 06/08/2010 Rptd 07/30/2010

Case Name [redacted]_____________________________

Court Location Los Angeles_____________________________


Dec 15,10                                                              1 more >
*Go ____________________________________________________________ SY5 PROD
ENTR=confm,F1=help,F2=retrn,F3=quit,F5=flip,F6=Go,F10=left,F11=right,F12=main
```

V. Close an Annual Statement

After all Annual Statement updates have been made:

1. Select F2
2. On the Annual Reports screen that appears, type “M” on the line next to the statement year that you want to close.
3. Enter the following data in the following data fields:
   - Compl? = Enter “Y” for “Yes.”
   - Fid Type?= C,G,T,P, or Other.
   - Total Client Assets? = Enter the total dollar amount of assets the fiduciary manages.
   - Business Address = Address of Record or Business Address.
   - Fax Number.
4. Press <Enter>. The Statement should now read, “<u>Statement complete</u>.”

VI. Release License in CAS

1. Select F2 twice.
2. Enter 315 and press <Enter>.
3. Enter the license number and press <Enter>.
4. At Secondary Status, delete the number 24.

5. At Hold License Print, replace the Y with an N.
6. Press <Enter> to submit.

Note: The license will not be mailed to the licensee until the renewal fee has been cashiered.

VII. File the Annual Statement.

1. Place an “X” on the colored post-it tab that contains the Annual Statement date.
2. Place the tab on page 2 of the Annual Statement.
3. Place the statement in the file.

Submission and Registration of Complaint

Complaint Intake and Processing Step-by-Step without Screen Shots

The process for submission and registration of a complaint begins when a complaint is submitted to the Professional Fiduciary Bureau via Cashiering, CIC, fax, email, other agencies, or any other source:

I. Staff Services Analyst (SSA) receives complaint via fax, email, mail, telephone, or in person.

a. SSA date stamps complaint.
b. SSA checks CAS to verify if the respondent is licensed with PFB. If licensed then check for existing complaints with the same licensee or complainant.

Note: If there are duplicate complaints already in the system, do not re-enter. Instead, pull the old file and place new information with existing file and give to the Customer Service Representative (CSR) for evaluation.

c. SSA fills out Complaint Intake Form and creates complaint folder and gives to supervisor for assignment.
d. SSA assigns complaint to a Consumer Services Representative or Investigator and sends acknowledgement letter to the complainant within ten (10) days of receipt of the complaint.

II. Consumer Services Representative (CSR) reviews complaint.

a. CSR evaluates complaint for egregious violations requiring field investigation. If found, CSR refers the complaint to the Bureau Chief for further processing.
b. If no serious violations or egregious violations are found, CSR inputs complaint details in CAS and sends acknowledgement letter.
c. CSR makes initial contact with consumer complainant and discusses details of complaint and inquires for more detail as to allegations against the licensee.
d. CSR makes initial contact with licensee, discusses details of complaint, and discusses how the licensee would like to resolve the complaint.
e. CSR re-contacts the consumer complainant and the licensee until the complaint is resolved. If the complaint cannot be resolved and there are no violations, the consumer is advised of his or her options, such as small claims court, other regulatory agencies or pursuing litigation.
f. If any serious violations worthy of investigation are discovered during the resolution process, the CSR refers the complaint to the Bureau Chief for further processing.

*Please refer to the Complaint Resolutions Program Policy Manual.

III. Bureau Chief receives complaints in need of investigation from the CSR.

a. Bureau Chief reviews complaint to determine whether complaint should be investigated by a sworn or non-sworn investigator.

i. If the Chief decides the violations are serious enough to warrant investigation by a sworn investigator, the complaint is referred to the Division of Investigation.

ii. If the violations do not require investigation by a sworn investigator, the Chief refers the complaint to PFB's non-sworn investigator.

IV. Non-Sworn Investigator:

Please refer to the Investigation and Enforcement portion of this manual for a Step-by-Step explanation and flow chart of Investigation and Enforcement process.

Complaint Intake and Processing Step-by-Step with Screen Shots

I. Staff Services Analyst (SSA) receives complaint via fax, email, mail, telephone, or in person.

1. SSA date stamps complaint.
2. SSA checks CAS for existing complaints with the same licensee or complainant.
   a. Log onto CAS and enter “2” for Enforcement and “3108” for Agency.

```
F700                PROFESSIONAL FIDUCIARIES LICENSING BUREAU          01/13/11
SEL 701                        ENFORCEMENT MENU

                            INITIATE    CHANGE          QUERY ............ 701
 COMPLAINT ................ 113 ..... 213
 APPLICATION ............... 122 ..... 222            REPORTS .......... 727
 DISCIPLINARY .............. 129 ..... 229
 PENALTY PROBATION ......... 157 ..... 257            SPECIAL REPORT
 CITATION .................. 164 ..... 264            PROCESSES ........ 227

                                                      CONVERSION ....... 402

 NOTEBOOK        ID  FY   SEQ  ENT TP
 EXEC OFF ..... __ ____ ______ __ _ .. 291 / 791
 SUPERVISORS .. __ ____ ______ __ _ .. 290 / 790      LETTERS .......... 128
 GENERAL ...... __ ____ ______ __ _ .. 289 / 789
                                                      TIME ACCOUNTING .. 772
 SYNOPSIS ..... __ ____ ______ ....... 234 / 734

                              Enter Selected Code 2
```

   b. Press <Enter>.
   c. At the next screen, select “701” for inquiries:
   d. At the next screen, enter licensee information:
      i. under “SELECTION” at the top left of the screen, enter “713” for “COMPL/APPS”

```
F477                PROFESSIONAL FIDUCIARIES LICENSING BUREAU          01/13/11
                          COMPLAINT RESPONDENT NAME LIST

          NAME            CITY  STATE   LICENSE NO    COMPLAINT   STA   ID  TP
x [                ]      [                                          ]  132  C
_
_
_
_
_
_
_
_
_
_
_
_
_

LAST NAME                            FIRST NAME       MIDDLE NAME   SFX
[      ]                             _______________  _____________  ___ SRCH C
PF1=QUIT  2=CAS  5=BKWD  6=FWD  13=TOGGLE
```

ii. On the next line, mid-screen, ensure that “R” is entered after “NAME TYPE” to ensure you are searching for licensee records.

iii. Tab down to the “L” under “PERSONAL” and enter the licensee’s last name. Press Enter.

e. The next screen will list all complaints registered against licensees with the last name entered in the screen above. Place an “X” next to the line in front of the licensee you are registering a complain against and press <Enter>.

Complaint information specific to that licensee will appear.

i. Review the screens for information on prior complaints by pressing <Enter> to move from screen to screen, as shown below.
ii. When all screens have been viewed, you will be returned to the screen in Step 3.
iii. Make any necessary notes on the Complaint Intake Form.

Note: If there are duplicate complaints already in the system, do not re-enter. Instead, pull the old file and place new information with existing file and give to CSR for evaluation.

```
 F701                PROFESSIONAL FIDUCIARIES LICENSING BUREAU          01/13/11
                              ENFORCEMENT QUERY MENU

  SELECTION  IDENT FY  SEQ    AGY CDE  LIC/APPL TP  NO    DOT/AG/OAN   CNTY ABBR

 F717            PROFESSIONAL FIDUCIARIES LICENSING BUREAU            [redacted]
                           QUERY COMPLAINT VIOLATIONS
 COMPL NO PF 2009[redacted]        INVESTIGATION TYPE C    LIC/APP NO PF [redacted]
RESPONDENT [redacted]


                S       I     C        O
                U  CAT  N EXP I CRIM A A FIN CODE
   VIOL   SFX   B  CSR  V SUP I CONV G H ORD BOOK   VIOLATION DESCRIPTION
   ==============================================================================
  1
  2
  3
  4
  5
  6
  7
  8
  9
 10

 PF1=QUIT  2=CAS  3=EX  5=BKWD  6=FWD                                  EX ___
```

```
 F713            PROFESSIONAL FIDUCIARIES LICENSING BUREAU          01 13 2011
                            QUERY COMPLAINT
COMPLNT NO PF 2009 43              STATUS C18  ID C1310132   UPDATE 06 30 2010
                           DCA CTGY C AGY CTGY L              REC DT 06 17 2009
INV TYP C      SOURCE L    REPT/REFL        PRIORITY 2     CSR DATE 06 10 2010
ASGND C C1310132  MERIT/RPT                            CONSUMER/PATIENT HARM
LIC #1 3108 PF [redacted]          #2
LIC #3                             #4
      ISSUE DT 11 03 2008       EXP DT 10 31 2011
RESP BUS NAME
L KERLEY                                F SARAH           M              SFX
ADD 578 WASHINGTON BLVD STE 483              BUS              HOME
                                              COUNTY [redacted]
CITY MARINA DEL REY            ST CA ZIP 90292
DL NO                   ST       SSN#                     DOB
INCIDENT:
ADR
                                              COUNTY    CASE LINK
CITY                           ST    ZIP
COMMENTS                                                INCDNT DATE
                                                       800 AMOUNT $

 PF1=QUIT  2=CAS  3=EX  5=LIC  6=PRIOR  7=RSPDNT                        EX ___
```

f. Check for duplicate complaints filed by the same complainant:
   i. Follow the same procedure outlined on page 39 of this manual for checking complaints against licensees, after "NAME TYPE" enter "C" for complainant.
   ii. Tab down to "PERSONAL" and enter the last of the complainant.

iii. Follow the procedures as outlined above, but choose complaints based on the complainant name, rather than the licensee name.

Note: If there are duplicate complaints already in the system, do not re-enter. Instead, pull the old file and place new information with existing file and give to CSR for evaluation.

```
F701                PROFESSIONAL FIDUCIARIES LICENSING BUREAU          01/13/11
                            ENFORCEMENT QUERY MENU

 SELECTION  IDENT FY  SEQ    AGY CDE  LIC/APPL TP  NO    DOI/AG/OAH   CNTY ABBR
   713       __ ____ ______   ____    ___    ________    ___________    ___

BUSINESS      NAME TYPE C ( R - RESPONDENT/APPLICANT  C - COMPLAINANT)
              ____________________________________________________________
PERSONAL
L ____________________________________ F _______________ M ____________ SFX ___

CNTY  CITY NAME                ( Y = STREET NO/NAME) ( N = STREET NAME/NO) (Y/N)
 __  ________________________  ________________________________________    Y

 _________GENERAL SELECTIONS_________  ________SPECIAL SELECTIONS____________
 COMPL/APPS... 713  GENERAL NAME. 481  LEGAL DESK. 733  SITE INSPECT(all). 703
 CITATIONS.... 764  GENERAL LIC.. 483  STIPULATION 745  SITE INSP NON LIC. 705
 DISCIPL CASE. 729  LIC BY NAME.. 484  DOI NO..... 475  COMBINED INV QUERY 480
 PEN/PROB..... 757  COM/CASE LINK 479  AG NO...... 476  DOI INVEST BY COMP 718
 ACTIONS...... 720  GEO.......... 488  OAH NO..... 478  CONSERVATORSHIP... 753

PF1=QUIT  2=CAS
```

g. SSA fills out Complaint Intake Form and creates complaint folder.

Note: The Complaint Intake Form can be found on the PFB drive, in the PFB folder, then the Complaints folder. There is also a version of the Complaint Intake Form in Appendix D of this manual.

h. SSA gives complaint to Supervisor for assignment.

i. SSA assigns complaint to a CSR or Investigator.
Log onto CAS and enter “2” for Enforcement and “3108” for Agency. Press <Enter>.

```
F001            C O N S U M E R   A F F A I R S   S Y S T E M S       01/13/11
                              - Start Up Menu -

                     CCCCCCCCC   AAAAAAAAA    SSSSSSSSS
                    CCCC         AAA   AAA   SSSS
                    CCCC         AAAAAAAAA    SSSSSSSSS
                    CCCC         AAA   AAA          SSSS
                     CCCCCCCCC   AAA   AAA    SSSSSSSSS

          Code  CAS Options                 Code  BAR & Misc. Options
          ----  -------------------------  ----  -----------------------
            1 = LICENSING                    6 = ACTIVITY REPORTING
            2 = ENFORCEMENT                  7 = BAR MAIN MENU
            3 = LICENSING TABLES             8 = INTAKE MENU
            4 = ENFORCEMENT TABLES           9 = BAR REPORTS
            5 - ENFORCMNT LETTER MAINT       0 - BAR TAS MENU
            E   ENFORCEMENT QUERY
            L - LICENSING QUERY

                                 Enter Selected Code 2

PF1=QUIT  PF4=CONTACTS  PF9=MAIL              Enter Outside Agency Number 3108
```

At the next screen, Enter “113” after “SEL” for “INITIATE” and press <Enter>:

```
F700              PROFESSIONAL FIDUCIARIES LICENSING BUREAU          01/13/11
SEL 213                        ENFORCEMENT MENU

                          INITIATE    CHANGE          QUERY ........... 701
 COMPLAINT ................ 113 ..... 213
 APPLICATION ............... 122 ..... 222           REPORTS ......... 727
 DISCIPLINARY .............. 129 ..... 229
 PENALTY PROBATION ......... 157 ..... 257           SPECIAL REPORT
 CITATION .................. 164 ..... 264           PROCESSES ........ 227

                                                     CONVERSION ....... 402

 NOTEBOOK        ID  FY   SEQ  ENT TP
 EXEC OFF ..... __ ____ ______ __ _ .. 291 / 791
 SUPERVISORS .. __ ____ ______ __ _ .. 290 / 790     LETTERS ......... 128
 GENERAL ...... __ ____ ______ __ _ .. 289 / 789
                                                     TIME ACCOUNTING .. 772
 SYNOPSIS ..... __ ____ ______ ....... 234 / 734



PF1=QUIT
```

At the next screen, enter all necessary complaint information and press <Enter>

```
 F213            PROFESSIONAL FIDUCIARIES LICENSING BUREAU          01 13 2011
                              CHANGE COMPLAINT
COMPLNT NO PF 2009 43____            STATUS C18  ID C1310132   UPDATE 06 30 2010
                            DCA CTGY O AGY CTGY L_            REC DT 06 17 2009
INV TYP C    SOURCE L   REPT/REFL ___     PRIORITY 2_       CSR DATE 06 10 2010
ASGND C [redacted]  MERIT/RPT                          CONSUMER/PATIENT HARM  _
LIC #1 [redacted] PF_ [redacted]_____  LIC #2 ____ ___ _________
LIC #3 ____ ___ _________  LIC #4 ____ ___ _________
RESPONDENT 1 INFO:  ISSUE DT 11 03 2008  EXP DT 10 31 2011
RESP BUS NAME ____________________________________________________________
L [redacted]_____________________________ F [redacted]__________ M _____________ SFX ___
ADR [redacted]_____________ BUS ___ ___ ____ HOME ___ ___ ____
_____________________________________ COUNTY 19
CITY [redacted]_____________ ST CA  ZIP 90292 ____  ___________________________
DL NO _________________  ST __    SSN# ___ __ ____        DOB __ __ ____
 INCIDENT
 ADR ____________________________________________
 ____________________________________________ COUNTY
 CTY ____________________________ ST __ ZIP _____ ____  ___________________________
COMMENTS ____________________________________________     INCDNT DATE __ __ ____
         ____________________________________________    800 AMOUNT $ __________

 PF1=QUIT  2=CAS  3=EX  4=HELP  5=LIC  6=PRIOR  7=RSPDNT                EX ___
```

At the next screen, enter the appropriate Action Codes:

- CRCB for “Complaint Received by Bureau.”
- CCSR for “Complaint assigned to CSR.”

```
F216            PROFESSIONAL FIDUCIARIES LICENSING BUREAU          1  13 2011
                      CHANGE COMPLAINT ACTIONS
COMPLN [redacted]__ INV TYPE C LIC/APP NO DF [redacted]
RESPONDENT [redacted]
CATEGORY C        OTHER CATEGORY  L                                  PAGE 1 OF 4
CODE    DATE        ID          COMMENTS/ACTION                 REFERENCE
CRCB [redacted] [redacted] COMPLAINT RECEIVED BY BOARD_________ 20090818____
CCSR [redacted] [redacted] ASSIGNED TO_____________________________ _____________
CCSR [redacted] [redacted] ASSIGNED TO_____________________________ _____________
CCOM [redacted] [redacted] JV_______________________________________ _____________
CCFC [redacted] [redacted] FIRST CONTACT WITH COMPLAINANT_______ _____________
CC18 [redacted] [redacted] CLOSED-NO RESPONSE FROM COMPLAINANT

____  __ __ ____  ________ ___________________________________ _____________
____  __ __ ____  ________ ___________________________________ _____________
____  __ __ ____  ________ ___________________________________ _____________
____  __ __ ____  ________ ___________________________________ _____________
____  __ __ ____  ________ ___________________________________ _____________
____  __ __ ____  ________ ___________________________________ _____________
____  __ __ ____  ________ ___________________________________ _____________

PF1=QUIT  2=CAS  3=EX  5=BKWD  6=FWD  7=DESC 9=GEN  10=SUP  11=EO     EX ___
```

II. Consumer Services Representative (CSR) processes complaint.

1. CSR evaluates complaint for egregious violations requiring field investigation. If found, CSR refers the complaint to the Bureau Chief for further processing.
   a. The CSR enters the Action Code “IASI” to transfer the complaint to PFB’s Non-Sworn Investigator.
   b. The Bureau Chief will review the complaint to determine whether the complaint will remain with the Non-Sworn Investigator or be sent to the Division of Investigation for investigation by a Sworn Investigator.

2. If no serious violations or Elder Abuse Warning Signs are found, CSR initiates complaint in CAS.

3. Log onto CAS and enter “2” for Enforcement and “3108” for Agency. Press <Enter>

```
F001            C O N S U M E R   A F F A I R S   S Y S T E M S       01/13/11
                                - Start Up Menu -

                      CCCCCCCCC   AAAAAAAAA    SSSSSSSSS
                     CCCC         AAA   AAA   SSSS
                     CCCC         AAAAAAAAA    SSSSSSSSS
                     CCCC         AAA   AAA          SSSS
                      CCCCCCCCC   AAA   AAA    SSSSSSSSS

          Code  CAS Options                  Code  BAR & Misc. Options
          ----  -------------------------   ----  -----------------------
            1 = LICENSING                      6 = ACTIVITY REPORTING
            2 = ENFORCEMENT                    7 = BAR MAIN MENU
            3 = LICENSING TABLES               8 = INTAKE MENU
            4 = ENFORCEMENT TABLES             9 = BAR REPORTS
            5 - ENFORCMNT LETTER MAINT         0 - BAR TAS MENU
            E   ENFORCEMENT QUERY
            L - LICENSING QUERY

                                 Enter Selected Code 2

PF1=QUIT  PF4=CONTACTS  PF9=MAIL              Enter Outside Agency Number 3108
```

4. At the next screen, Enter “213” after “SEL” for “CHANGE” and press <Enter>:
   The complaint screen appears.
   a) As the CSR completes the resolution process, which is described below, all work, research, conversations, and contacts must be documented in CAS and in a separate Disposition document.
   b) Examples of documented CAS screens from a completed complaint follow.
   c) Action Codes can be found by using the “F4” key in the applicable field.

```
 F113            PROFESSIONAL FIDUCIARIES LICENSING BUREAU           01 13 2011
                              INITIATE COMPLAINT
COMPLNT NO:  __                    STATUS        ID C1310H17   UPDATE 01 13 2011
                              DCA CTGY   AGY CTGY                REC DT
INV TYP  _   SOURCE    REPT/REFL  ___    PRIORITY  __        CSR DATE __ __ ____
ASGND            MERIT/RPT                              CONSUMER/PATIENT HARM
LIC #1  ____ ___ ________ LIC #2  ____ ___ ________
LIC #3                   LIC #4
RESPONDENT 1 INFO:   ISSUE DT             EXP DT
RESP BUS NAME
L ____________________________________ F _______________ M _____________ SFX ___
ADR                                              BUS              HOME
   ____________________________________ COUNTY
CITY                            ST     ZIP
DL NO _______________  ST __    SSN# ___ __ ____        DOB __ __ ____
 INCIDENT
 ADR ____________________________________________
                                                COUNTY
 CTY ___________________________  ST __ ZIP _____ ____  ___________________________
COMMENTS ____________________________________________     INCDNT DATE __ __ ____
         ____________________________________________    800 AMOUNT $ ___________

 PF1=QUIT  2=CAS  4=HELP  5=LIC  6=PRIOR  7=RSPDT
```

5. CSR makes initial contact with consumer complainant and discusses details of complaint and inquires for more detail as to allegations against the licensee.
6. CSR makes initial contact with licensee, discusses details of complaint, and how the licensee would like to resolve the complaint.
7. CSR re-contacts the consumer complainant and the licensee until the complaint is resolved. If the complaint cannot be resolved, the consumer is advised of his or her options, such as small claims court, other regulatory agencies or pursuing litigation.
8. If any serious violations worthy of investigation are discovered during the resolution process, the CSR refers the complaint to the Bureau Chief for further processing.

Note: As the CSR completes the resolution process, all work, research, conversations, and contacts must be documented in CAS and in a separate Disposition document. Examples of documented CAS screens from a completed complaint follow.

```
 F213            PROFESSIONAL FIDUCIARIES LICENSING BUREAU          01 13 2011
                              CHANGE COMPLAINT
COMPLNT NO PF 2009 43____           STATUS C18  ID C1310132   UPDATE 06 30 2010
                           DCA CTGY S AGY CTGY L_             REC DT 06 17 2009
INV TYP C    SOURCE L   REPT/REFL ___     PRIORITY 2_        CSR DATE 06 10 2010
ASGND C C1310132  MERIT/RPT                            CONSUMER/PATIENT HARM  _
LIC #1 3108 PF_ 239_____  LIC #2 ____ ___ ________
LIC #3 _____ ___ ________  LIC #4 ____ ___ ________
RESPONDENT 1 INFO:  ISSUE DT 11 03 2008  EXP DT 10 31 2011
RESP BUS NAME ____________________________________________________________
[redacted]_____________________ F [redacted]_____ M _____ SFX ___
ADR [redacted]_____________ BUS ___ ___ ____ HOME ___ ___ ____
_____________________________________ COUNTY 19
CITY MARINA DEL REY_____________ ST CA  ZIP 90292 ____  ____________________
DL NO _________________  ST __    SSN# ___ __ ____        DOB __ __ ____
 INCIDENT
 ADR ____________________________________
 _____________________________________ COUNTY
 CTY ____________________________  ST __ ZIP _____ ____  ____________________
COMMENTS ____________________________________________  INCDNT DATE __ __ ____
         ____________________________________________  800 AMOUNT $ __________

 PF1=QUIT  2=CAS  3=EX  4=HELP  5=LIC  6=PRIOR  7=RSPDNT                EX ___
```

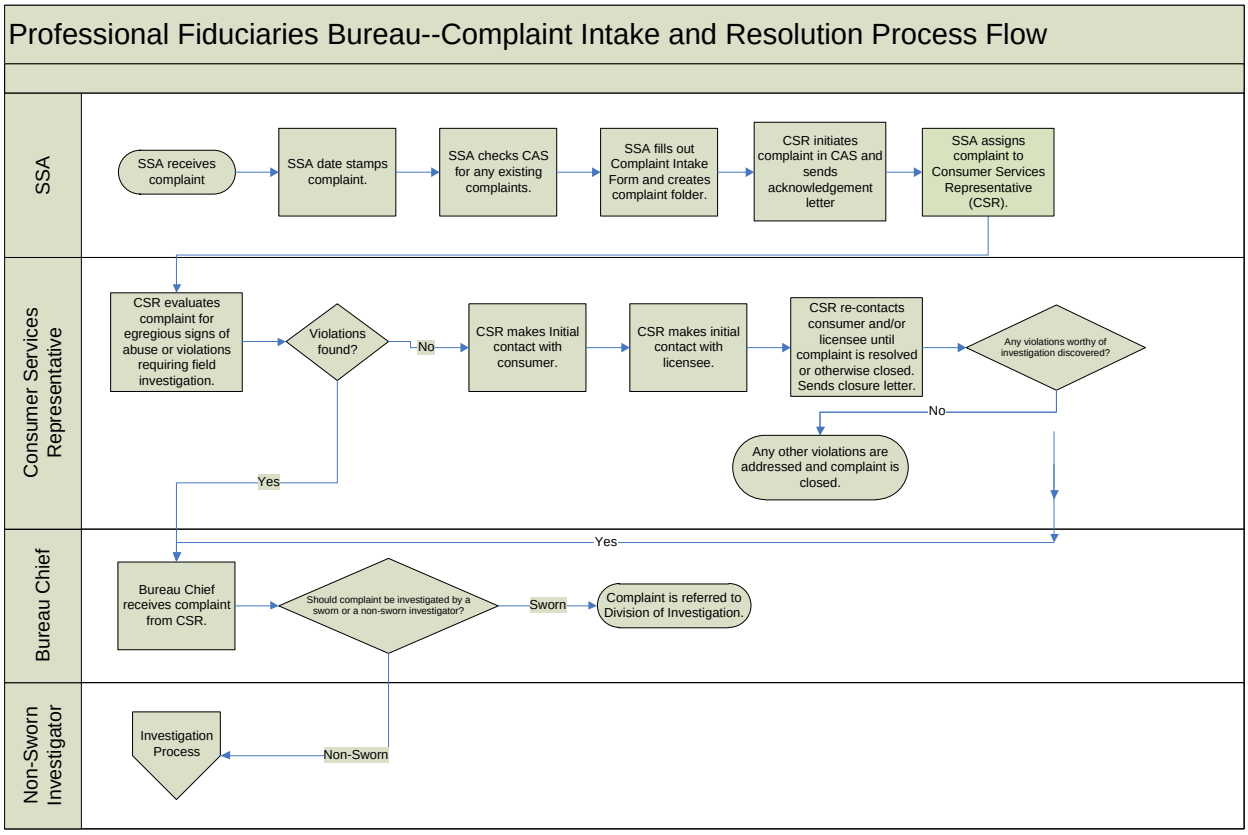
III. Bureau Chief receives complaints in need of investigation from the CSR.

1. Bureau Chief reviews complaint to determine whether complaint should be investigated by a sworn or non-sworn investigator.
   a. If the Chief decides the violations are serious enough to warrant investigation by a sworn investigator, the complaint is referred to the Division of Investigation.
   b. If the violations do not require investigation by a sworn investigator, the Chief refers the complaint to PFB's non-sworn investigator.

Non-Sworn Investigator:

Please refer to the Investigation and Enforcement portion of this manual for a Step-by-Step explanation and flow chart of Investigation and Enforcement process.

Complaint Intake and Processing Flowchart



Investigation and Enforcement

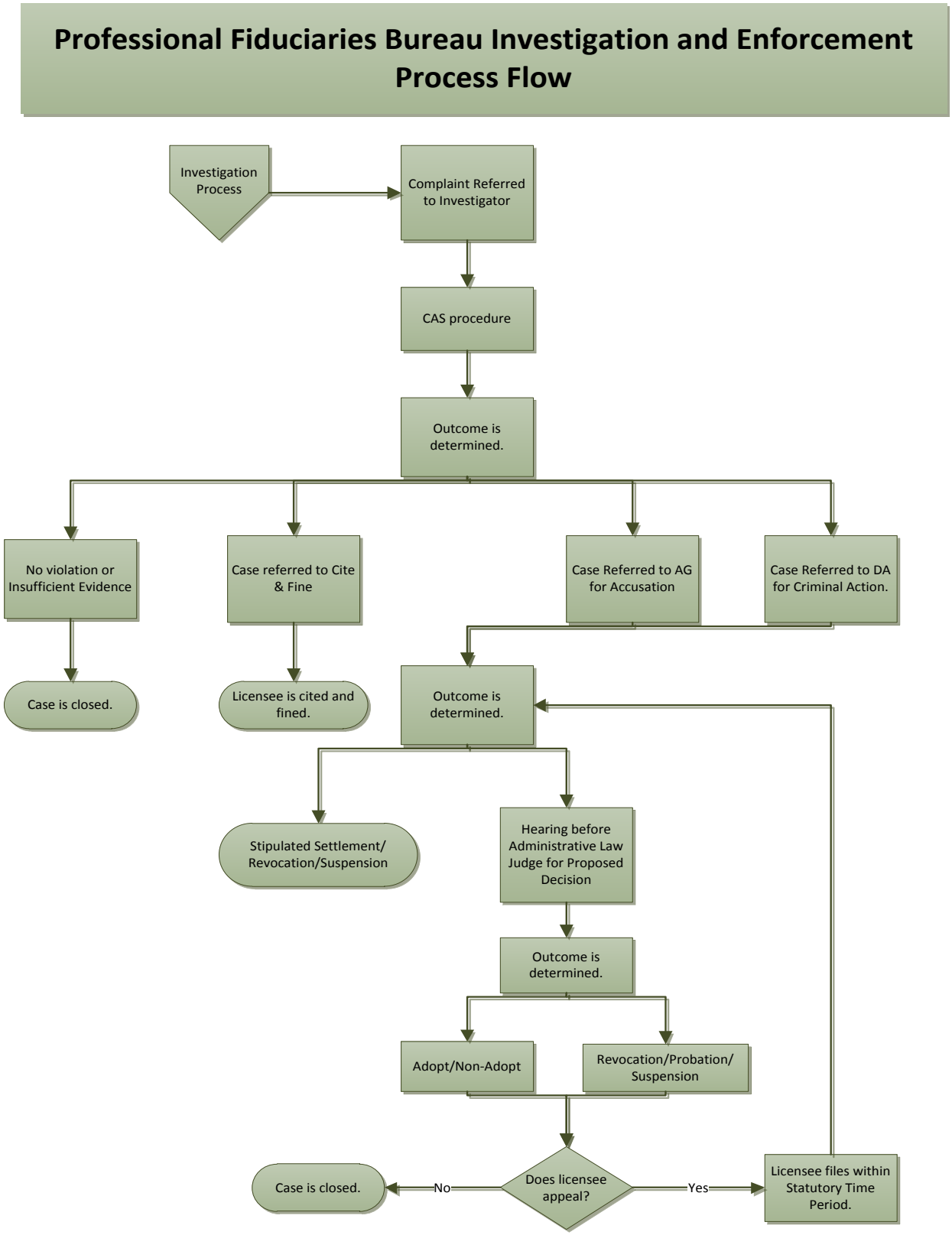
Professional Fiduciary Bureau Enforcement Process Step-By-Step:

I. Consumer Services Representative refers complaint to the Bureau Chief for referral to a sworn or non-sworn investigator if a violation is indicated.

II. Complaint is sent to a Sworn Investigator.
   1. Complaint is referred to Division of Investigation.

III. Complaint is sent to a Non-Sworn Investigator.
   1. Complaint is entered into CAS.
   2. Non-Sworn Investigator determines nature of violation and takes one of four actions:
      a. A determination of No Violation or Insufficient Evidence is made, and the investigation is concluded.
      b. The case is referred to Cite & Fine, and PFB concludes action.
   3. The case is referred to the District Attorney's Office for criminal prosecution or to the Attorney General's office for Accusation, where either:
      a. The case is resolved via stipulation or settlement and a Disciplinary Order is issued.
      b. The case goes to a hearing before an Administrative Law Judge (ALJ)who issues the Proposed Decision.
      c. The Director adopts or non-adopts the proposed decision.
   4. The licensee/applicant may choose to appeal any decision, in which case an appeal must be filed within the statutory time period of 30 days.
   5. The Bureau shall serve a copy of the appeal to the Attorney General's Office.

Investigation and Enforcement Process Flowchart



Cite and Fine Process

I. A citation may be issued as a result of findings from a complaint.

II. The citation is mailed certified-return receipt and posted as a public record document on the Bureau's website.

III. The cited person has three options:

1. Pay the citation and satisfy the order of abatement. This will satisfy the citation and order and the citation will be closed.
2. Request an administrative hearing within 30 days of issuance of the citation.
3. Request an informal conference within 10 days after the citation has been served upon the cited person.
    a. The Bureau shall hold, within 60 days from receipt of the request for an informal conference with the cited person.
    b. At the conclusion of the informal conference the Bureau may affirm, modify, or dismiss the citation.
    c. The Bureau shall state in writing the reasons for the action and transmit a copy of the findings and decision to the cited person.
    d. The decision shall be deemed to be a final order with regard to the citation issued.
    e. If modified, the original citation is considered withdrawn and a new citation issued.

I. Penalty and Consequences for Non-Compliance of Probation

A. Actions for Non-Compliance

The Probationer may not always be compliant with the conditions of his/her disciplinary order. Corrective action may need to be taken. Corrective action may include:

- Advisory Notices: An advisory notice warns the probationer that he/she is close to being in violation and needs to take corrective action to avoid a violation of probation and do what is required in his/her decision and order

- Violation Letter: Once the probationer has failed to meet a condition of probation, it is necessary to document and notify the probationer of a violation of probation. A violation does not always require further action but after multiple violations, it is necessary to pursue revocation of a licensure

- Citations/Fines: Refer to the Cite and Fine policies for the Professional Fiduciaries Bureau under Cite and Fine heading in the Table of Contents.

- Suspension of Practice: If the probationer has violated his/her probation and the reasons for the probation violations are so egregious that a suspension of practice might be urgently needed to protect public safety

- Additional Meeting: As in assuring compliance, it is important to meet with the probationer who is non-compliant, to assist him/her in becoming compliant with the probationary order let him/her know your intentions with the future of their license

If compliance cannot be reached or if the probationer is not willing to follow the conditions of probation, it will be necessary to pursue further discipline of the probationer's license.

B. Consequences of Non-Compliance

- Voluntary surrender of license

- Referral to the AG office for further discipline.

After trying to assist the probationer with meeting the requirements of probation, you may have no other choice than to request the Attorney General's office to pursue further action and ask for a revocation of the probationer's license.

C. Outcome of a Referral to the AG's Office

After referring the transmittal to the AG's office with the justification for a revocation of license, the process is similar to the process that Enforcement Analysts go through to put licensed individuals on probation in the first place.

- Once the accusation is filed, the probationer must respond to the paperwork that is served upon him/her.

- Timeframes exist for responding and are determined by the Attorney General's office on a case-by-case basis.

- If there is not a timely response, the probationer will enter into a default revocation of their license.

- If the probationer does respond in a timely manner, it will be necessary for the probationer or his/her lawyer to communicate with the AG's office

  Examples of AG Referrals are:

  - Stipulated Agreements – Extension of Probation or Surrender of License

  - Request for Hearing

D. Administrative Hearing

- Probation Monitors may be called to testify as witnesses/custodians of record

- An Administrative Law Judge may recommend revocation or an extension of probation, or may order that the probation term has been completed. The Director can accept or reject the recommendation of the Judge

- Pending the outcome, the process could start over again

II. Types of Decision/Orders

- Stipulated Settlement: A stipulation is an agreement made by the parties or by their attorneys, in a judicial proceeding. Stipulations are also sometimes made regarding factual matters in order to save time required in producing evidence in court. A stipulation can be thought of as a contract between the Bureau and the probationer.

  The Bureau considers stipulated settlements to promote cost effective consumer protection and to expedite disciplinary decisions.

- Proposed Decision: This is a decision that has been decided by an Administrative Law Judge (ALJ) after a hearing for a violation of probation or subsequent accusation or after a petition for modification or early termination of probation.

III. Probation Conditions/ Types of Conditions

- Standard Conditions: "Conditions that appear in all probation orders." These are conditions that will be applied to each probationer regardless of why he/she is on probation.

- Optional Conditions: "Conditions that are appropriate to the nature and circumstance of the particular violation." These are conditions that are applied for specific factors related to the probationer's situation.

IV. Specific Probation Conditions

- Obey all laws/criminal court orders: Respondent shall obey all federal, state, local laws and all rules and regulations governing any practice for which Respondent is licensed. A full and detailed account of any and all violations of law shall be reported by Respondent to the Bureau in writing within seventy-two (72) hours of occurrence.

  The probationer must submit fingerprints within a specified time to monitor this condition.

  Examples:

  - Violation of federal, state or local law (probationer must report within 72 hours of occurrence to the probation monitor)

  - Felony or misdemeanor arrest

  - Vehicle citation (case-by-case, usually automatic if drugs or alcohol involved)

  - Violation of a regulation related to license practice

  Normally, a criminal violation of county probation conditions or state parole is considered an automatic violation of these probation conditions.

- Comply with the Bureau's probation program: Respondent shall fully comply with the conditions of the Probation Program established by the Bureau and cooperate with representatives of the Bureau in its monitoring and investigation of Respondent's compliance with the Bureau's Probation Program.

  Examples:

  - Respondent shall provide Bureau representative's unrestricted access to inspect all business locations, including business records required to be maintained in accordance with Section 6560 of the Business and Professions Code.

  - Respondent shall inform the Bureau in writing within fifteen (15) days of any address change and claim all certified mail issued by the Bureau.

  - Respondent shall respond to all notices of reasonable requests timely, and submit reports, remedial education documentation, verification of employment, or other similar reports, as requested and directed by the Bureau or its representative(s).

- Failure to appear for any scheduled meeting or cooperate with the requirements of the program, including timely submission of requested information, shall constitute a violation of probation.

- Notification to Employer: Respondent shall be required to inform his/her employer and any subsequent employer during the probation period of the discipline imposed by this Decision by providing the employer with a copy of the Decision and Order in this matter. The employer will be requested to inform the Bureau, in writing, that he/she is aware of the discipline.

- Cost recovery/restitution/monitoring costs/citations: These conditions cover the authority to collect money from probationers for various situations.

  Examples:
  - Reimbursement for prosecution costs (Attorney General costs)
  - Reimbursement for investigation costs (internal or Division of Investigation)
  - Pay costs associated with monitoring
  - Comply with final orders of citations (citations for not complying with certain conditions: i.e., name/address change)
  - Repayment to victims for loss (appropriate in cases of drug diversion, theft, fraudulent billing, or patient harm resulting from negligence or incompetence)
  - Administrative penalty (actual monetary penalty)

- Status of license/license surrender/suspensions: The probationer must maintain an active current license while on probation; however, they have an option to voluntarily surrender their license in some cases. A license may be suspended for a specified amount of time.

  Examples:
  - Actual suspension of license for specific time (mode of penalty for violations of practice acts)
  - Limited practice (limitations placed on practice)
  - Maintain active and current license
  - Voluntary surrender (may turn in license if they cannot comply with probation, considered discipline)

- Notification and reports: This provides the Bureau with a mechanism for maintaining communication, gathering pertinent information, and obtaining written materials that might be deemed necessary. The probationer must submit under penalty of perjury.

Examples:

- Provide status to current and prospective employers
- Submit quarterly declarations (status, medications, total acquisition and disposition of controlled substances)
- Provide requested reports (mental, physical)
- Notify clients/patients of status and limitations
- Provide criminal probation reports and probation officer's contact information
- Notify Bureau of change in name, employment, contact information
- Notify any referral service to which they are a member of the probation status

- Tolling: Is when a probationer does not reside in the state of California, therefore probation is in hold or "tolled". This ensures that the probationer may not complete probation without being fully monitored for their term in California.

  The time a probationer resides out-of-state will not count towards the service of probation.

  Examples:

  - Practice or reside out-of-state
  - Maintain employment at all times
  - Temporary absences from state

- Violation of probation: This condition provides for the event that the probationer violates probation.

  Examples:

  - Failure to comply with any term or condition
  - Continued jurisdiction until matter solved (the probation period will continue until final outcome of violation)

- Continuing education courses/license examinations: These conditions require the probationer to resolve deficiencies in knowledge which affects or may affect practice. Requires probationers to take and pass required examinations.

  Examples:

  - Take and pass license examination requirements

- Take specific courses (ethics, legal aspects, anger management)
- Continuing education (provide evidence of efforts to maintain skill and knowledge)
- Remedial education

- Chemical dependency: These conditions provide specific requirements for offenses involving alcohol/drug abuse. Costs incurred to fulfill these conditions are the responsibility of the probationer.

  Examples:
  - Abstain from use of controlled substances (must abstain from possession or use of controlled substances)
  - Abstain from use of alcohol (completely)
  - Rehabilitation program (attend or have attended a rehabilitation program of a specific duration)
  - Controlled substance restrictions
  - Submit to random biological fluid testing and samples (practice can be suspended for non-compliance)
  - Surrender of Drug Enforcement Administration (DEA) permit
  - Support/recovery groups such as Alcoholics Anonymous (AA), Narcotics Anonymous (NA); support groups related to the practice may include Pharmacy Recovery Program or Nurse Support Group
  - Diversion
  - Abstain from the use of psychotropic medication (indicate one doctor that will monitor prescriptions and come up with plan to get off medication)
  - Maintain records and access records for controlled substances

- Physical examination: Requires probationer to obtain appropriate treatment for physical problems or disabilities which could affect safe practice.

  Examples:
  - Undergo medical examination (within specific time)

- Undergo continued treatment (follow orders of examiner)

- Mental health examination/therapy or counseling program: Requires probationer to obtain appropriate treatment and counseling for mental health problems which could affect safe practice.

  Examples:
  - Psychological evaluation (within specific time frame)
  - Ongoing psychotherapy (comply with orders of examiner)

- Limitations/requirements/restrictions:

  Examples:
  - Relinquish license and wall certificate
    - Community services: free services (provide specific amount of community services that offers free services for a community or charitable organization)
  - No ownership of licensed premises
    - Separate file or records (maintain and make available for inspection a separate file of all records pertaining to the acquisition or disposition of all controlled substances)
    - Prohibition from handling funds (limitation on probationer's ability to handle funds)
    - Professional boundaries program (a structured program for those that have issues concerning professional boundaries)
    - Third party chaperone (have a chaperone present during examinations)
    - Other state discipline (Bureaus may take action on a licensee that is disciplined by the Bureau of another state).

V. Definitions

- Probation: Probation is the monitoring of licensed professional whose licenses have been disciplined and have been allowed to continue to practice pursuant to compliance with terms and conditions established by their regulatory entity. The purpose of probation is to assure the public safety by having the ability to monitor the licensee with work performance evaluations, drug screenings, and a multitude of conditions. At the end of this manual you should have an understanding of the probations conditions and reasoning for each of them.

- Respondent: Refers to the party who responds to a pleading in a civil matter. A party against whom an appeal is brought is also called a respondent. For our purposes, the respondent is the licensee who will become the probationer.

- Parties: Either of the persons or sides concerned in a legal matter.

- Jurisdiction: Jurisdiction generally means the power of a court to hear and render a decision in a given situation.

- Advisement and Waivers: Advisement generally means the act of providing advice or counsel. Waiver is the intentional and voluntary giving up of something. A waiver may be made by an express statement or by conduct, such as not enforcing a right.

- Culpability: An accused is culpable when he or she is sufficiently responsible for acts or negligence to be at fault and liable for the conduct. Culpability often implies some knowledge of the wrongfulness of one's actions.

- Contingency: Refers to an event that may or may not happen; something that is possible, uncertain, or unpredictable. It can also mean dependent upon something else.

- Disciplinary Order: A written direction or command delivered by a court or judge. It includes final decrees as well as interlocutory directions or commands. It is also referred to as a court order or judicial order.

- Interlocutory: Refers to something which is temporary or not final. Usually an order decree made provisionally pending a final determination.

- Specific Conditions: A distinct item or detail. This is where the conditions and specific information related to each condition will be noted. It is important to assure that the intended conditions are reflected in this section.

- Acceptance: To take what is offered willingly.

- Endorsement: To give approval to; support, sanction.

Appendix A: Code of Ethics

California Code of Regulations
Sections 4470 - 4484
Article 4. Code of Ethics

Section 4474. Confidentiality.

(a) The licensee shall closely guard against the disclosure of personal information regarding the consumer except when such disclosure is required by law or necessary to protect the best interest of the consumer.

(b) Disclosure of consumer information shall be limited to what is lawful**,** necessary and relevant to the issue being addressed.

NOTE: Authority cited: Sections 6517 and 6520, Business and Professions Code. Section 6520, Business and Professions Code.

Section 4476. Conflict of Interest.

(a) The licensee shall avoid actual conflicts of interest, and consistent with the licensee's fiduciary duties, shall not engage in any activity where there is the reasonable appearance of a conflict of interest.

(b) The licensee shall not engage in any personal, business, or professional interest or relationship that is or reasonably could be perceived as self-serving or adverse to the best interest of the consumer.

(c) The licensee shall protect the rights of the consumer and the estate against infringement by third parties.

NOTE: Authority cited: Sections 6517 and 6520, Business and Professions Code. Section 6520, Business and Professions Code.

Section 4478. Residential Placement.

(a) The provisions under this section apply to those licensed fiduciaries acting in the capacity of a conservator, guardian, or agent under durable power of attorney for health care.

(b) The licensee shall be informed and aware, and consider the options and alternatives available when establishing the consumer's place of residence.

(c) The licensee shall use every reasonable good faith effort to ascertain the desires of the consumer prior to making any decisions when establishing the consumer's residence, unless doing so would violate the licensee's fiduciary duties to the consumer or impose an unreasonable expense on the estate.

(d) If after every reasonable good faith effort the desires of the consumer cannot be ascertained or if exercising them would violate the licensee's fiduciary duties to the consumer or impose an unreasonable expense on the estate, the licensee shall select the least restrictive and appropriate residence that is available and necessary to meet the needs of the consumer that are in the best interest of the consumer.

(e) The licensee shall not remove the consumer from his or her home or separate the consumer from family and friends unless such removal is appropriate and in the best interest of the consumer.

(f) The licensee shall seek professional evaluations and assessments whenever appropriate to determine whether the current or proposed placement of the consumer represents the least restrictive and appropriate residence that is available and necessary to meet the needs of the consumer that are in the best interest of the consumer.

(g) The licensee shall monitor the placement of the consumer on an on-going basis to ensure its continued appropriateness, and shall make changes whenever necessary that are in the best interest of the consumer.

(h) The licensee shall take all action necessary to protect the consumer from financial and/or physical harm or abuse.

NOTE: Authority cited: Sections 6517 and 6520, Business and Professions Code. Section 6520, Business and Professions Code.

Section 4480. Care, Treatment and Services.

(a) The provisions under this section apply to those licensed fiduciaries acting in the capacity of a conservator, guardian, or agent under durable power of attorney for health care.

(b) The licensee shall protect the personal and pecuniary interests of the consumer.

(c) The licensee shall use every reasonable good faith effort to ascertain the desires of the consumer prior to making any decisions regarding all care, treatment, or services, unless doing so would violate the licensee's fiduciary duties to the consumer or impose an unreasonable expense on the estate.

(d) If after every reasonable good faith effort the desires of the consumer cannot be ascertained or if exercising them would violate the licensee's fiduciary duties to the consumer or impose an unreasonable expense on the estate, the licensee shall make decisions regarding care, treatment, and services that are in the best interest of the consumer.

(e) The licensee shall be cognizant of his or her own limitations of knowledge, and shall seek professional evaluations and assessments whenever appropriate to determine whether the current or proposed care, treatment, and services are appropriate and in the best interest of the consumer.

(f) The licensee shall monitor the care, treatment, and services on an on-going basis to ensure its continued appropriateness, and shall make changes whenever necessary that are in the best interest of the consumer.

NOTE: Authority cited: Sections 6517 and 6520, Business and Professions Code. Section 6520, Business and Professions Code.

Section 4482. Management of the Estate.

(a) The licensee shall protect the assets of the estate.

(b) The licensee shall pursue claims against others when it reasonably appears to be in the best interest of the consumer or the estate to do so.

(c) The licensee shall defend against actions or claims against the estate when it reasonably appears to be in the best interest of the consumer or the estate to do so.

(d) The licensee may incur expenses that are appropriate to the estate, in relation to the assets, overall investment strategy, purpose, and other relevant information and circumstances when investing and managing estate assets.

(e) Consistent with the licensee's fiduciary duties, the licensee shall manage the assets of the estate in the best interest of the consumer.

(f) The licensee shall manage the estate with prudence, care and judgment, maintaining detailed fiduciary records as required by law.

NOTE: Authority cited: Sections 6517 and 6520, Business and Professions Code. Section 6520, Business and Professions Code.

Section 4484. Limitation or Elimination of Fiduciary Powers; Restoration of Capacity; Termination of Fiduciary Relationship.

(a) When appropriate and in the best interest of the conservatee, licensed conservators under the Act shall not oppose and, in appropriate circumstances shall seek, limitations on the licensee's powers or authority to act, elimination of unnecessary or no-longer necessary powers, or termination of the proceeding and restoration of the conservatee's legal capacity.

(b) In all fiduciary relationships subject to the Act, when appropriate and in the best interest of the consumer, the licensee shall take all reasonable steps to facilitate termination of the fiduciary relationship.

(c) In all fiduciary relationships subject to the Act, the licensee shall not oppose or interfere with efforts to terminate the licensee's fiduciary relationship with a consumer for any reason other than as necessary or appropriate to protect or promote the best interest of that consumer.

NOTE: Authority cited: Sections 6517 and 6520, Business and Professions Code. Section 6520, Business and Professions Code.

Appendix B: Professional Fiduciaries Bureaus Regulations

California Code of Regulations
Sections 4400 - 4622
Article 1. General Provisions

§ 4400. Introduction.

These regulations are adopted by the Professional Fiduciaries Bureau to implement and make specific the provisions of the Professional Fiduciaries Act, commencing with Section 6500 of the Business and Professions Code.

NOTE: Authority cited: Section 6517, Business and Professions Code. Reference: Sections 6500 and 6510, Business and Professions Code.

§ 4402. Mailing Address of Bureau.

The mailing address of the Professional Fiduciaries Bureau is P.O. Box 989005, West Sacramento, CA 95798-9005.

NOTE: Authority cited: Section 6517, Business and Professions Code. Reference: Sections 6500 and 6510, Business and Professions Code.

§ 4404. Filing of Address of Record.

Each licensee shall have on file with the Bureau his or her correct street addresses, which shall include a physical business and residence address. In addition, each licensee shall designate an address of record that shall be public information, which may consist of a post office box number or other viable mailing address. Each licensee shall within fifteen (15) business days notify the Bureau in writing of any changes in his or her street or mailing addresses, giving both the old and new addresses and any changes.

NOTE: Authority cited: Sections 136 and 6517, Business and Professions Code. Reference: Sections 136, 6510 and 6534, Business and Professions Code.

§ 4406. Definitions.

For the purpose of the regulations contained in this division, the term:
(a) “Act” means the provisions of the Professional Fiduciaries Act, Chapter 6 (commencing with Section 6500) of Division 3 of the Business and Professions Code.
(b) “Bureau” means the Professional Fiduciaries Bureau within the Department of Consumer Affairs, established pursuant to 6510 of the Business and Professions Code.
(c) “Licensee” means a person who is licensed under the Professional Fiduciaries Act, Chapter 6 (commencing with Section 6500) of Division 3 of the Business and Professions Code as a “licensed professional fiduciary” pursuant to Section 6536.

(d) “Consumer,” under the Act, means an individual with whom the licensee has established a fiduciary relationship including: a conservatee when the fiduciary is acting as a court-appointed conservator; a ward when the fiduciary is acting as a court-appointed guardian, a principal when the fiduciary is acting under a durable power of attorney, and a beneficiary when the fiduciary is acting as a trustee.

(e) Trustee as a Professional Fiduciary – A person acting as a trustee under the Act is an individual who meets the requirements of paragraph (1) and (2) and shall be licensed as a professional fiduciary unless exempt under the Act.

(1) Licensing applies to the following persons:

(A) An individual acting as trustee for a trust as defined in Section 82 of the Probate Code that includes at least one individual beneficiary, or

(B) An individual, acting on behalf of an entity appointed as trustee, to perform the functions of a trustee for a trust as defined in Section 82 of the Probate Code that includes at least one individual beneficiary.

(2) Number of non-family member trustors applies as follows:

A professional fiduciary as defined in Section 6501, includes a person acting as trustee for more than three people or more than three families or a combination of people and families that totals more than three, at the same time, who are not related to the professional fiduciary by blood, adoption, marriage, or registered domestic partnership, unless excluded under the Act. Trustors shall be counted and neither beneficiaries nor trusts shall be counted.

NOTE: Authority cited: Section 6517, Business and Professions Code. Reference: Sections 6500, 6501, 6502, 6510, and 6530 Business and Professions Code.

Article 2. Application and Licensure

§ 4420. Place of Filing.

An application for licensure shall be filed with the Bureau at its designated address.

NOTE: Authority cited: Section 6517, Business and Professions Code. Reference: Sections 6500, 6510, and 6533, Business and Professions Code.

§ 4422. Application.

(a) A person applying for a license as a professional fiduciary shall submit an application for licensure to the Bureau and pay the application fee required in Section 4580.

(b) An application for licensure shall require the applicant to meet the qualifications of Section 6533 of the Business and Professions Code and, in addition, provide the following information:

(1) For a determination of compliance with the education requirements under subdivision (g) of Section 6533, if applicable, the applicant shall provide the names of the universities or colleges, the dates of graduation, and the applicable degrees awarded.

(2) For a determination of compliance with the experience requirements under subdivision (g) of Section 6533, if applicable, the applicant shall provide information regarding

the qualifying substantive fiduciary responsibilities, including type and dates of experience, and contact information for three references, and shall provide consent for the Bureau to contact the references for verification of specified experience.

(3) The applicant's physical business address, telephone number, and facsimile number.

(4) The applicant's designated address of record for public information.

(5) A list of any license or professional certificate ever held by the applicant, including information regarding the type, state/country, license or certificate number, date issued, status, and whether the license or certificate has been subject to disciplinary action, including revocation or suspension. The applicant may attach a statement of explanation.

(6) Whether the applicant has filed for bankruptcy in the last ten (10) years or held a controlling financial interest in a business when that business filed for bankruptcy in the last ten (10) years, as required by paragraph (7) of subdivision (a) of Section 6534, and the date of the bankruptcy filing. The applicant may attach a statement of explanation.

(7) Whether the applicant has ever been convicted of a crime. The applicant may attach a statement of explanation.

(8) Whether the applicant has ever been found by a court to have breached a fiduciary duty, the date, case name, court location, and case number associated with each breach of fiduciary duty. The applicant shall submit a record of the court findings and orders related to each specific case. The applicant may file an additional statement of the issues and facts pertaining to each case.

(9) Whether the applicant has ever been removed as a fiduciary by a court for breach of trust, the date, case name, court location, and case number associated with each removal. Whether all related appeals have been taken or the time to file an appeal has expired. The applicant shall submit a record of the court findings and orders related to each specific case. The applicant may file an additional statement of the issues and facts pertaining to each case.

(10) Whether the applicant has ever resigned as a fiduciary in a matter in which a complaint has been filed with the court, the date the complaint was filed, the date of the resignation**,** case name, court location, and case number associated with each resignation, and a statement of the issues and facts pertaining to each allegation. The applicant shall submit a record of the court findings and orders related to each specific case.

(11) Whether the applicant has ever settled as a fiduciary in a matter in which a complaint has been filed with the court, the date the complaint was filed, the date of the settlement, case name, court location, and case number associated with each settlement, and a statement of the issues and facts pertaining to each allegation. The applicant shall submit a record of the court findings and orders related to each specific case.

(c) As used in this section "complaint" means a civil complaint, a petition, motion, objection, or other pleading filed with the court against the applicant alleging the applicant has not properly performed the duties of a fiduciary.

*NOTE: Authority cited: Section 6517, Business and Professions Code. Reference: Sections 141, 480, 481, 490**,** 6533, 6534, 6536, 6538, 6539, and 6561, Business and Professions Code.*

§ 4424. Review of Application; Processing Time; Issuance of License.

(a) Within ninety (90) days of receipt of an application for licensure the Bureau shall inform the applicant in writing that it is both complete and accepted for filing or that it is deficient and what specific information or documentation is needed to complete the application. An application is considered complete if it is in compliance with Section 4422.

(b) Once the application is complete and accepted for filing, the Bureau shall inform the applicant in writing within thirty (30) days that he/she are approved or denied for licensure. Once approved for licensure, the applicant shall submit the initial license fee required in Section 4580 subject to the limitation of subdivision (b) of Section 4426 to become a licensed professional fiduciary under the Act.

NOTE: Authority cited: Sections and 6517, Business and Professions Code. Reference: Sections 141, 6535, 6536, and 6537, Business and Professions Code.

§ 4426. Abandonment of Application.

(a) An application for licensure shall be deemed abandoned and the application fee forfeited when the applicant fails to complete the application within twelve (12) months from the date of notification of deficiency or, if applicable, within twelve (12) months from date of notification of examination eligibility as provided for in Section 4500.

(b) An application for licensure shall be deemed abandoned when an applicant approved for licensure by the Bureau fails to submit the initial license fee required in Section 4580 within twelve (12) months from the date of approval for licensure.

NOTE: Authority cited: Section 6517, Business and Professions Code. Reference: Sections 142 and 6533, Business and Professions Code.

§ 4428. Duration of Initial License Period; First License Renewal Date; Proration of Initial License Fee; Continued Education Requirements for Initial License Period.

(a) To adjust the duration of the initial license period setting the renewal date for each licensee, a professional fiduciary's initial license shall expire at twelve (12) midnight on the last day of the month in which the second birthday of the licensee occurs after the issuance of the license if not renewed. No license shall be issued for less than twelve (12) or more than 24 months.

(b) The initial license fee shall be prorated as required in Section 4580.

NOTE: Authority cited: Sections 152.6, and 6517, Business and Professions Code. Reference: Sections 134, 152.6, and 6541, Business and Professions Code.

Article 3. Prelicensing and Continuing Education

Section 4440. Prelicensing Education Requirements.

To qualify for licensure under the Act an applicant shall complete thirty (30) hours of prelicensing education credit subject to the conditions of this Article. The following courses shall qualify for prelicensing education credit:

(a) Any education course taken on or after January 1, 2007, that meets the requirements of an approved education course under Section 4444.

(b) Any fiduciary management course taken from the California State University, Fullerton, Extended Education Program.

NOTE: Authority cited: Section 6517, Business and Professions Code. Reference: Section 6538, Business and Professions Code.

Section 4442. Continuing Education Requirements.

(a) Annual time requirements.

(1) To renew a license, a licensee shall earn during each annual renewal period a minimum of fifteen (15) hours of continuing education credit from approved education courses as defined in Section 4444 subject to the conditions of this Article.

(2) Courses qualifying for continuing education credit must be completed following licensure and within the one-year renewal period each cycle.

(3) A licensee who serves as an instructor in an approved education course for continuing education as provided for in subdivision (a) of Section 4444, may receive 1.5 hours of continuing education course participation credit for each hour of new course instruction presented. A maximum of 6 of the fifteen (15) hours of continuing education credit may be earned under this paragraph.

(4) A maximum of 4 of the fifteen (15) hours of continuing education credit may be earned through independent study under the supervision of an approved education provider pursuant to Section 4446 that supplies evidence of completion.

(b) Annual subject topic requirements.

(1) Continuing education credit shall be earned by taking approved education courses in at least one of the subject topics as provided for in Section 4444.

(2) At least 2 hours of continuing education credits each year shall be in ethics for fiduciaries.

NOTE: Authority cited: Section 6517, Business and Professions Code. Reference: Section 6538, Business and Professions Code.

Section 4443. Continued Education for First License Renewal.

For the initial license period established pursuant to Section 4428, each licensee must comply with the continued education requirements of Section 4442.

NOTE: Authority cited: Sections 152.6, and 6517, Business and Professions Code. Reference: Sections 134 and 152.6, Business and Professions Code.

Section 4444. Approved Education Courses.

(a) Eligible education courses, as defined in subdivision (b), offered or approved by an approved education provider listed in Section 4446, are approved education courses that meet the prelicensing and continuing education requirements of this Article.

(b) Programs, seminars, and courses of study that are relevant to fiduciary responsibilities of estate management or of fiduciary responsibilities of the person for at least one of the subject topics as specified in subdivision (e), that address the areas of proficiency, competency, and performance of a fiduciary, and impart knowledge and increase understanding of the fiduciary profession or of the California judiciary or the legal process as it relates to the administration of fiduciary responsibilities are eligible education courses.

(c) An approved education course may be offered in a real-time classroom setting, delivered by video presentation from a remote location or by other delivery means, including online.

(d) An approved education course may include independent study, subject to the limitations of paragraph (4) of subdivision (a) of Section 4442, if the education provider supplies evidence of completion. A course is not independent study if the education provider requires evidence of comprehension prior to issuing a certificate of completion, as required in subdivision (c) of Section 4448.

(e) Subject topics for eligible education courses, as defined in subdivision (b), include the following:

(1) Conservatorship;

(2) Guardianship;

(3) Trust administration;

(4) Durable Power of Attorney;

(5) The California court system including court jurisdiction and responsibilities; the state and federal constitution, California statutes, rules of court, case law, administrative law, and current issues in the California court system relevant to the fiduciary profession;

(6) Ethics for fiduciaries.

NOTE: Authority cited: Section 6517, Business and Professions Code. Reference: Section 6538, Business and Professions Code.

Section 4446. Approved Education Providers.

(a) Approved education providers may include accredited educational institutions, professional associations, professional continuing education entities, public or private for-profit or not-for-profit entities, and court-connected groups. An "accredited educational institution" is a college or university, including a community or junior college, accredited by a regional accrediting organization recognized by the Council for Higher Education Accreditation.

(b) The following educational entities that offer or approve eligible education courses as defined in subdivision (a) of Section 4444, in accordance with the requirements of Section 4448, are approved education providers of courses that meet the prelicensuring and continuing education requirements of this Article:

(1) An accredited educational institution;

(2) An education provider offering courses sponsored by a local court of the State of California;

(3) An education provider offering courses approved by the California State Bar for continuing education;

(4) An accountancy organization or an education provider, if the education qualifies with the California State Bureau of Accountancy for continuing education credit for renewal of an individual license as a Certified Public Accountant;

(5) An education provider offering courses registered with the Certified Financial Planner Bureau of Standards, Inc.;

(6) An education provider offering courses approved by the California Department of Insurance;

(7) An education provider of continuing education courses approved by the California Bureau of Registered Nursing;

(8) An education provider offering courses approved by the California Bureau of Psychology;

(9) An education provider offering courses approved by the California Bureau of Behavioral Sciences;

(10) The California Department of Mental Health, Social Services and Developmental Services;

(11) The Professional Fiduciary Association of California;

(12) The California State Association of Public Administrators, Public Guardians, and Public Conservators;

(13) The National Guardianship Association and its state affiliates;

(14) The National Association of Professional Geriatric Care Managers;

(15) The American Bar Association;

(16) The American Society of Aging;

(17) The Gerontological Society of America;

(18) The National Association of Social Workers;

(19) The National College of Probate Judges;

(20) The National Elder Law Foundation;

(21) The American Bankers Association and its training providers;

(22) The Cannon Financial Institute.

(23) Any Long Term-Care Ombudsman program certified by the California Department of Aging; and,

(24) An Internal Revenue Service/Office of Professional Responsibility Approved Program Sponsor for Continuing Education for Enrolled Agents.

NOTE: Authority cited: Section 6517, Business and Professions Code. Reference: Section 6538, Business and Professions Code.

Section 4448. Requirements for Education Providers.

Each education provider shall:

(a) Ensure that the instructors teaching qualified education courses are proficient and knowledgeable in the subject matter;

(b) Monitor and evaluate the quality of courses, curricula, instructors, and instructor training;

(c) Maintain records of attendance or independent study and distribute to each participant a certificate of completion that identifies the education provider and documents the subject

taught, the date of completion of the education course, and the amount of education credit offered;

(d) Maintain documentation of approved education courses offered for prelicensing and continuing education credit under this article for a period of at least five years from the date the education course was offered; and

(e) Provide to the Bureau upon request any documentation of approved education courses for prelicensing and continuing education credit, including records of attendance or independent study.

NOTE: Authority cited: Section 6517, Business and Professions Code. Reference: Section 6538, Business and Professions Code.

Section 4450. Proof of Compliance of Prelicensing Education.

Each applicant is responsible for ensuring compliance with the prelicensing education requirements of this Article.

(a) To demonstrate compliance an applicant shall sign under penalty of perjury on an application form, as provided for in Section 4422, provided by the Bureau that they have completed thirty (30) hours of approved prelicensing education courses.

(b) An applicant shall maintain documentation of completion of prelicensing education courses for a period of at least three years from the date of the issuance of the license.

(c) Each applicant shall provide any information requested by the Bureau within ten (10) business days of the request**,** to determine compliance with the prelicensing education requirements of the Act.

NOTE: Authority cited: Section 6517, Business and Professions Code. Reference: Section 6538, Business and Professions Code.

Section 4452. Proof of Compliance of Continuing Education Requirements.

Each applicant is responsible for ensuring compliance with the continuing education requirements of this Article.

(a) To demonstrate compliance a licensee shall sign under penalty of perjury on an annual renewal application form provided by the Bureau that they have completed fifteen (15) hours of approved continuing education courses.

(b) A licensee shall maintain documentation of completion of continuing education courses for a period of at least three years from the date of renewal.

(c) Each licensee shall provide any information requested by the Bureau within ten (10) business days of the request**,** to determine compliance with the continuing education requirements for license renewal.

NOTE: Authority cited: Section 6517, Business and Professions Code. Reference: Section 6538, Business and Professions Code.

Article 4. Code of Ethics

Section 4470. General Principles.

(a) A licensee's fiduciary duties recognized under this Article are based upon the fiduciary relationship established with the consumer as follows:

(1) A licensee's relationship to a conservatee when acting as a court appointed conservator;

(2) A licensee's relationship to a ward when acting as a court appointed guardian;

(3) A licensee's relationship to a principal when acting under a durable power of attorney; and,

(4) A licensee's relationship to a beneficiary when acting as a trustee.

(b) The licensee shall comply with all local, state, and federal laws, regulations, and requirements developed by the courts and the Judicial Council as a minimum guide for the fulfillment of the fiduciary duties recognized under this Article.

(c) The licensee shall protect all rights of the consumer that relate to licensee's fiduciary duties to the consumer.

(d) The licensee shall refrain from representing the consumer in areas outside the scope of legal authority.

(e) The licensee shall seek competent professional advice whenever appropriate for the benefit of the consumer.

(f) Consistent with the licensee's fiduciary duties, the licensee shall provide or arrange for services to the consumer, to the extent they are appropriate and reasonable based upon the needs of the consumer, that are in the best interest of the consumer.

(g) Notwithstanding any other provision of law, any expense incurred by the licensee for the delivery of services that are provided to, or arranged for, the consumer by the licensee, including attorney fees or fees to the licensee for services, shall be considered reasonable if approved by the court.

NOTE: Authority cited: Sections 6517 and 6520, Business and Professions Code. Section 6520, Business and Professions Code.

Section 4472. Decision Standards.

(a) The provisions under this section apply to those licensed fiduciaries acting in the capacity of a conservator, guardian, or agent under durable power of attorney for health care or for finances.

(b) The licensee shall provide the consumer with every reasonable opportunity to exercise those individual choices that the consumer is capable of exercising.

(c) When the licensee is making decisions on behalf of the consumer, the licensee shall use every reasonable good faith effort to ascertain the desires of the consumer prior to making any decisions, and shall make decisions therefore predicated on the ascertained desires of the consumer, unless doing so would violate the licensee's fiduciary duties to the consumer or impose an unreasonable expense on the estate.

(d) If after every reasonable good faith effort the desires of the consumer cannot be ascertained or if exercising them would violate the licensee's fiduciary duties to the consumer or

impose an unreasonable expense on the estate, the licensee shall make decisions that are in the best interest of the consumer.

(e) Decisions made on behalf of the consumer shall take into consideration all known ethnic, religious, social and cultural values of the consumer whenever possible.

NOTE: Authority cited: Sections 6517 and 6520, Business and Professions Code. Section 6520, Business and Professions Code.

Section 4474. Confidentiality.

(a) The licensee shall closely guard against the disclosure of personal information regarding the consumer except when such disclosure is required by law or necessary to protect the best interest of the consumer.

(b) Disclosure of consumer information shall be limited to what is lawful**,** necessary and relevant to the issue being addressed.

NOTE: Authority cited: Sections 6517 and 6520, Business and Professions Code. Section 6520, Business and Professions Code.

Section 4476. Conflict of Interest.

(a) The licensee shall avoid actual conflicts of interest, and consistent with the licensee's fiduciary duties, shall not engage in any activity where there is the reasonable appearance of a conflict of interest.

(b) The licensee shall not engage in any personal, business, or professional interest or relationship that is or reasonably could be perceived as self-serving or adverse to the best interest of the consumer.

(c) The licensee shall protect the rights of the consumer and the estate against infringement by third parties.

NOTE: Authority cited: Sections 6517 and 6520, Business and Professions Code. Section 6520, Business and Professions Code.

Section 4478. Residential Placement.

(a) The provisions under this section apply to those licensed fiduciaries acting in the capacity of a conservator, guardian, or agent under durable power of attorney for health care.

(b) The licensee shall be informed and aware, and consider the options and alternatives available when establishing the consumer's place of residence.

(c) The licensee shall use every reasonable good faith effort to ascertain the desires of the consumer prior to making any decisions when establishing the consumer's residence, unless doing so would violate the licensee's fiduciary duties to the consumer or impose an unreasonable expense on the estate.

(d) If after every reasonable good faith effort the desires of the cannot be ascertained or if exercising them would violate the licensee's fiduciary duties to the consumer or impose an unreasonable expense on the estate, the licensee shall select the least restrictive and appropriate residence that is available and necessary to meet the needs of the consumer that are in the best interest of the consumer.

(e) The licensee shall not remove the consumer from his or her home or separate the consumer from family and friends unless such removal is appropriate and in the best interest of the consumer.

(f) The licensee shall seek professional evaluations and assessments whenever appropriate to determine whether the current or proposed placement of the consumer represents the least restrictive and appropriate residence that is available and necessary to meet the needs of the consumer that are in the best interest of the consumer.

(g) The licensee shall monitor the placement of the consumer on an on-going basis to ensure its continued appropriateness, and shall make changes whenever necessary that are in the best interest of the consumer.

(h) The licensee shall take all action necessary to protect the consumer from financial and/or physical harm or abuse.

NOTE: Authority cited: Sections 6517 and 6520, Business and Professions Code. Section 6520, Business and Professions Code.

Section 4480. Care, Treatment and Services.

(a) The provisions under this section apply to those licensed fiduciaries acting in the capacity of a conservator, guardian, or agent under durable power of attorney for health care.

(b) The licensee shall protect the personal and pecuniary interests of the consumer.

(c) The licensee shall use every reasonable good faith effort to ascertain the desires of the consumer prior to making any decisions regarding all care, treatment, or services, unless doing so would violate the licensee's fiduciary duties to the consumer or impose an unreasonable expense on the estate.

(d) If after every reasonable good faith effort the desires of the consumer cannot be ascertained or if exercising them would violate the licensee's fiduciary duties to the consumer or impose an unreasonable expense on the estate, the licensee shall make decisions regarding care, treatment, and services that are in the best interest of the consumer.

(e) The licensee shall be cognizant of his or her own limitations of knowledge, and shall seek professional evaluations and assessments whenever appropriate to determine whether the current or proposed care, treatment, and services are appropriate and in the best interest of the consumer.

(f) The licensee shall monitor the care, treatment, and services on an on-going basis to ensure its continued appropriateness, and shall make changes whenever necessary that are in the best interest of the consumer.

NOTE: Authority cited: Sections 6517 and 6520, Business and Professions Code. Section 6520, Business and Professions Code.

Section 4482. Management of the Estate.

(a) The licensee shall protect the assets of the estate.

(b) The licensee shall pursue claims against others when it reasonably appears to be in the best interest of the consumer or the estate to do so.

(c) The licensee shall defend against actions or claims against the estate when it reasonably appears to be in the best interest of the consumer or the estate to do so.

(d) The licensee may incur expenses that are appropriate to the estate, in relation to the assets, overall investment strategy, purpose, and other relevant information and circumstances when investing and managing estate assets.

(e) Consistent with the licensee's fiduciary duties, the licensee shall manage the assets of the estate in the best interest of the consumer.

(f) The licensee shall manage the estate with prudence, care and judgment, maintaining detailed fiduciary records as required by law.

NOTE: Authority cited: Sections 6517 and 6520, Business and Professions Code. Section 6520, Business and Professions Code.

Section 4484. Limitation or Elimination of Fiduciary Powers; Restoration of Capacity; Termination of Fiduciary Relationship.

(a) When appropriate and in the best interest of the conservatee, licensed conservators under the Act shall not oppose and, in appropriate circumstances shall seek, limitations on the licensee's powers or authority to act, elimination of unnecessary or no-longer necessary powers, or termination of the proceeding and restoration of the conservatee's legal capacity.

(b) In all fiduciary relationships subject to the Act, when appropriate and in the best interest of the consumer, the licensee shall take all reasonable steps to facilitate termination of the fiduciary relationship.

(c) In all fiduciary relationships subject to the Act, the licensee shall not oppose or interfere with efforts to terminate the licensee's fiduciary relationship with a consumer for any reason other than as necessary or appropriate to protect or promote the best interest of that consumer.

NOTE: Authority cited: Sections 6517 and 6520, Business and Professions Code. Section 6520, Business and Professions Code.

Article 5. Examination

§ 4500. Examination.

(a) Once an applicant is deemed eligible to take the licensing examination, the applicant has twelve (12) months in which to achieve a passing score. If an applicant initially fails to pass the examination the applicant may sit for re-examination a maximum of four times within the twelve (12) month eligibility period not to exceed one re-examination attempt every 30 days**.**

(b) The licensing examination shall include a portion that is specific to California law.

NOTE: Authority cited: Sections 6517 and 6539, Business and Professions Code. Reference: Sections 6518, 6533, and 6539, Business and Professions Code.

Article 6. License Denial

§ 4520. Substantially Related Criteria for Denial of License.

For purposes of denial of a license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a professional fiduciary if to a substantial degree it demonstrates present or potential unfitness of a person holding a license to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include but not be limited to fiscal dishonesty or breach of fiduciary responsibilities of any kind.

NOTE: Authority cited: Sections 481 and 6517, Business and Professions Code. Reference: Sections 481, 6536, and 6537, Business and Professions Code.

§ 4522. Rehabilitation Criteria for Denial of License.

When considering the denial of a license under Section 480 or 6536 of the Business and Professions Code, the Bureau, in evaluating the rehabilitation of the applicant and his or her present eligibility for a license, shall consider the following criteria:

(a) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(b) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered grounds for denial under Sections 480 and 6536.

(c) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (a) or (b).

(d) The extent to which the applicant has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant.

(e) Evidence, if any, of rehabilitation submitted by the applicant.

NOTE: Authority cited: Sections 482 and 6517, Business and Professions Code. Reference: Sections 482, 6536, and 6537, Business and Professions Code.

Article 7. Reporting Duties of Licensee

§ 4540. Annual Reporting Requirements of Licensee.

(a) A licensee is required to file an annual statement that complies with the requirements of Section 4542, within sixty (60) days from the date of issuance of a license as a professional fiduciary. A licensee may be subject to cite or fine or disciplinary action for failure to comply with this subdivision.

(b) A licensee is required to file an annual statement that complies with the requirements of Section 4542 no later than sixty (60) days prior to the expiration of the license. A licensee may be subject to cite or fine or disciplinary action for failure to comply with this subdivision.

(c) If an annual statement is filed electronically, the licensee shall fill out the form completely and print and mail in a signed copy within five business days of the electronic filing. The signed copy must be received by the Bureau within the timeframes established in subdivisions (a) and (b) for compliance.

NOTE: Authority cited: Section and 6517, Business and Professions Code. Reference: Sections 6534, and 6561, Business and Professions Code.

§ 4542. Annual Statement.

(a) As provided for in the Act, each annual statement shall include the following information:

(1) Current addresses and telephone and facsimile numbers for licensee's place of business and place of residence.

(2) The licensees designated address of record for public information.

(3) A list of any other license or professional certificate held by licensee, including information regarding the type, state/county, license or certificate number, date issued, status, and whether the license or certificate has been subject to disciplinary action, including revocation or suspension. The licensee may attach a statement of explanation.

(4) The case name, type of case, date of appointment**,** court location, and case number for all matters where the licensee has ever been appointed by the court to serve as a fiduciary.

(5) The names of the licensee's current conservatees and wards, and the respective case names, court locations, and case numbers; and the names and dates of beginning services for all trusts and estates currently administered by the licensee, and if applicable, the respective case names, court locations, and case numbers for the trusts and estates currently administered by the licensee.

(6) The aggregate dollar value of all assets currently under the licensee's supervision as a professional fiduciary.

(7) The case names, court locations, and case numbers of all conservatorships and guardianships that are closed, and the dates of closure, for which the licensee served as the conservator or guardian; and the names of all trusts or other estates that are closed for which the licensee served as the trustee or personal representative and the dates of closure, and if applicable, the case names and case numbers for the trusts or other estates that are closed for which the licensee served as the trustee or personal representative.

(8) Whether the licensee or a family member of the licensee holds any ownership or beneficial interests in any businesses or other enterprises that have received payment from a client of the licensee, including the names of the applicable businesses or other enterprises, the names of the respective clients, and the dates of any payments received.

(9) The names of any persons or entities that have an interest in the licensee's professional fiduciary business.

(10) Whether the licensee has filed for bankruptcy or held a controlling financial interest in a business when that business filed for bankruptcy in the last ten (10) years and the date of the bankruptcy filing. The licensee may attach a statement of explanation.

(11) Whether the licensee has been convicted of a crime. The licensee may attach a statement of explanation.

(12) Whether the licensee has been found by a court to have breached a fiduciary duty, the date, case name, court location, and case number associated with each breach of fiduciary duty. The licensee shall submit a record of the court findings and orders related to each specific case. The licensee may file an additional statement of the issues and facts pertaining to each case.

(13) Whether the licensee has been removed as a fiduciary by a court for breach of trust, the date, case name, court location, and case number associated with each removal. Whether all related appeals have been taken or the time to file an appeal has expired. The licensee shall submit a record of the court findings and orders related to each specific case. The licensee may file an additional statement of the issues and facts pertaining to each case.

(14) Whether the licensee has resigned as a fiduciary in a matter in which a complaint has been filed with the court, the date the complaint was filed, the date of resignation**,** the case name, court location, and case number associated with each resignation, and a statement of the issues and facts pertaining to each allegation. The licensee shall submit a record of the court findings and orders related to each specific case.

(15) Whether the licensee has settled as a fiduciary in a matter in which a complaint has been filed with the court, the date the complaint was filed, the date of the settlement**,** the case name, court location, and case number associated with each settlement, and a statement of the issues and facts pertaining to each allegation. The licensee shall submit a record of the court findings and orders related to each specific case.

(b) Unless otherwise indicated, each annual statement filed with the Bureau shall report updated information reflecting any changes from the date of reporting the information on the application for licensure as a professional fiduciary or from the date of signing the last, report as required by law, whichever is applicable, to the present.

(c) As used in this section "complaint" means a civil complaint, a petition, motion, objection, or other pleading filed with the court against the licensee alleging the licensee has not properly performed the duties of a fiduciary.

NOTE: Authority cited: Section 6517, Business and Professions Code. Reference: Sections 141, 480, 481, 490, 6534, 6536, 6560, and 6561, Business and Professions Code.

§ 4544. Ongoing Reporting Duties

(a) A licensee has a duty to report the following information to the Bureau within fifteen (15) business days of the following occurrences:

(1) Any change to addresses and telephone numbers for the licensee's place of business or place of residence.

(2) If the licensee is removed as a fiduciary by the court for breach of trust, the date, case name, court location, and case number associated with the removal. The licensee shall submit a record of the court findings and orders related to the case. The licensee may file and additional statement of the issues and facts of the case.

(3) If the licensee files for bankruptcy or holds a controlling financial interest in a business that files for bankruptcy.

(b) Each licensee shall report any information that is required to be reported on the annual statement, as specified in Section 4542, or that is otherwise authorized by the act or regulation, or provide any information for verification of compliance with any item that is required to be reported on the annual statement or that is authorized by the Act or regulation as

requested by the Bureau to the Bureau within fifteen (15) business days of the request or later as specified. Compliance with this subdivision shall be in addition to compliance with the reporting requirements in subdivision (a).

(c) Reporting requirements pursuant to this Section shall be in addition to the annual reporting duties of Section 4540 or any other provision of law.

(d) A licensee may be subject to a citation, that may include a fine, or other disciplinary action for failure to comply with this Section.

NOTE: Authority cited: Section 6517, Business and Professions Code, Reference: Sections 141, 480, 481, 490, 6534, 6536, 6560, and 6561, Business and Professions Code.

Article 8. Renewal of License

§ 4560. Renewal.

(a) A license may be renewed for a period of twelve (12) months.

(b) For license renewal, a licensee shall have met the annual reporting requirements of subdivision (b) of Section 4540, show proof of compliance with the continuing education requirements of Section 4442, and submit the renewal fee as required in Section 4580.

(c) For the first license renewal following the initial license period as provided in Section 4428, each licensee shall comply with the continued education requirements of Section 4442.

NOTE: Authority cited: Sections 152.6 and 6517, Business and Professions Code. Reference: Sections 152.6, 6538, 6541, 6561, and 6592, Business and Professions Code.

§ 4562. Delinquency.

(a) Except as otherwise provided by law, a license which has expired may be renewed upon the filing of an application for renewal and payment of the renewal fee.

(b) If a license is renewed more than thirty (30) days after its expiration, the licensee, as a condition prior to renewal, shall also pay the late delinquency fee required in Section 4580.

NOTE: Authority cited: Section 6592, Business and Professions Code. Reference: Sections 163.5, 6541, and 6592, Business and Professions Code.

Article 9. Fees

§ 4580. Fees.

The following fees are established:

(a) The application fee for a professional fiduciary license shall be four hundred dollars ($400).

(b) The initial license fee shall be six hundred dollars ($600) for the first twelve (12) months plus a prorated amount of the renewal fee required in subdivision (c) to adjust the

duration of the initial license period to set the renewal date for each licensee as provided in Section 4428.

(c) The renewal fee for a license shall be seven hundred dollars ($700).

(d) The delinquency fee for a license shall be one hundred and fifty dollars ($150).

(e) The fee for a duplicate or replacement license shall be twenty-five dollars ($25).

NOTE: Authority cited: Sections 6517 and 6592, Business and Professions Code. Reference: Sections 122, 134, 152.6, 163.5, 6533, 6541, and 6592,Business and Professions Code.

Article 10. Citations

4600. Authority to Issue Citations: Citation Format.

(a) The Bureau is authorized to issue citations containing orders of abatement and/or administrative fines pursuant to Sections 125.9 or 148 of the Business and Professions Code against a professional fiduciary or an unlicensed person who has committed any acts or omissions which are in violation of the Act or the regulations contained in this Division.

(b) A citation shall be issued whenever any order of abatement is issued or any fine is levied. Each citation shall be in writing and shall describe with particularity the nature and facts of the violation, including a reference to the statutes or regulations alleged to have been violated. The citation shall be served upon the individual.

(c) Each citation issued shall inform the cited person that, if he or she desires a hearing to contest the finding of a violation, that a hearing shall be requested by written notice to the Bureau within thirty (30) days of the issuance of the citation or assessment.

NOTE: Authority Cited: Sections 125.9, 148, and 6517, Business and Professions Code. Reference: Sections 124, 125.9, 148, and 6580, and 6583, Business and Professions Code.

4602. Administrative Fines for Citations.

(a) Where citations issued pursuant to Section 4600 of this Article include an assessment of an administrative fine, the fine shall be up to $5,000 for each violation.

(b) The Bureau shall consider the factors specified in Section 4604 when determining the amount of the administrative fine.

NOTE: Authority cited: Sections 125.9, 148, and 6517, Business and Professions Code. Reference: Sections 125.9, 148, 6580, and 6583, Business and Professions Code.

4604. Citation Factors.

(a) The following factors shall be considered when determining the amount of an administrative fine:

(1) The good or bad faith exhibited by the cited person.

(2) The nature and severity of the violation.

(3) Evidence that the violation was willful or not.

(4) History of previous violations.

(5) The extent to which the cited person has cooperated with the Bureau.

(6) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by his or her violation.

(7) Extenuating circumstances as justice may require.

(8) A finding by a court in a matter related to the violation.

(b) The sanctions authorized under this section shall be separate from, and in addition to, any other civil or criminal remedy.

(c) Any costs related to a citation issued pursuant to Section 4600, including but not limited to, the payment of the fine levied or costs related to the defense of, or compliance with, an order issued in the citation, shall not be borne by the consumer served by the licensee in the matter.

NOTE: Authority cited: Sections 125.9, 148, and 6517, Business and Professions Code. Reference: Sections 125.9, 148, 6580, and 6583, Business and Professions Code.

4606. Contest of Citations; Informal Conference.

(a) In addition to requesting an administrative hearing as provided for in subdivision (b)(4) of Section 125.9 of the Business and Professions Code, the cited person may request an informal conference to review the acts charged in the citation. A request for an informal conference shall be made in writing, within ten (10) days after the citation has been served upon the individual.

(b) The Bureau shall hold, within sixty (60) days from the receipt of the request, an informal conference with the cited person. At the conclusion of the informal conference, the Bureau may affirm, modify or dismiss the citation, including any fine levied or order of abatement issued. The Bureau shall state in writing the reasons for the action and transmit a copy of the findings and decision to the cited person. The decision shall be deemed to be a final order with regard to the citation issued; including any administrative fine levied or order of abatement.

(c) If the citation, including any fine levied or order of abatement, is modified, the citation originally issued shall be considered withdrawn and a new citation issued. If the cited person desires a hearing to contest the new citation, he or she shall make a request in writing, within thirty (30) days of receipt of the informal conference decision, to the Bureau The hearing shall be conducted as provided for in subdivision (b)(4) of Section 125.9. A cited person may not request an informal conference for a citation which has been modified following an informal conference.

NOTE: Authority cited: Section 125.9, 148, and 6517, Business and Professions Code. Reference: Sections 124, 125.9, 148, 6580, and 6583, Business and Professions code.

4608. Compliance with Citation.

The failure of a licensee to comply with a citation containing an assessment of administrative fine, an order of abatement or both an administrative fine and an order of

abatement after the citation is final and has been served in accordance with the provisions of Section 11505(c) of the Government Code shall constitute a ground for revocation or suspension of a license.

NOTE: Authority cited: Sections 125.9 and 6517, Business and Professions Code. Reference: Sections 125.9, 6580 and 6583, Business and Professions Code.

4610. Compliance with Order of Abatement.

(a) The time allowed for abatement of a violation shall begin the first day after the order of abatement has been served or received. If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his or her control after the exercise of reasonable diligence, the person cited may request an extension of time from the Bureau in which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for abatement.

(b) When an order of abatement is not contested or if the order is appealed and the person cited does not prevail, failure to abate the violation charged within the time specified in the citation shall constitute a violation and failure to comply with the order of abatement. Failure to timely comply with an order of abatement or failure to pay the fine included in the citation within the time allowed may result in disciplinary action being taken by the Bureau or other appropriate judicial relief being taken against the person cited.

NOTE: Authority cited: Sections 125.9, 148, and 6517, Business and Professions Code. Reference: Sections 125.9, 148, 6580 and 6583, Business and Professions Code.

Article 11. Enforcement

4620. Substantially Related Criteria for License Suspension or Revocation.

For purposes of suspension or revocation of a license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a fiduciary if to a substantial degree it demonstrates present or potential unfitness of a person holding a license to perform the functions authorized by the license in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include but not be limited to fiscal dishonesty or breach of fiduciary responsibilities of any kind.

NOTE: Authority cited: Sections 481 and 6517, Business and Professions Code, Reference: Sections 481, 490, 493, 6580 and 6584, Business and Professions Code.

4622. Rehabilitation Criteria for License Suspension or Revocation.

When considering the suspension or revocation of a license under Section 480 or 6536 of the Business and Professions Code, the Bureau, in evaluating the rehabilitation of the licensee and his or her present eligibility for a license, shall consider the following criteria:

(a) The nature and severity of the act(s) or crime(s) under consideration as grounds for suspension or revocation.

(b) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for suspension or revocation which also could be considered grounds for suspension or revocation under Section 6584 of the Business and Professions Code.

(c) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (a) or (b).

(d) The extent to which the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(e) Evidence, if any, of rehabilitation submitted by the licensee.

NOTE: Authority cited: Sections 482 and 6517, Business and Professions Code, Reference: Sections 482, 6580, and 6584, Business and Professions Code.

Appendix C: Approved Schools for Continuing Education

PRE-LICENSING EDUCATION INFORMATION

Legislation creating the Professional Fiduciaries Bureau was passed in 2006 to license and regulate non-family member private fiduciaries including certain conservators, guardians, trustees, and agents under durable power of attorney for health care and finances as defined in the Professional Fiduciaries Act (Act).
The Act requires any person in California representing himself or herself as a professional fiduciary be licensed by January 1, 2009. However, any professional fiduciary seeking a new court appointment between July 1, 2008 and December 31, 2008 must first obtain a license.
One major component of licensing is the requirement to obtain 30 hours of pre-licensing education credit in approved education courses. An approved education course must be relevant to fiduciary responsibilities of the person or of estate management for conservators, guardians, trustees, or agents under durable power of attorney, or of the court system or ethics for fiduciaries. Bureau approved courses must be taken from an accredited educational institution, or be approved or offered by an approved education provider.

APPROVED EDUCATION PROVIDERS:

A local court of the State of California
California State Bar or American Bar Association
California State Board of Accountancy
California State Board of Behavioral Sciences
Certified Financial Planner Bureau of Standards,
California Department of Insurance
California Board of Registered Nursing
California State Board of Psychology
California Department of Mental Health
California Department of Social Services
California Department of Developmental

Professional Fiduciary Association of California
California State Association of Public Administrators, Public Guardians, and Public
National Guardianship Association and its state affiliates
National Association of Professional Geriatric Care
American Society of Aging
Gerontological Society of America
National Association of Social Workers
National College of Probate Judges
National Elder Law Foundation
American Bankers Association
Cannon Financial Institution

Appendix D: Standard Letters and Forms

Professional Fiduciaries Bureau
Post Office Box 989005
West Sacramento, CA 95798-9005
Telephone: (916) 574-7340 FAX (916) 574-8645
Website: www.fiduciary.ca.gov

COMPLAINT INTAKE FORM

☐ ANONYMOUS

COMPLAINT NUMBER:	
RESPONDENT NAME:	COMPLAINANT NAME:
Address:	Address:
	Phone
Phone #:	e-mail:

LICENSE INFORMATION (screen print)	
License number(s):	Prior Enforcement Activity: Y/N
Issue date:	Application #/ATS ID:
Expiration date:	
Renewal Hold: Y/N	Administration Hold: Y/N

ASSESSMENT		
DCA Category:	Source Code:	Alleged violations:
Agency Category:	Report/Referral Code:	
Receive Date:	Priority:	
Investigation Type:		Non-Jurisdictional (indicate reason):

NOTES

Initial Evaluation (tech): Date:	**Initials:**
Closing Evaluation (analyst): Date:	**Initials:**
Review of Closure: Date (manager):	**Initials:**

Court Authorization Request Form

Professional Fiduciaries Bureau
Post Office Box 989005
West Sacramento, CA 95798-9005
Telephone: (916) 574-7340 FAX (916) 574-8645
Website: www.fiduciary.ca.gov

COURT AUTHORIZATION REQUEST FORM

Instructions:

1. Complete this form in its entirety.
2. Your contact information completed below must pertain to your official capacity with the courts. ***No personal contact information will be accepted***.
3. Send a letter on official court or authorized agency stationary requesting an account.
4. Mail the completed form and letter to the Bureau's address on the letterhead.

Please type or print legibly in ink.

Court Representative Name (Last)	(First)	
Court Name		
Mailing Address	**City**	**State**
Zip Code	**County**	
E-mail Address	**Telephone Number**	
Fax Number	**State Bar Number (if applicable)**	

Certification:

I, the undersign, understand that the licensee reports provided to me upon request by the Bureau to the address above contains confidential licensee information and are being submitted to me pursuant to Section 6534 of the Business and Professions Code.

_____ _____

Court Representative Signature **Date**

6/10/2013

Deficiency Letter

Professional Fiduciaries Bureau
Post Office Box 989005
West Sacramento, CA 95798-9005
Telephone: (916) 574-7340 FAX (916) 574-8645
Website: www.fiduciary.ca.gov

June 10, 2013 ID Number: 00

John Doe
John Doe Associates
PO Box 3456
Daly City, CA 98765

RE: INCOMPLETE APPLICATION

Dear Applicant:

The Professional Fiduciary Bureau (Bureau) recently received your license application but is unable to complete the processing without more information.

On your application, under *PART 5. EDUCATION AND EXPERIENCE QUALIFICATIONS*, you indicate that you qualify based upon your experience. However, the information you provided us is insufficient to make this determination.

To qualify under Business and Professions Code Section 6533, you must have not less than five years:

(1) Working as a professional fiduciary, or,
(2) Working with **substantive fiduciary responsibilities** *for* a professional fiduciary, a public agency, or a financial institution, while that professional fiduciary, public agency, or financial institution *was acting* as a conservator, guardian, trustee, personal representative, or agent under a power of attorney.

If you qualify under this definition, please submit specific information regarding your applicable experience to complete your application. The Bureau is unable to process and evaluate an incomplete application. If you have any questions, please contact the Licensing Unit at (916) 574-7340.

Sincerely,

Employee
Title

Fax

Professional Fiduciaries Bureau
Post Office Box 989005
West Sacramento, CA 95798-9005
Telephone: (916) 574-7340 FAX (916) 574-8645
Website: www.fiduciary.ca.gov

FAX

Date: _____

To: _____

ATTN: _____

FAX #: _____

From: _____

PFB - FAX #: (916) 574-8645

Subject: _____

No. of Pages (including the cover page): _____

Comments:

NOTICE OF CONFIDENTIALITY:
Information contained in this report/communication is privileged and strictly confidential and may only be received by, or provided to, authorized individuals. Please be advised that any unlawful access, distribution, copying, disclosure, and/or use of the report or the confidential information contained in the report is strictly prohibited and may violate applicable laws and may be a criminal offense. If you are not authorized to receive this report, or the information contained in the report, you must not disclose, copy, use, or take any action in reliance of this report or the information contained therein. If you received this report or information contained in the report in error, please destroy all copies of any related documentation, whether in electronic or hard copy format, and immediately contact the Professional Fiduciaries Bureau at (916) 574-7340. Thank you.

January 2012

Public Records Act Request

Professional Fiduciaries Bureau
Post Office Box 989005
West Sacramento, CA 95798-9005
Telephone: (916) 574-7340 FAX (916) 574-8645
Website: www.fiduciary.ca.gov

[DATE]

[NAME]
[ADDRESS]
[CITY, STATE ZIP]

RE: Public Records Act Request

Dear Mr./Ms. [LAST NAME]:

This letter responds to your Public Records Act requested dated [DATE OF REQUEST], which was received by [BOARD/BUREAU] on [DATE RECEIVED]. You have requested [COPIES OF RECORDS/TO INSPECT RECORDS] related to [SUMMARIZE REQUEST].

Complaints and investigations related to complaints are exempt pursuant to Government Code section 6254, subdivision (f). Therefore, the [BOARD/BUREAU] is denying your request as it relates to complaints.

The [BOARD/BUREAU] does have documents related to the license and application of [SUBJECT OF REQUEST] and the [BOARD/BUREAU] will provide the copies you requested. The [BOARD/BUREAU] anticipates that approximately [NUMBER] of pages of responsive documents exist and that such documents will be made available to you with [DAYS, WEEKS, etc] of the payment of the fees associated with retrieval and copying of the documents. The cost of the records is $[COST]. [Or is all fees are to be waived, replace the above with 'The [BOARD/BUREAU] will waive the costs associated with the productions of these documents. However, fees may be required for any or all future requests"]

Sincerely,

NAME
TITLE

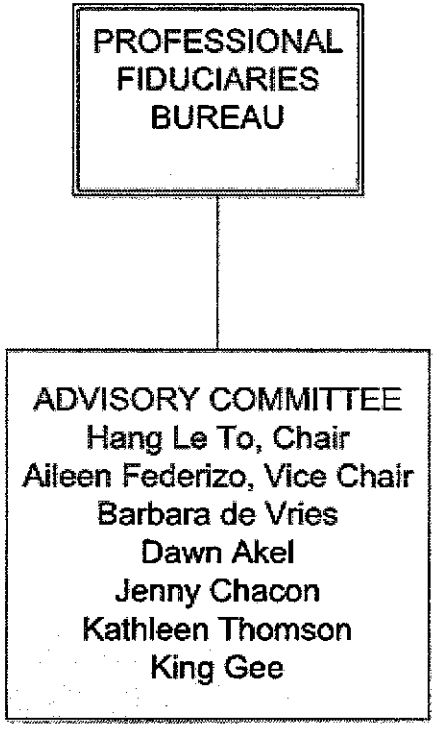
Code Description Table

Reg Section	Description
4470(b)	Comply with all laws and regulations.
4470(c)	Protect consumer rights.
4470(d)	No representing consumer outside the scope of legal authority.
4470(e)	Seek competent professional advice.
4472(b)	Allow consumer choices that they're capable of exercising.
4472(c)	Make decisions in accordance with the desires of the consumer.
4472(d)	Make decisions that are in the best interest of the consumer.
4472(e)	Decisions should consider cultural values of consumer.
4474(a)	Guard against the disclosure of personal information.
4474(b)	Disclosure of information limited to what is necessary.
4476(a)	Engage in conflict of interest.
4476(b)	Engage in relationships perceived as self-serving/conflict of interest.
4476(c)	Protect consumer and estate from third parties.
4478(b)	Informed of options available for place of residence.
4478(c)	Make decisions for place of residence according to desires of consumer.
4478(d)	Select a residence which meet the needs of consumer.
4478(e)	Remove consumer from home or separate consumer from family.
4478(f)	Seek evaluations and assessments regarding placement.
4478(g)	Monitor placement of consumer.
4480(b)	Protect personal and pecuniary interest of consumer.
4480(c)	Make decisions for care, treatment, or services, according to desires of consumer.
4480(d)	Make decisions for care, treatment, and services in best interest of consumer.
4480(e)	Seek evaluations and assessments regarding care, treatment and services.
4480(f)	Monitor care, treatment and services.
4482(a)	Protect assets of estate.
4482(b)	Pursue claims when best interest of consumer or estate.
4482(c)	Defend against actions or claims against estate.
4482(d)	Incur expenses that are appropriate to the estate, in relation to the assets, overall investment strategy, purpose, and other relevant information and circumstances when investing and managing estate assets.
4482(e)	Manage assets of estate in best interest.
4482(f)	Manage estate with prudence, care and judgment.
4484(a)	Oppose limitations on licensee's powers, or termination of the proceeding and restoration of the conservatee's legal capacity.
4484(b)	Take all steps to facilitate termination of the fiduciary relationship.
4484(c)	Shall not oppose or interfere with efforts to terminate the licensee's fiduciary relationship with a consumer for any reason other than as necessary or appropriate to protect or promote the best interest of that consumer.
4540(a)	File annual report within 60 days from date of issuance of license.
4540(b)	File annual report no later than 60 days prior to expiration of license.
4540(c)	Follow E-filed annual statement with a completed, signed copy mailed and received by the Bureau within timeframes.
Code Section	Description
6502(a)	Those registered with Statewide Registry need to obtain licensure.
6502(b)	Those required to file with court need to obtain licensure.
6530(a)	Must be licensed as a professional fiduciary if performing fiduciary functions.
6560	Maintain account records and make available upon request.

Attachment B

Current Organizational Chart Showing Relationship of Committees to the Bureau and Membership of Each Committee

Attachment 12-B.
Relationship of Committees to the Bureau
July 26, 2017

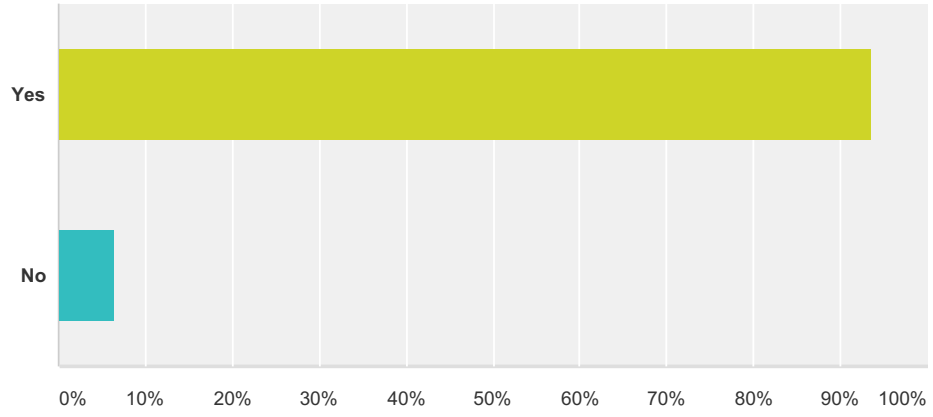


Attachment C

Licensee survey

Q1 Are you a California Licensed Professional Fiduciary?

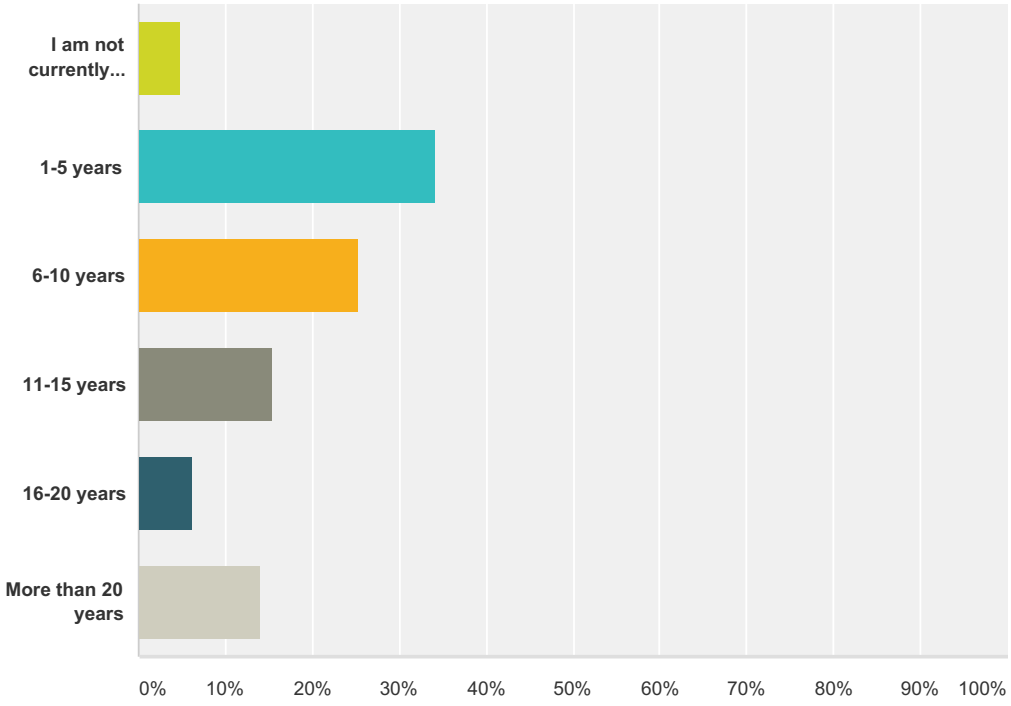
Answered: 157 Skipped: 2



Answer Choices	Responses	
Yes	**93.63%**	147
No	**6.37%**	10
Total		**157**

Q2 How long have you been in practice

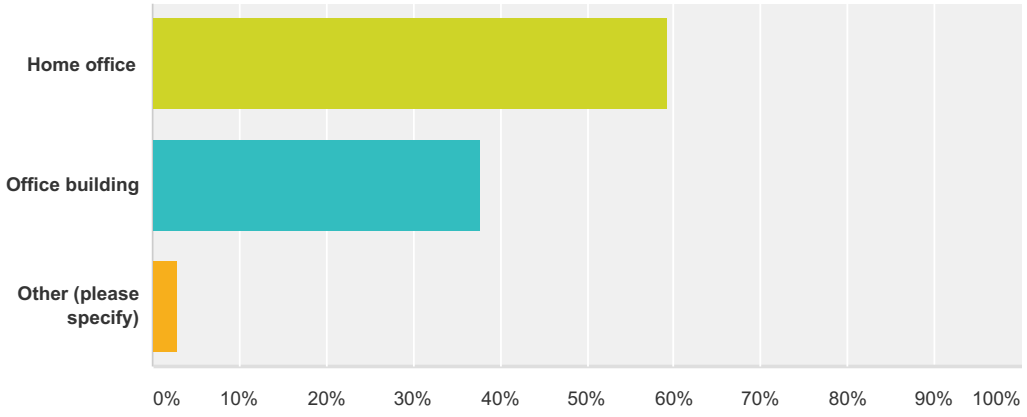
Answered: 143 Skipped: 16



Answer Choices	Responses	
I am not currently practicing	**4.90%**	7
1-5 years	**34.27%**	49
6-10 years	**25.17%**	36
11-15 years	**15.38%**	22
16-20 years	**6.29%**	9
More than 20 years	**13.99%**	20
Total		**143**

Q3 Where is your place of business?

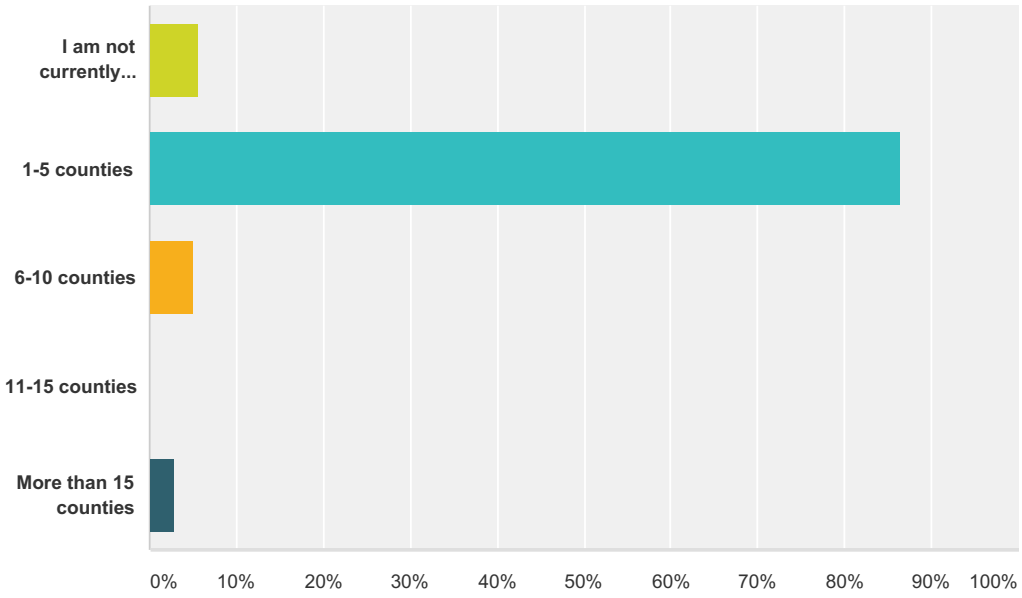
Answered: 140 Skipped: 19



Answer Choices	Responses	
Home office	**59.29%**	83
Office building	**37.86%**	53
Other (please specify)	**2.86%**	4
Total		**140**

Q4 In how many counties do you practice?

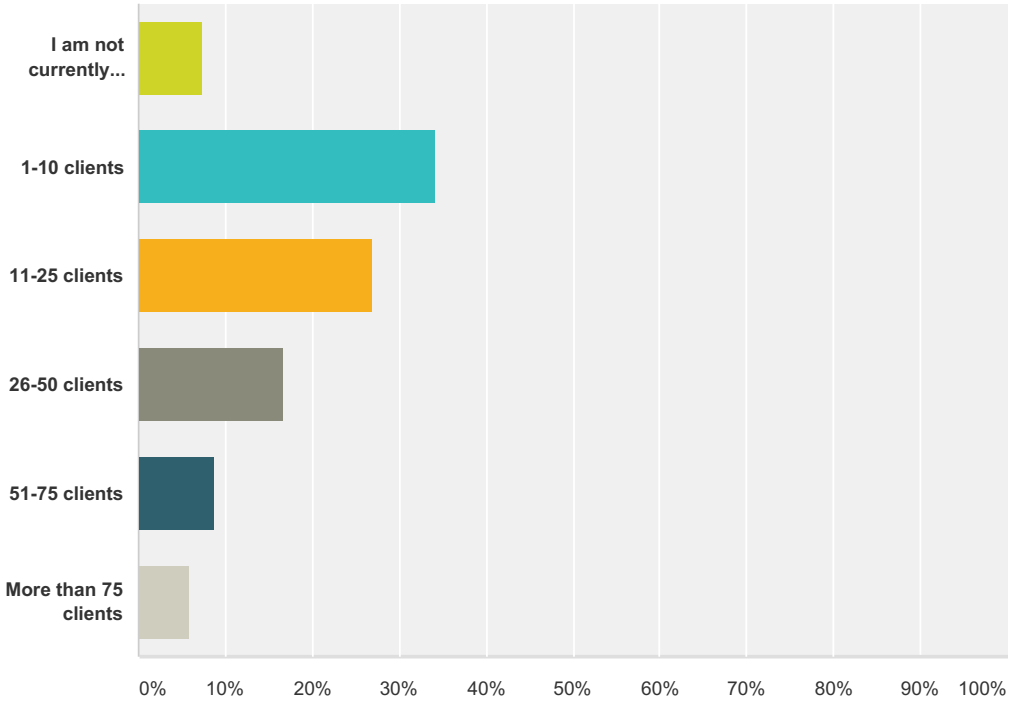
Answered: 141 Skipped: 18



Answer Choices	Responses	
I am not currently practicing	**5.67%**	8
1-5 counties	**86.52%**	122
6-10 counties	**4.96%**	7
11-15 counties	**0.00%**	0
More than 15 counties	**2.84%**	4
Total		**141**

Q5 How many clients do you manage?

Answered: 137 Skipped: 22



Answer Choices	Responses	
I am not currently practicing.	**7.30%**	10
1-10 clients	**34.31%**	47
11-25 clients	**27.01%**	37
26-50 clients	**16.79%**	23
51-75 clients	**8.76%**	12
More than 75 clients	**5.84%**	8
Total		**137**

Q6 How many staff do you employ (other than yourself) at your practice?

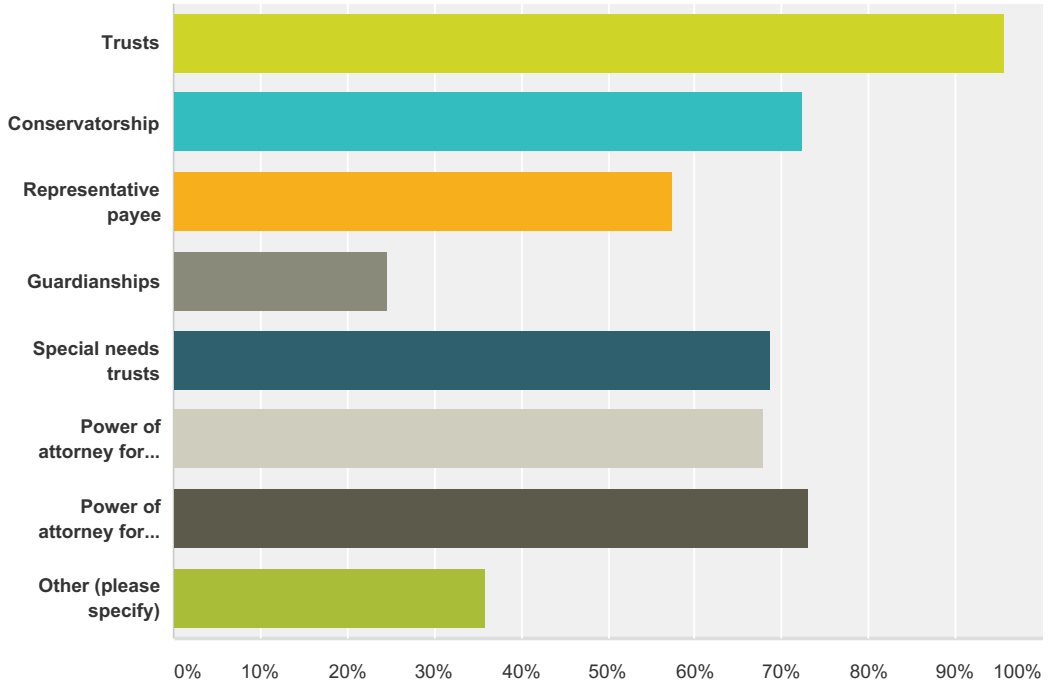
Answered: 129 Skipped: 30

How many staff do you employ (other than yourself) at your practice?

Zero people	69
1 part time staff	2
1 staff	21
Two staff	23
Three staff	10
3.5 staff	1
4 people	3
5 staff	4
6 staff	1
8 staff	1
9 staff	2
10 staff	1
12 staff	1
13 staff	1
55 staff (this person indicated 51-75 clients. 55 is likely to be a typo.	1

Q7 What types of cases do you manage? Check all that apply:

Answered: 134 Skipped: 25

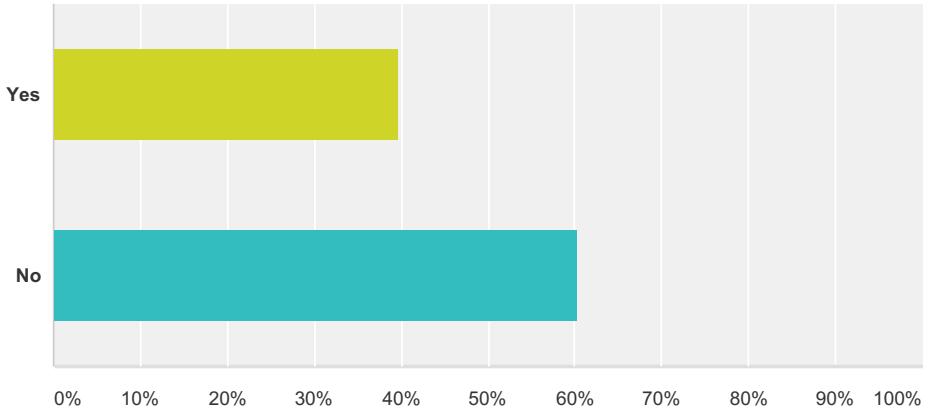


Answer Choices	Responses	
Trusts	**95.52%**	128
Conservatorship	**72.39%**	97
Representative payee	**57.46%**	77
Guardianships	**24.63%**	33
Special needs trusts	**68.66%**	92
Power of attorney for healthcare	**67.91%**	91
Power of attorney for finances	**73.13%**	98
Other (please specify)	**35.82%**	48
Total Respondents: 134		

Other type of cases
Guardian ad litem, Consulting, expert witness
Workers Comp GAL, Receiver, Executor, International est/tr
Administrator, Executor
bill paying,
agent for trustee
Estate administration
DMM
Veteran's Custodian
estates, daily money management
Private hire for bill-paying, personal assistant services
Decedent's estates
VA
Payroll, bill payment services
Bill Payment
Estate admin
Post Mortem Administration
agent for foreign assets and and accounts
Estate Admin
currently have only 1 client for whom I provide case management for demenita care and medical needs
Estate administration
estate administration
Executor/ administrator/ daily money manager
Probate Estates
Estates
Probate Estates
none-retired from the public sector
executor
Custodianship
case management, GAL
Bill pay
Bill Payer & Geriatric Care Management
probate, trust protector
Estates
Estate - Administrator
Estate Administration
daily money management
Probate Estates
LPS
Probates
FBO Account
Cutma
private fiduciary miscellaneous
Consultation
Decedent Estates
Case Management services
Referee, receiver, probate
estates and estate planning
bill pay, consulting person acting in these roles.

Q8 Do you employ case managers?

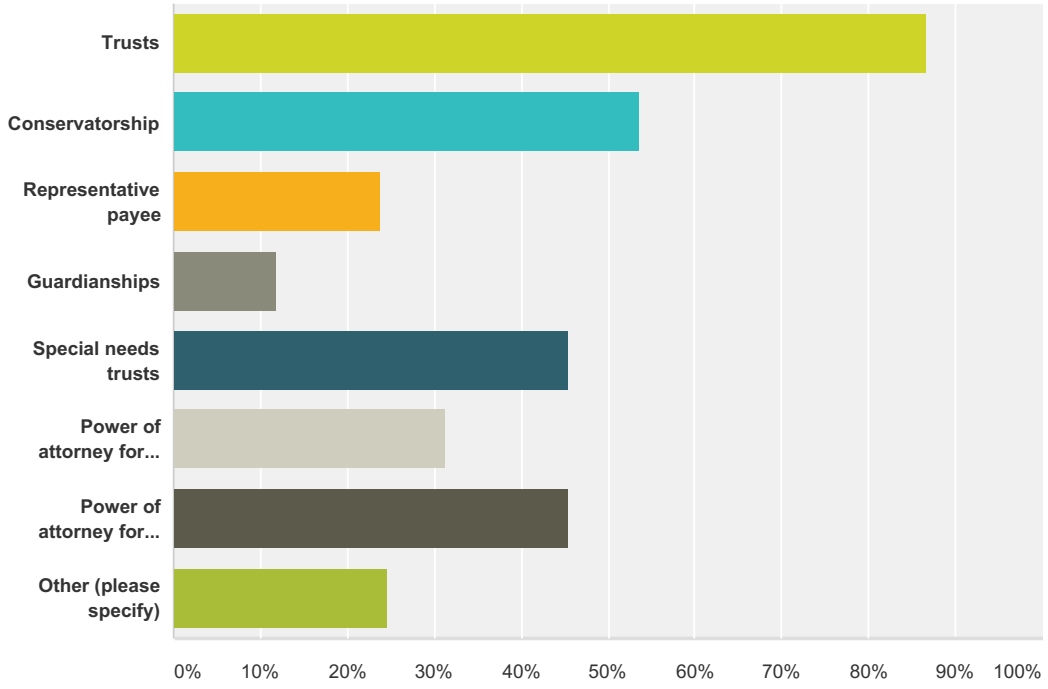
Answered: 136 Skipped: 23



Answer Choices	Responses	
Yes	**39.71%**	54
No	**60.29%**	82
Total		**136**

Q9 What is your practice specialty? Check all that apply:

Answered: 134 Skipped: 25



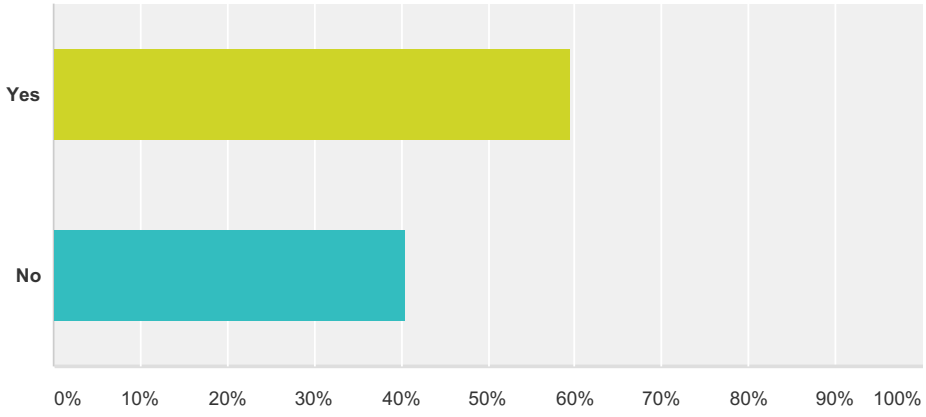
Answer Choices	Responses	
Trusts	**86.57%**	116
Conservatorship	**53.73%**	72
Representative payee	**23.88%**	32
Guardianships	**11.94%**	16
Special needs trusts	**45.52%**	61
Power of attorney for healthcare	**31.34%**	42
Power of attorney for finances	**45.52%**	61
Other (please specify)	**24.63%**	33
Total Respondents: 134		

What is your practice specialty (other)

Bill Payer & Geriatric Care Management
Bill Payment
consultation for families re: Elder care & dementia care
Court appointed neutral party to administer estates and trusts
Decedent's Estates
Decedent's estates
DMM
Elder adult community
Estate Admin
Estate administration
Estate Administration
Estate administration
Estates
Estates
estates and estate planning
executor
Executor, Administrator and Daily Money Management
fiduciary accounting
Financial elder abuse recovery
Guardian Ad Litem, Consulting, expert witness
I am not sure as specialty as I operate in all of the areas
LPS
Payroll, bill payment services
Post Mortem Administration
Probate
probate
probate
Probate Estates
Probate estates
Probates, Complex & International Trusts, Litigation, Minors/Incapacitated Compromises, Structured Settlements, FLP, LLP, LLCs, Chapter Sub S Corps
Spendthrift trusts
These roles all seem to go together. Especially trust, and POA finance and health care
VA

Q10 Do you carry Error and Omissions Insurance?

Answered: 136 Skipped: 23



Answer Choices	Responses	
Yes	**59.56%**	81
No	**40.44%**	55
Total		**136**

Q11 Please list the types of insurance you maintain for your business (not including Error and Omissions).

Answered: 70 Skipped: 89

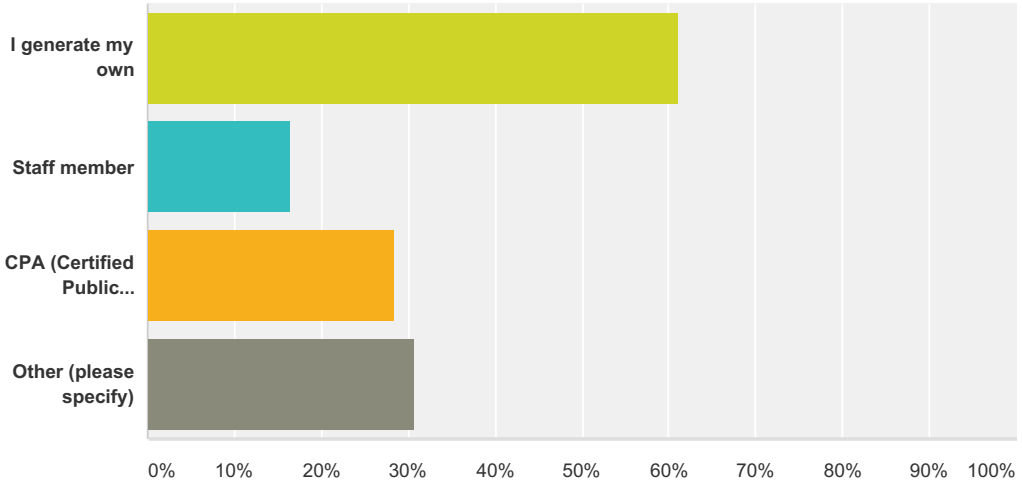
Answer Choices	Responses	
Insurance policy type	**100.00%**	70
Insurance policy type	**47.14%**	33
Insurance policy type	**24.29%**	17

Please list the types of insurance you maintain for your business (not including Error and Omissions).		
#1	#2	#3
Workers Comp	auto	Auto
(intend to hold E & O insurance in near future)	Auto	Auto insurancce
Accident	Auto insurance	Commercial Auto Insurance
Auto	Automobile	health
auto	Automobile Coverage	Health Insurance
Auto	Automobile insurance	Health, Disability & Life Insurance (for me & staff)
Bond insurance	Bond	life
business	Business Liability	Other
Business	Business Liability	SSA Insurance
Business	D&O	surety bonds
Business General Liability	Disability insurance	Umbrella coverage on personal insurance
Business General Liability	Employe theft	Workers Comp
Business Insurance - liability and injury	Employee honesty	workers comp
business insurance for liability	Employment Practices Liability Insurance	Workers Comp
Business liability	General Liability	Worker's Comp
Business Liability	general liability	worker's comp
Business Liability	General Liability/Homeowner's	
business liability	health	
Business Liability w/ Riders	Health	
Business Office Policy	Home Owner's with Personal Liability rider	
business owners	Liability	
Business Owners Package	office furnishings	
Business Owners Policy	Office Liability	
Business Policy	Tax preparation	
Business policy	umbrella	
Business Professional policy	Umbrella	
business property & liability	umbrella policy (not sure if this falls under business or personal)	
Business property insurance	Worker comp	
Comprehensive General Liability	Workers Comp	
D&O	worker's comp	
E&O	Workers Compensation (for me & staff)	
Fiduciary Professional Liability Insurance	Worksman comp	
General business insurance		
General Buss Continuation/Liab/Theft etc - $4Mil Limit		
General Liability		
General liability		
general liability		
general liability		
General Liability		
General liability		
general loss and liability		
Homeowners		
HPSO Malpracttice for Case Mgr, Social Worker, Clinical		
Liability		
liability		
Liability		
Liability		
Liability insruance		
My Employer carries it for me.		
n/a		
none at present since I am not managing financial assets		
none since I have no cases		
Notary		
Office insurance		
Professional business liability insurance		
Professional Liability		
Professional Liability		
professional liability insurance		
property		
Property and casualty		
property/casualty		
renters		
Renters insurance		
standard business policy		

Please list the types of insurance you maintain for your business (not including Error and Omissions).		
#1	#2	#3
umbrella		
Umbrella		
umbrella policy		
Workers Comp		
Workers compensation		

Q12 Who generates your fiduciary accounting? Check all that apply:

Answered: 134 Skipped: 25



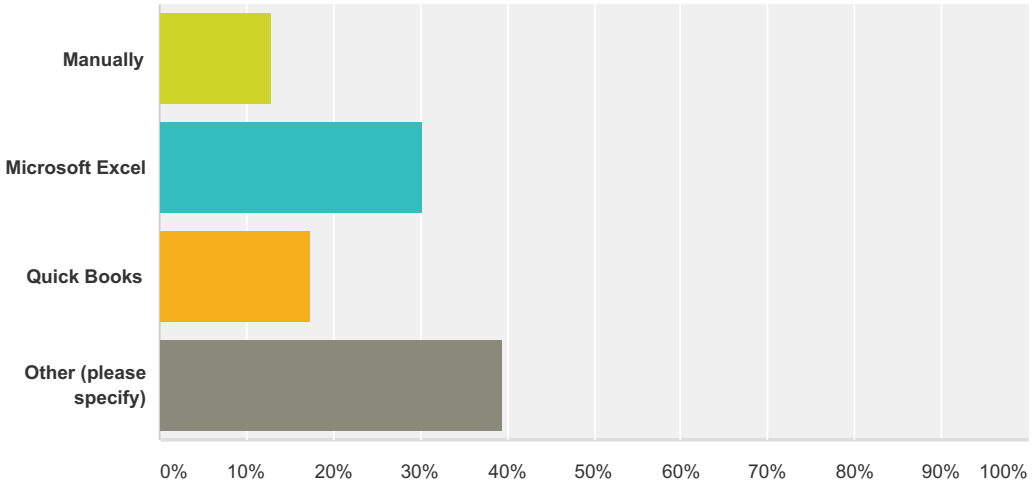
Answer Choices	Responses	
I generate my own	**61.19%**	82
Staff member	**16.42%**	22
CPA (Certified Public Accountant)	**28.36%**	38
Other (please specify)	**30.60%**	41
Total Respondents: 134		

Who generates your fiduciary accounting? Check all that apply:

A woman who does court accountings
accountant (2)
and an experienced fiduciary account preparer who is not a CPA
attorney
Attorney, fiduciary specilizing in accountings
Attorney's bookkeeper
bookkeeper
Bookkeeper and Attorney's office
Bookkeeping service
contract accountants
contract paralegal, atty's bookkeepers, other fiduciaries
Court format accounting specialists
DNA
Enrolled agent (2)
Fiduciary accountant
I generate my own, and outsource very complicated accountings
I outsource & work with a professional court-acctg spclst
My attorney's office has a staff member who specializes in accountings.
Not applicable at present since I an not in control of assets
Other fiduciaries
other professionals who do accountings.
Outscourced to Probater Code Accounting Specialist
Outside accountant (3)
Outsourced to someone who specializes in Accountings
Paralegal (3)
paralegal for my attorney
Paralegal, attorney staff
private court accounting preparer
Private Individual
professional accounting preparer
Professional court accounting specialist
qualified contractor
retired fiduciary
specialist
Your question is not clear. My accounting to the bureau or client estates?

Q13 How do you track client information (i.e., case interactions, contact information, billings, etc.)?

Answered: 132 Skipped: 27



Answer Choices	Responses	
Manually	**12.88%**	17
Microsoft Excel	**30.30%**	40
Quick Books	**17.42%**	23
Other (please specify)	**39.39%**	52
Total		**132**

How do you track client information?

Excel
Excel & Quickbooks
Excel and Quick Books
Excel, Outlook, and RTG Bills (billing program)
Excel, Time Matters and Time Slips

Quicken
Quicken (5)
Quicken and EMS
Quicken and other
Quicken and Word
quicken, excel, word, manually, etc. - depends
Quick Books and data base in computer
Quick books and notes in word
Access, Quicken

Manual
both manually and Excel
I use manual and electronic methods.
Manually and with program software
Manually, Excel, Quicken, Docuware
logs

Multiple Methods
All of the above plus internal electronic filing
Email, EXCEL and some paper files
use excel, quickbooks, word for case mgt notes
Multiple Sources
Manual Case files, Scanned computer files, Quickbooks time record keeping, Quicken for Asset and Liability management
Combination of manual, Excel, Outlook and Quicken
several softwares

PC Law
PC Law
PC Law
PC Law, Quicken,

Time Matters/Timeslips
Time Matters for record management & QuickBooks for finance
Time Matters in conjunction with Quick Books
TimeMatters software
Timeslips
Timeslips(billing), TimeMatters(client contact), Quickbooks (finances) then export to Excel for CourtAcctg

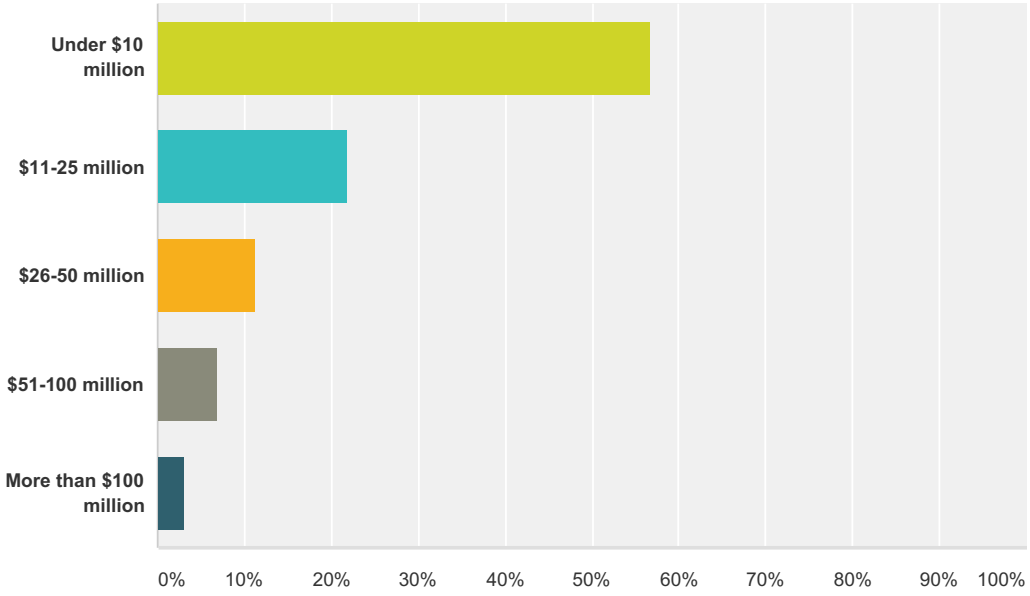
Other
accounting software
Basecamp, Harvest, other
Briefcase (proprietary) and manual
Creative Solutions Practice CS
DNA
DocStar-Quicken-Timeslips
ems

How do you track client information?

EMS s'ware
Evernote
Harvest
Industry specific Applications Software
Specially designed program
Proprietary
microsoft
Microsoft Outlook
Word document

Q14 What is the total amount of assets under your current management?

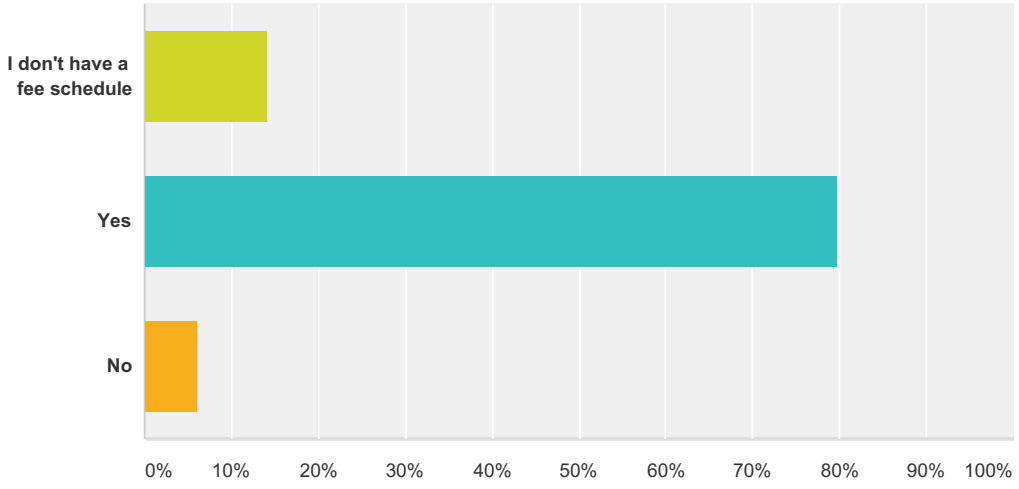
Answered: 132 Skipped: 27



Answer Choices	Responses	
Under $10 million	**56.82%**	75
$11-25 million	**21.97%**	29
$26-50 million	**11.36%**	15
$51-100 million	**6.82%**	9
More than $100 million	**3.03%**	4
Total		**132**

Q15 Do you provide a fee schedule to your clients?

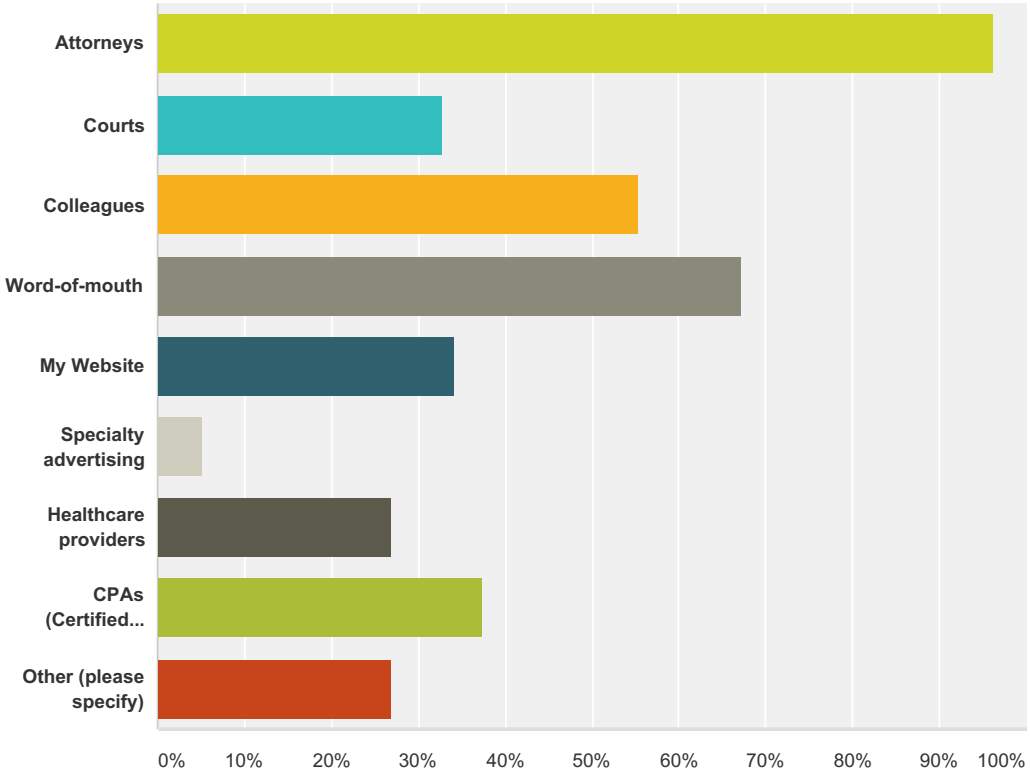
Answered: 133 Skipped: 26



Answer Choices	Responses	
I don't have a fee schedule	**14.29%**	19
Yes	**79.70%**	106
No	**6.02%**	8
Total		**133**

Q16 From where do you receive your client referrals? Check all that apply:

Answered: 134 Skipped: 25



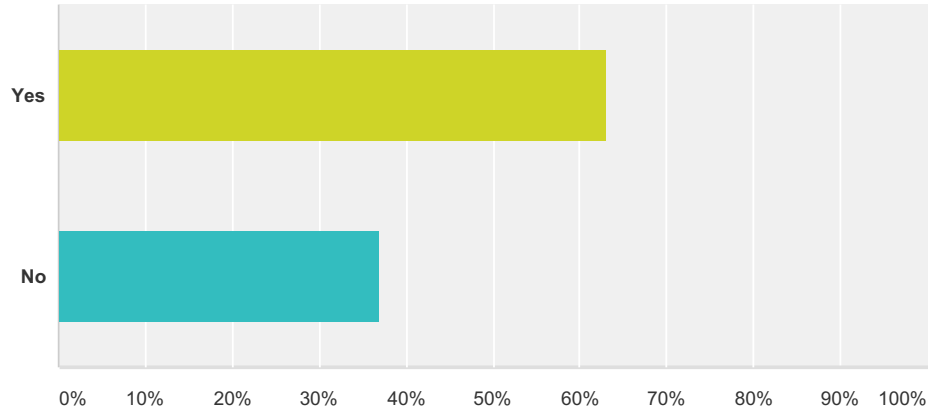
Answer Choices	Responses	
Attorneys	**96.27%**	129
Courts	**32.84%**	44
Colleagues	**55.22%**	74
Word-of-mouth	**67.16%**	90
My Website	**34.33%**	46
Specialty advertising	**5.22%**	7
Healthcare providers	**26.87%**	36
CPAs (Certified Public Accountants)	**37.31%**	50
Other (please specify)	**26.87%**	36
Total Respondents: 134		

From where do you receive your client referrals? (other)

Adult Protective Services (3)
Adult Protective Services, Skilled Nursing Facilities, Hospitals, Board and Care Facilities
Arbitration & mediation services
Bank Trust Departments
Banks
Care facilities
Department of Veterans Affairs (2)
Directors of senior living facilities
DNA
Enrolled Agents
Financial Advisors (5)
Financial planners, Council on Aging
Financial Planners, Insurance Agents
former colleagues in business; care managers
friends
Have not accepted new clients for several years, retiring
I am not currently accepting referrals
Investment advisors (3)
Local nonprofit social service agencies
marketing
Media
Mental Health care providers, APS
PFAC web site (3)
Social workers, care home owners
Speaking Engagements

Q17 Do you have a succession plan in place to cover your clients if you are no longer practicing?

Answered: 135 Skipped: 24



Answer Choices	Responses	
Yes	**62.96%**	85
No	**37.04%**	50
Total		**135**

Q18 Please explain why you do not have a succession plan.

Answered: 49 Skipped: 110

Please explain why you do not have a succession plan.
New
new, small practice
New to the field and haven't developed plan.
new fiduciary
I am relatively new to the field and I have my hands full with the day to day operations.
I'm fairly young for this business (52) and have only been practicing for 2 years. When I am involved in a new trust being written, and my name is written in as Trustee, I make sure there's a provision for replacement, like if I'm
Just starting out; practice is very small; Trusts that I work on have secondary Trustees already named
I have just received my license
1st year in practice.
Just restarting business after a hiatus. End of year goal.
I have been practicing for 8 months and have not had to consider it yet.

Another person will assume responsibility
I leave it up to the attorneys I work with.
THE PERSON AFTER ME LISTED IN THE DOCUMENT WILL TAKE OVER
If I am dead or incapacitated, the court will handle it. We have no right nor authority to hand pick our successor(s).
I encourage my clients to provide a method to select my successor.
Court supervised cases will require the court to appoint a new conservators. For trusts, I encourage clients (if possible) to name successors to me. This is my succession plan.
Not fully completed, although when I am named as successor trustee, I ask my clients to name a secondary who is
I am the only licensed fiduciary within 100+ miles. The transition would have to be handled through my attorneys
Sole Practitioner with 3 professional staff - I have two staff people who will become licensed and be available for a
While I do not have a formal plan, I have had discussions with long time trust professionals to step in when the time
I haven't found some one interested in taking my practice. I do put another fiduciary on most of my cases as a
Nothing in writing as of now. Have individuals working for me who could and would help if I were to suddenly not

Developing a succession plan
we are working on it. We have a plan but have not implemented it.
working on it
I am currently speaking with various individuals regarding such a plan.
Am trying to have a fiduciary join my practice
I am in the process of doing that, currently I have other fiduciaries as back up
My attorney puts a plan in the documents for another fiduciary to handle
In the process of preparing one

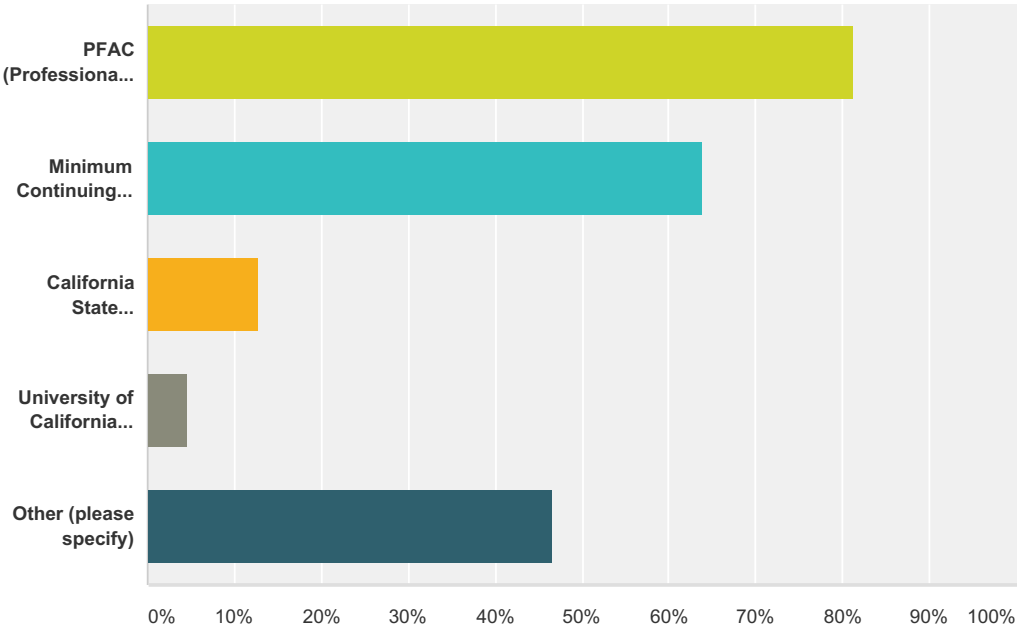
Future
I plan to do that in the future.
I hadn't thought about it until I read that question. Something I need to focus on.
Successor fiduciaries can be determined by the court or language in the will, Trust or POA documents
Successor Trustees have been designated for all Trusts that I am responsible for.
The estate planning document will provide alternatives for the client

Other
Don’t know
have not come up with a feasible / workable plan
At tg
I am not practicing
I am not practicing.
I am either transferring cases or will hold until the case is closed.
Procrastination. Few cases.
Sole owner
Too busy
because THE LAW will not allow us to create a transferable entity.

Please explain why you do not have a succession plan.
The position of fiduciary is very personal and dependent on the interaction between client and fiduciary.
Have not found someone I would want.
I'm 40 years old and don't plan on retiring for a couple of decades. I do have an emergency plan should something
It's a work in progress, trying to figure out how best to create and implement it. The vast majority of my clients have successors names in their documents, so I have no right to select my successor in the event I no longer practice. However, I do understand the importance of continuity of service during an unexpected interruption of my practice,
my age and health

Q19 What providers do you use to fulfill your Continuing Education units? Check all that apply:

Answered: 133 Skipped: 26



Answer Choices	Responses	
PFAC (Professional Fiduciary Association of California)	**81.20%**	108
Minimum Continuing Legal Education (MCLE) Credits	**63.91%**	85
California State University Fullerton	**12.78%**	17
University of California Riverside	**4.51%**	6
Other (please specify)	**46.62%**	62
Total Respondents: 133		

What providers do you use to fulfill your Continuing Education units? (Other)

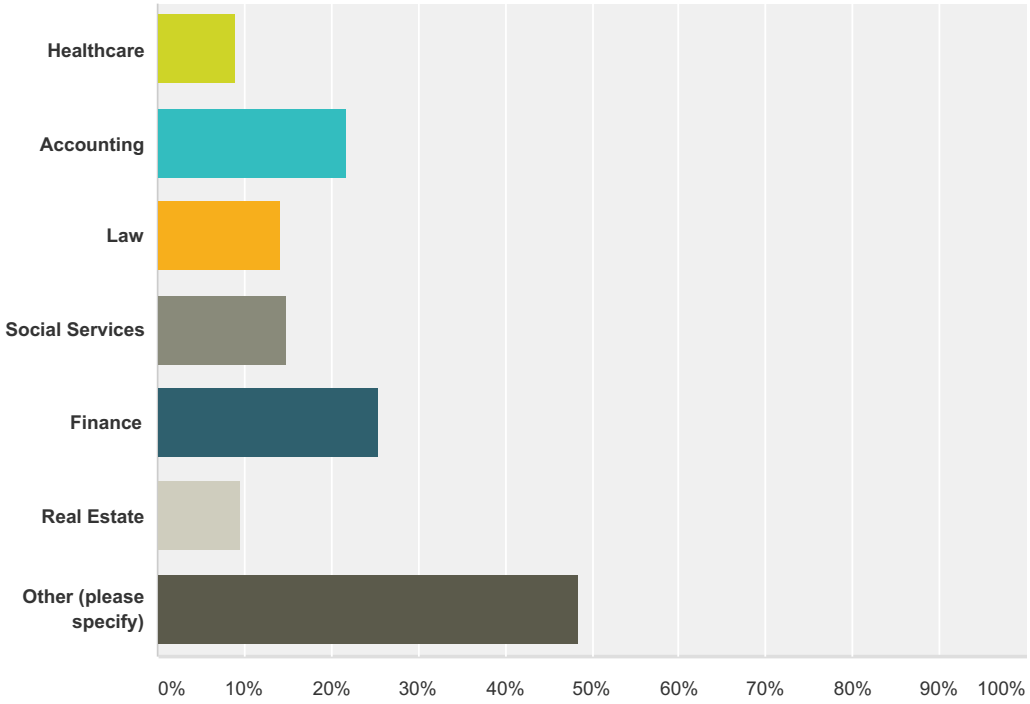
Any learning situation that will help me do a good job
aarp classes on aging; USC caregiver resource classes
Alzheimer's Assoc.
Alzheimer's Association conferences, NetCE and health webinars
American Society of Aging + other approved webinars
An approved vendor with a total hour package
Attorney bar, nursing associations, etc.
Bar Asso, on line providers, PFB approved providers
Bar assoc., training approved by BBS
Bar Association
Bar Association meetings
Bar association; CEB and myriad other sources
bar associations, estate planning council
Board of Accountancy, Board of Registered Nursing
Board of Registered Nursing
Bureau of Real Estate
CA Board of RN's, Cal Society of CPA's
CalCPA Society
CalCPA, FPA
California Bar Association MCLE
California Southern University; others
Care facilities offering units for care providers, RN's etc.
CEUs programs put on at local senior facilities (speakers may be from Alzheimer's Assoc, or UCSD, etc.)
CFP Board & DOI approved providers
CFP Board, Estate Planning Council
CPA, CFP, and Trust and tax seminars
Cseus
Day courses, on line and seminars
Enrolled Agent Societies
Estate planning council
Estate Planning Council, PPP, bar section meetings
Estate Planning Councils, Financial Planning Associations
Fairhaven Memorial Cemetery & Care Choices Hospice
I am also an RN so some of my CEUs are from nursing education providers on dementia care etc
I am an Enrolled Agent. we use CPA type CPE
I attend local Geriatric Care Managers' seminars, LAS, IOA, OnLok events.
IBP (Institute for Brain Potential; Silverado
Institute of Brain Pot., Alzheimer's org, etc.
Institute on Aging, Legal Assistance for the Elderly
Institute on Aging, San Francisco
IOA
Legal
Local Bar Association (4)
medical sources (approved, of course)
National Guardianship Association (5)
NGA and Public Guardian's Association
NGA; Estate Planning Council
Nurse approved hours
Occasional online courses or any that apply available locally.
other approved resources
PFAC has become a waste of time
PFAC needs to provide online classes.
The Guardianship Center/NGA
Various approved sources

What providers do you use to fulfill your Continuing Education units? (Other)

Webinars from Bar Business & Accounting Groups

Q20 What was your background prior to becoming a Professional Fiduciary?

Answered: 134 Skipped: 25



Answer Choices	Responses	
Healthcare	**8.96%**	12
Accounting	**21.64%**	29
Law	**14.18%**	19
Social Services	**14.93%**	20
Finance	**25.37%**	34
Real Estate	**9.70%**	13
Other (please specify)	**48.51%**	65
Total Respondents: 134		

What was your background prior to becoming a Professional Fiduciary?

Also have advanced college degrees.
Bus manager
Business
Business
Business - Marketing
Business development/Technology
business management entertainment. Hands on daily money manager. Family office.
Business owner and manager
Corporate Vice President
CPA
Education
Financial Planning
High Tech/marketing
High-School Special Education English Teacher
I was the Ed of a Non-Profit the served elderly clients
Iniversity Administrator
Insurance
Insurance, AI programmer/systems analyst
Law Enforcement
management
Management Consultant
Mental Health para legal
Peace Officer
Personal financial planning & investment mgmt
Planned Giving
probate & trust paralegal
Public Guardian
risk management
Specificity will identify me
trust banking; investment securities; project management; others
Undertaker

Q21 Please list any other professional license(s) you hold.

Answered: 49 Skipped: 110

Answer Choices	Responses	
License type	**97.96%**	48
License type	**36.73%**	18
License type	**10.20%**	5

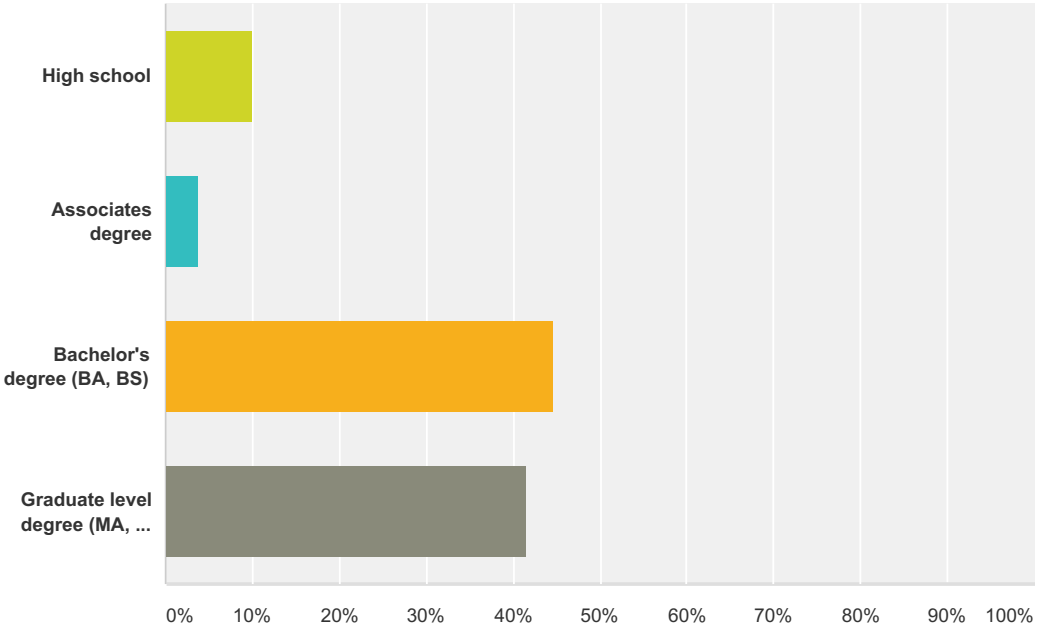
Please list any other professional license(s) you hold.

Real Estate License
Bureau of Real Estate-Inactive
CA Real Estate Brokers License
California Real Estate Broker's License
RE broker
Real Estate
Real Estate Broker
Real Estate Brokers
Teaching
California Teachers Association Life time Credential
California Teaching Credential
Tax/Accounting
Enrolled Agent
Enrolled Agent
Enrolled Agent
Enrolled Agent: US Treasury/ IRS
CPA
Financial planning
Certified Financial Planner
CFP
Certified Estate Planner
CTFA, CSOP -Institute of Certified Bankers
Series 6,7
Notary
California Notary
Notary
notary
notary
Notary Public
Notary Public

Nursing/Social Work/Guardian
California Registered Nurse # 200436
Registered Nursing
RN
Care Manager, Certified
Certified National Guardian
LCSW
LVN
MSW
National Certified Guardian
National Certified Guardian
National Guardian Association
RCFE
RCFE - Residential Care Facility for the Elderly
Other
E. A.
NG
Fiduciary
insurance
POST Peace Officer
Private investigation
State Bar License
Mortuary license

Q22 What is your highest level of education?

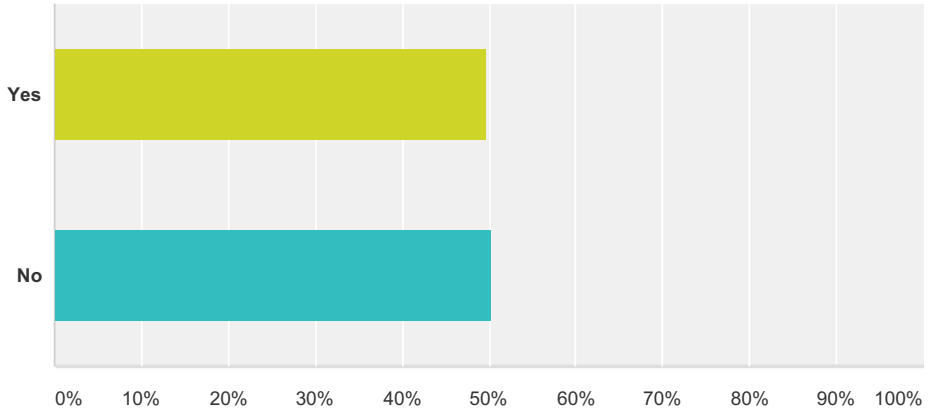
Answered: 130 Skipped: 29



Answer Choices	Responses	
High school	**10.00%**	13
Associates degree	**3.85%**	5
Bachelor's degree (BA, BS)	**44.62%**	58
Graduate level degree (MA, MS, MBA, PhD, MD, JD, etc.)	**41.54%**	54
Total		**130**

Q23 Do you mentor other professionals in the fiduciary industry?

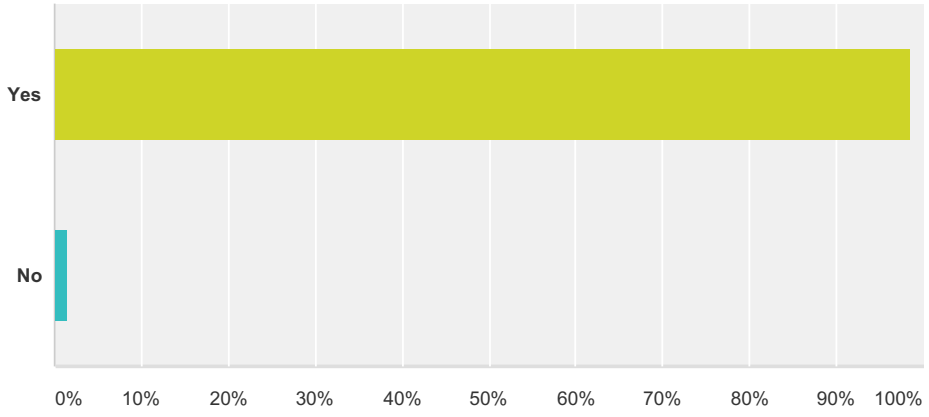
Answered: 131 Skipped: 28



Answer Choices	Responses	
Yes	**49.62%**	65
No	**50.38%**	66
Total		**131**

Q24 Do you stay current on changes in the laws pertaining to fiduciaries?

Answered: 132 Skipped: 27



Answer Choices	Responses	
Yes	**98.48%**	130
No	**1.52%**	2
Total		**132**

Q25 How do you stay current on changes in the laws pertaining to professional fiduciaries?

Answered: 125 Skipped: 34

How do you stay current on changes in the laws pertaining to professional fiduciaries?
Continuing Education
60 - 90 hrs of MCLE/yr.
Continuing Ed & networking
Continuing Ed, CPF Bureau, PFAC
Continuing ed, PFAC, attorneys
Continuing ed; PFAC Website, etc
Continuing education and a member of PFAC legislative cttee
Continuing education and attorney discussions
blogs, rss, affliations
Bulletins from the Bureau & estate attorney networks
CE
CEB
Ceu, attorney
CEU's & publications
classes , PFAC
Classes, membership in PFAC, news media
Courses, reading, reviewing law changes
cpe
MCLE Courses
Reading
A variety of websites and blogs. Subscribe to a CPA journal.
Read
Read articles as they appear; blogs
Read newsletters. Attorneys who represent me. Fellow fiduciaries
read PFAC and PFB newsletters/emails
Read the Probate Code Annually, watch for changes that come through from PFAC, attorney's.
Read, attend sessions by the bar and ask questions.
Reading and reviewing Probate Code, various e-mails regarding changes and updates from the National Guardian's Association and PFAC
reading info from Fid Bureau, LA and SD Bar Assoc, newspapers
Reading the GUARDIAN newsletter & PFAC
E-mail list serves
Web sites and memberships
google
news blogs
newsgroups, pfac
newsletters, assoc, cont ed
Articles, review of legislation, PFAC and Nga education
Research, seminars, your site and newsletters
Various websites, legislation review, alerts
Education constantly. Newsletters.
estate planning reporter, CEB
Professional newsletters and meetings, attorney reports, Bureau notices
review announcements forwarded by PFAC, check website
On the Board of Directors for the National Guardianship Assoc.
Online notices, posts, PFAC
pac updates, court updates, attorney meetings
Internet, Probate Code Review, National Guardian Association continuing education, Seminars
Professional Fiduciary Bureau
Bureau and PFAC
Bureau emails and website; PFAC emails and website.
bureau notices, PFAC, attorney, Bar Association

How do you stay current on changes in the laws pertaining to professional fiduciaries?
California Professional Fiduciaries Bureau and PFAC
Fiduciary Bureau newsletters and bulletins
Fiduciary Bureau, PFAC, attorneys, research
PFB updates.
E mails from the Bureau.
Emails that come from the Bureau.
Check the Bureau's website weekly; professional publications
Through the license bureau and attorneys
I read the information that comes from the fiduciary bureau and from the local chapter of PFAC
Legal
Attorney newsletters, PFAC
Attorneys
Belong to local bar asso, attend PFAC meetings, etc
BAR/Estate Planning Associations, PFAC
My attys, PFAC, Fid Bureau, colleagues
My office is in a law office, I read the latest updates in changes and attend a number of classes, including the PFAC conferences and local meetings.
Legal publications; seminars
Legal Updates
Local Bar Section Meetings & attorneys
Local court meetings and my attorneys
Bar Assocations meetings
I attend an annual Bar Association Trusts & Estates presentation which provides comprehensive handouts
through my attorney and PFAC
San Diego County Bar Ass. and Attorneys
my attorney
my attorney; fiduciaries websites; fiduciary networking
Meetings and seminars
I keep up with probate law through seminars & working with attorneys in the field
Seminars and PFAC updates
Seminars, PFAC listserve, attorneys
Seminars, various websites
I go to estate planning councils and attend the regional or annual PFAC conventions.
Other
any learning situation which teaches needed information
Attend local MCLEs, CLPF listserve
By monitoring news events from the PF Board, LACBA, and other sources.
NGA, SSA, CDSS, DHCS, Monthly long term investing education
networking
I am a newly licensed Fiduciary, so my answers may not be accuarate as things are developing.
PFAC
PFAC
PFAC
PFAC
PFAC
PFAC
PFAC and DCA
PFAC and newsletter

How do you stay current on changes in the laws pertaining to professional fiduciaries?
PFAC and PFB and Seminars/Workshops
PFAC and the Internet
PFAC conferences and newsletters
PFAC Conferences, Attorneys, PFAC newsletters, Listserve, other fiduciaries
PFAC continuing education and newsletters, my attorneys
PFAC education
PFAC emails and website
PFAC legislative efforts, Silicon Valley Bar Association
PFAC listserve
PFAC Newsletter and attending PFAC Conference
PFAC newsletters and PFB emails
PFAC newspapers
PFAC, bar association continuing education
PFAC, CA Prof Fid Bureau, CA BAR trusts and Estates
PFAC, Fiduciary Bureau website
PFAC, general reading
PFAC, Pro. Fid Bureau
PFAC; Bar Assoc meetings
PFB online, PFAC chat boards
PFB website, PFAC Info, Conferences
Attend PFAC annual conference, coordinate & attend monthly Mentor Grp meetings.
Attending the PFAC conference
Through my membership in PFAC.
Through PFAC
through PFAC and SVBA
Through PFAC news and events
Through PFAC news letters
Sonoma County PFAC Chapter, and PFAC
Primarily via PFAC newsletters and conferences
visit Pfac web site and professional Fid web site, attend PFAC meetings
by PFAC conferences and newletters
via PFAC
Mostly PFAC and CEB publications
From regularly attending local PFAC meeting and reading emails from PFAC list serve and SNT list serve on the topic
I am a member of the PFAC Legislative Committee

Attachment D

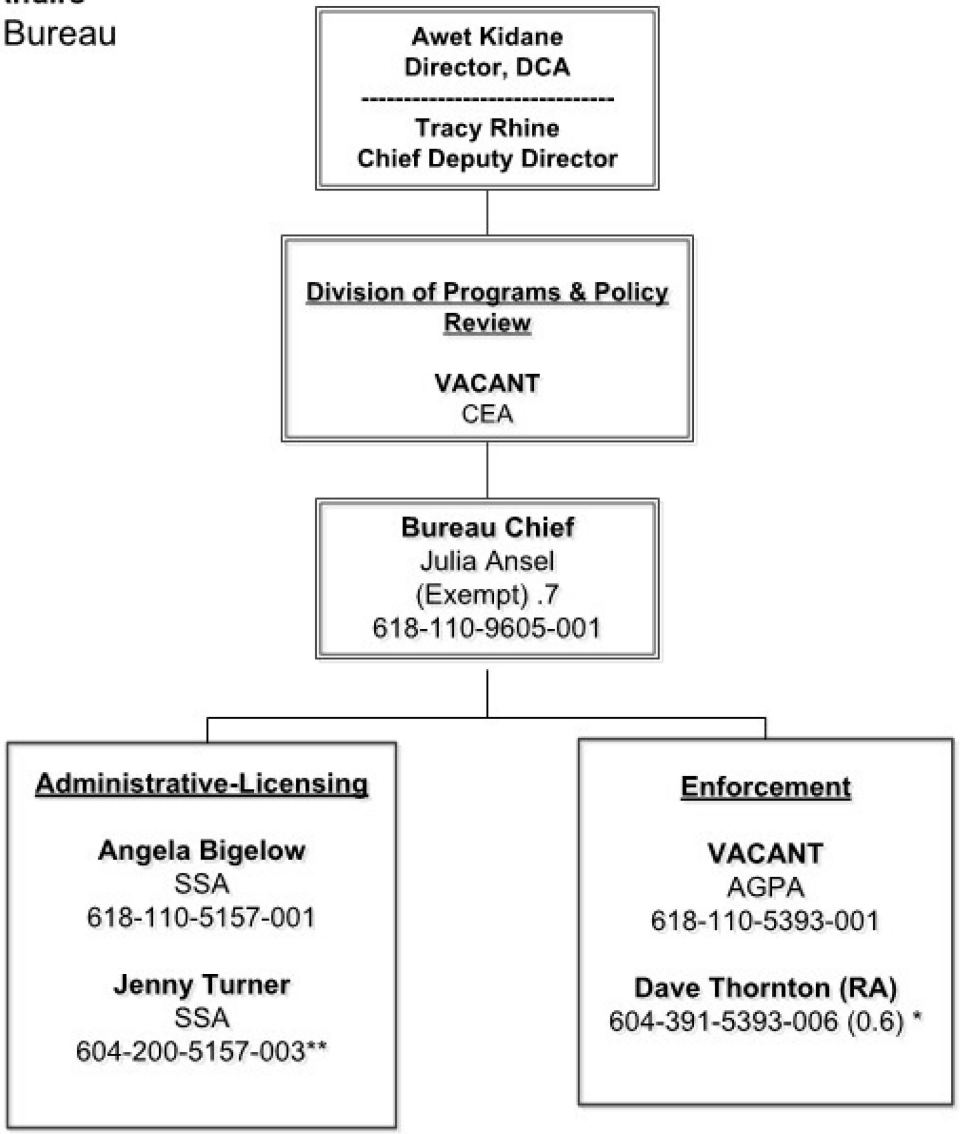
Year-end Organization Charts for the Last Four Fiscal Years

Department of Consumer Affairs
Professional Fiduciaries Bureau

July 1, 2014

Current
FY 2014-15
Authorized Positions: 2.7

* On loan from CRP
** On loan from CIC



Awet P. Kidane, Director

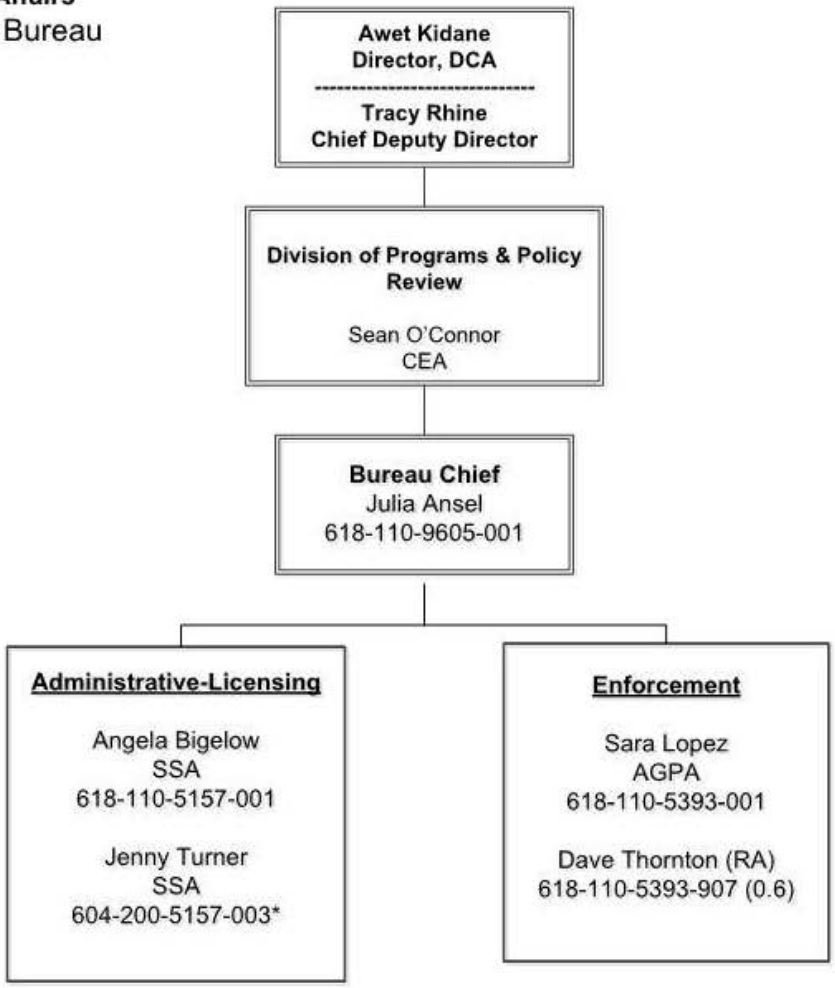
Julia Ansel, Bureau Chief

Personnel Analyst

Department of Consumer Affairs
Professional Fiduciaries Bureau

July 1, 2015

Current
FY 2015-16
Authorized Positions: 3.0



* On loan from CIC

Awet P. Kidane, Director

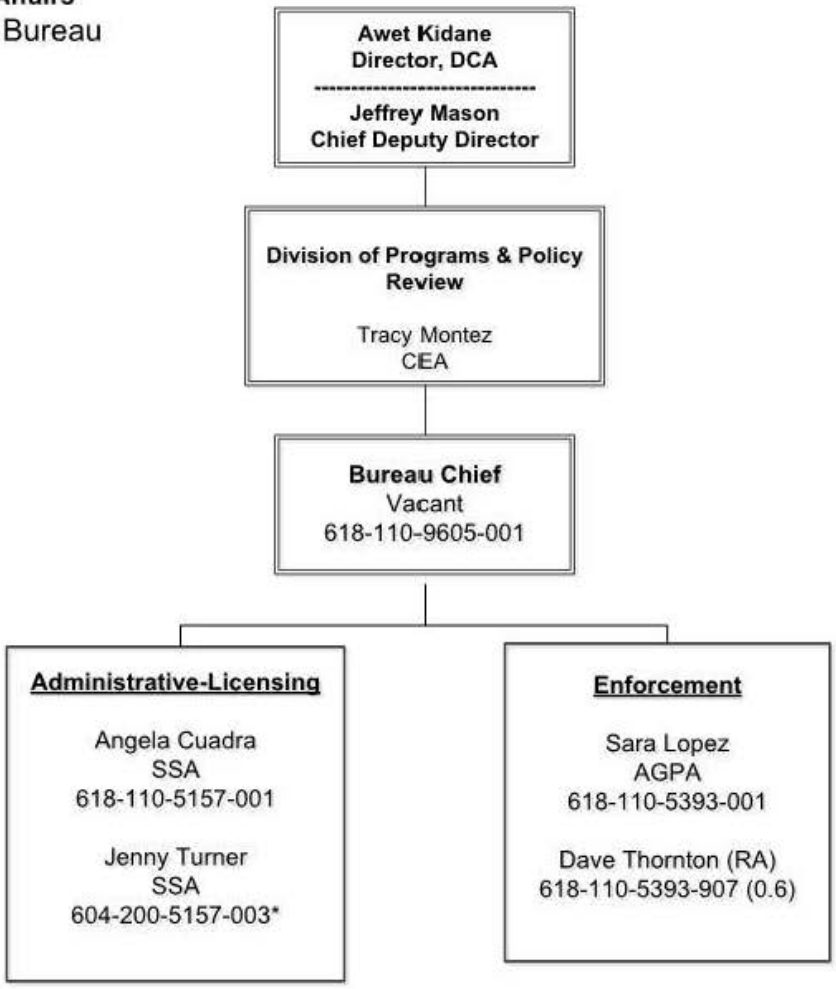
Julia Ansel, Bureau Chief

C & P Analyst

Department of Consumer Affairs
Professional Fiduciaries Bureau

July 1, 2016

Current
FY 2016-17
Authorized Positions: 3.0



* On loan from CIC

Awet P. Kidane, Director

Vacant, Bureau Chief

C & P Analyst

Department of Consumer Affairs
Professional Fiduciaries Bureau

July 1, 2017

FY 2017-18
Authorized Positions: 3.0
Temporary: 2.0

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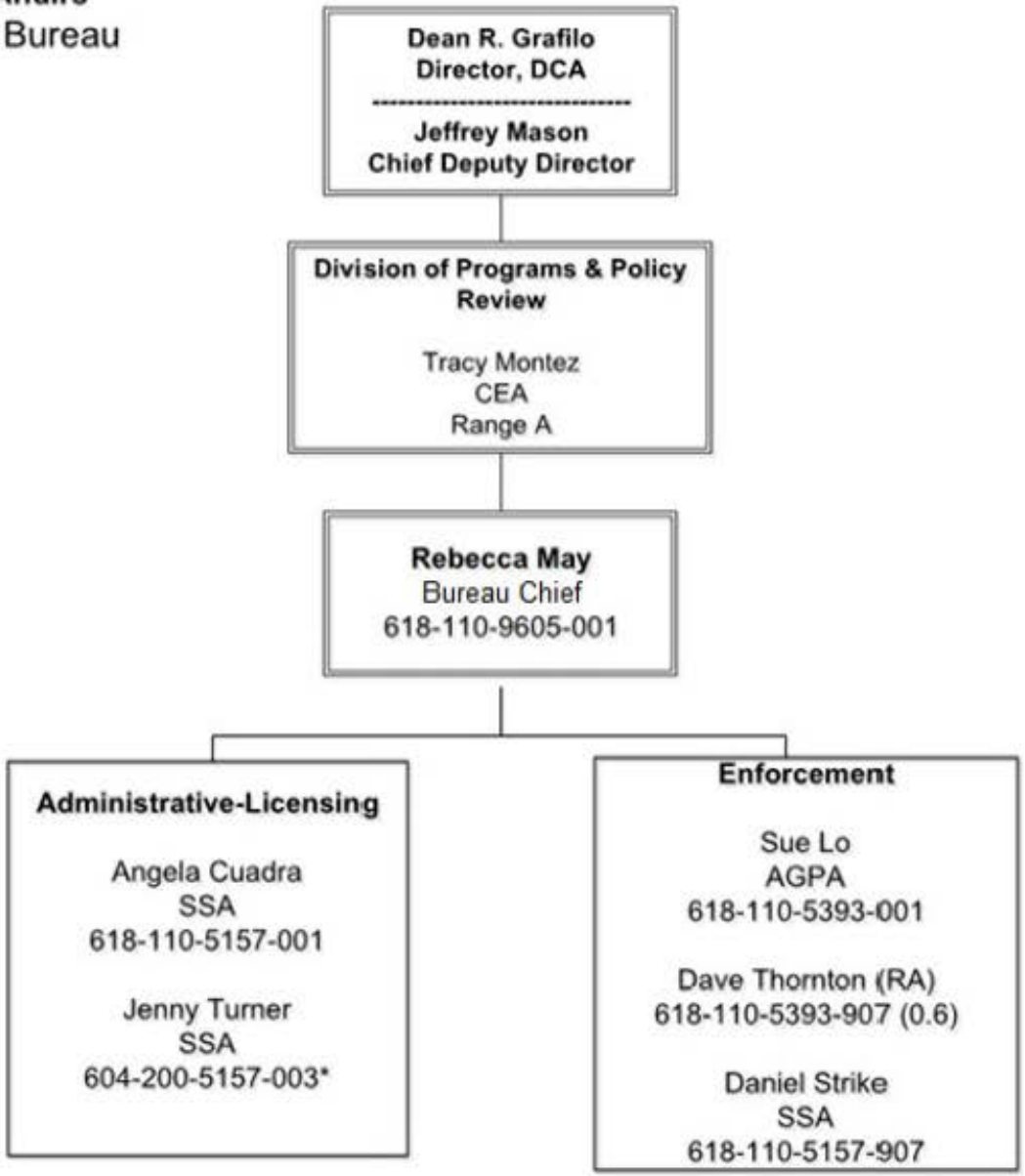


Dean R. Grafilo, Director

Tracy Montez, Division Chief

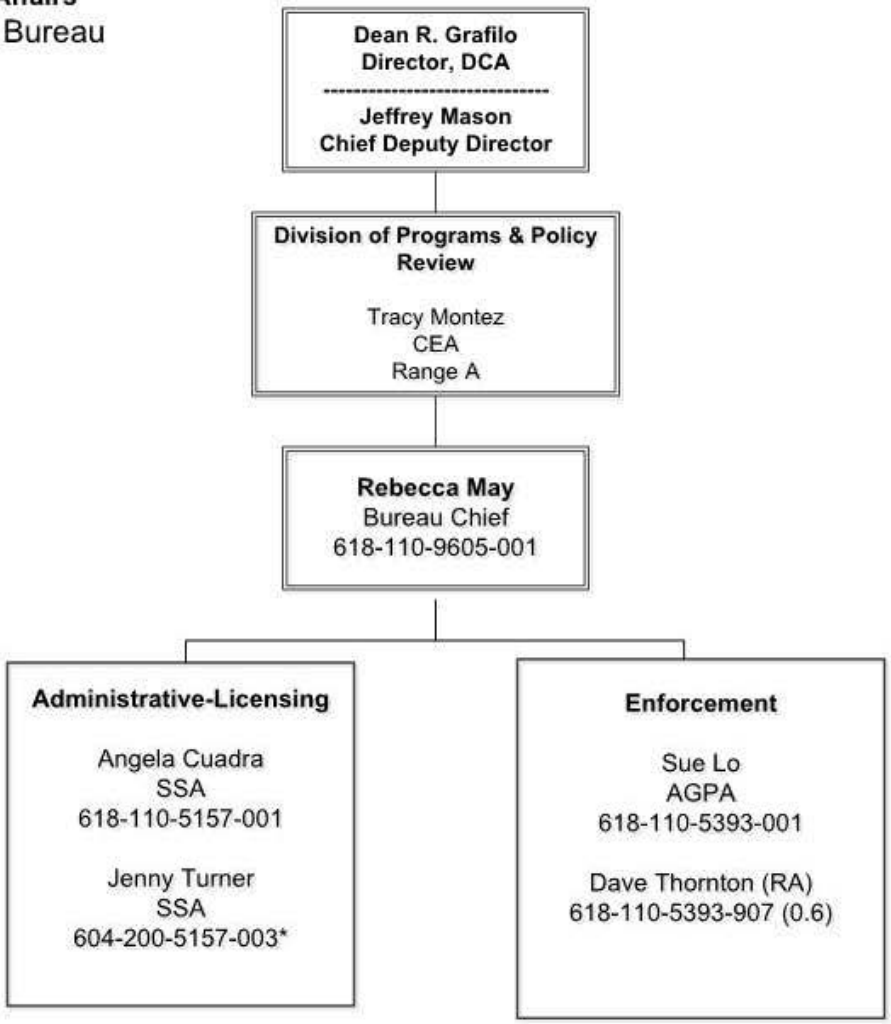
C & P Analyst

Department of Consumer Affairs
Professional Fiduciaries Bureau

September 25, 2017

FY 2017-18
Authorized Positions: 3.0
Temporary: 1.0

* On loan from CIC



Dean R. Grafilo, Director

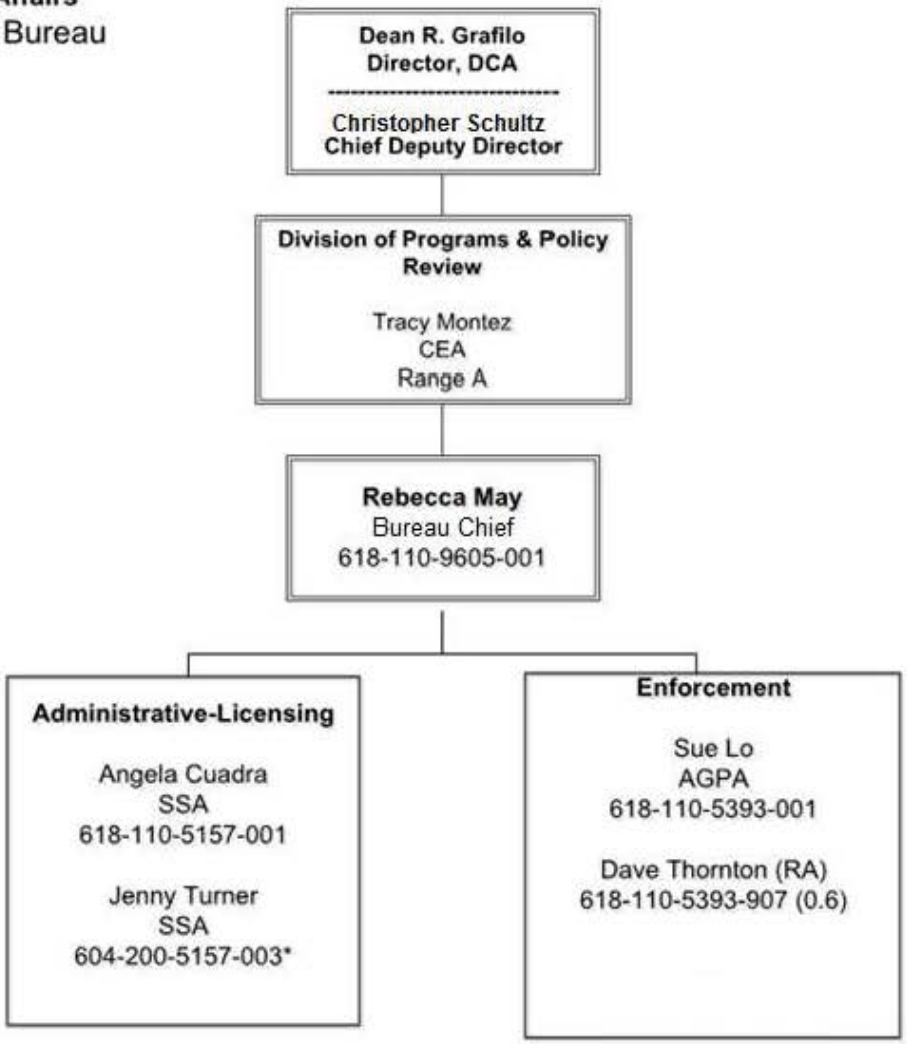
Rebecca May, Bureau Chief

C & P Analyst

Department of Consumer Affairs
Professional Fiduciaries Bureau

December 1, 2017

FY 2017-18
Authorized Positions: 3.0
Temporary: 1.0



* On loan from CIC

Dean R. Grafilo, Director

Tracy Montez, Division Chief

C & P Analyst

Attachment E

Performance Measure Reports

Department of Consumer Affairs

Professional Fiduciaries Bureau

Performance Measures

Q4 Report *(April - June 2013)*

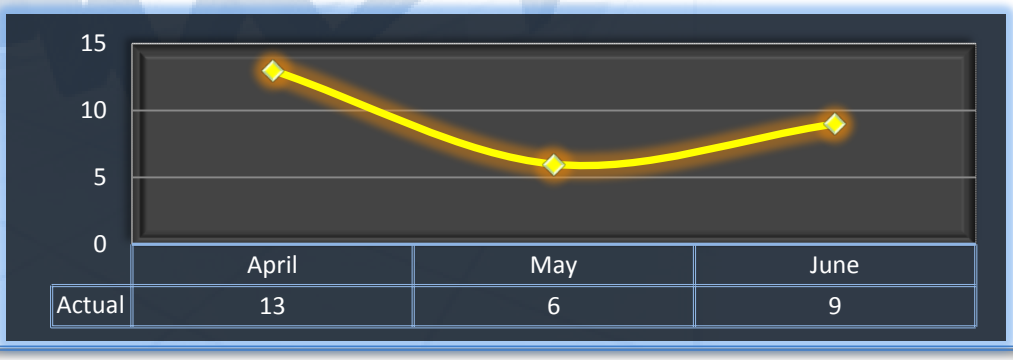
To ensure stakeholders can review the Bureau's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

Volume

Number of complaints received.

Q4 Total: 28

Q4 Monthly Average: 9



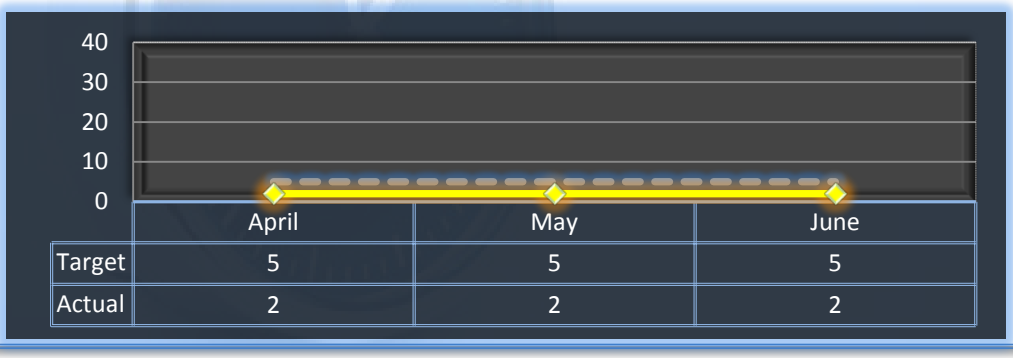
	April	May	June
Actual	13	6	9

Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 5 Days

Q4 Average: 2 Days



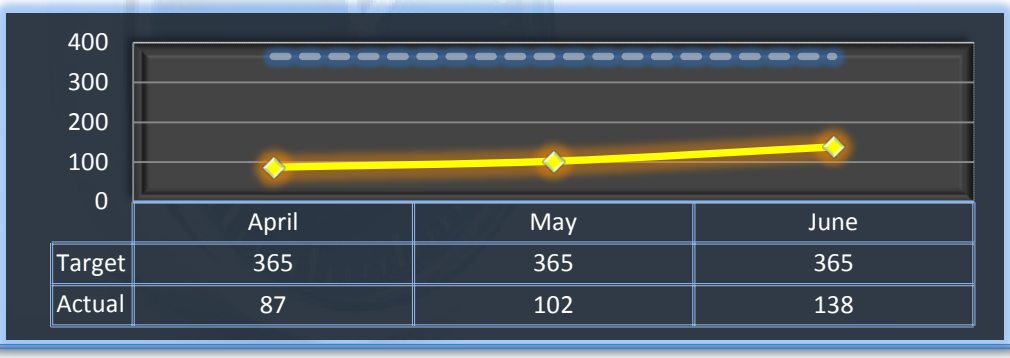
	April	May	June
Target	5	5	5
Actual	2	2	2

Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 365 Days

Q4 Average: 104 Days



	April	May	June
Target	365	365	365
Actual	87	102	138

Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Bureau, and prosecution by the AG)

Target: 540 Days

Q4 Average: 940 Days

Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 10 Days

Q4 Average: N/A

The Bureau did not contact any new probationers this quarter.

Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 10 Days

Q4 Average: N/A

The Bureau did not handle any probation violations this quarter.

Department of Consumer Affairs

Professional Fiduciaries Bureau

Performance Measures

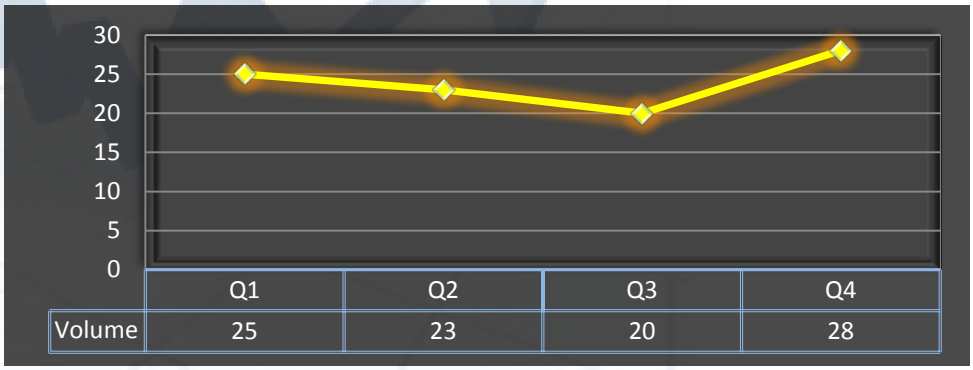
Annual Report *(2012 – 2013 Fiscal Year)*

To ensure stakeholders can review the Bureau's progress in meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures are posted publicly on a quarterly basis.

Volume

Number of complaints and convictions received.

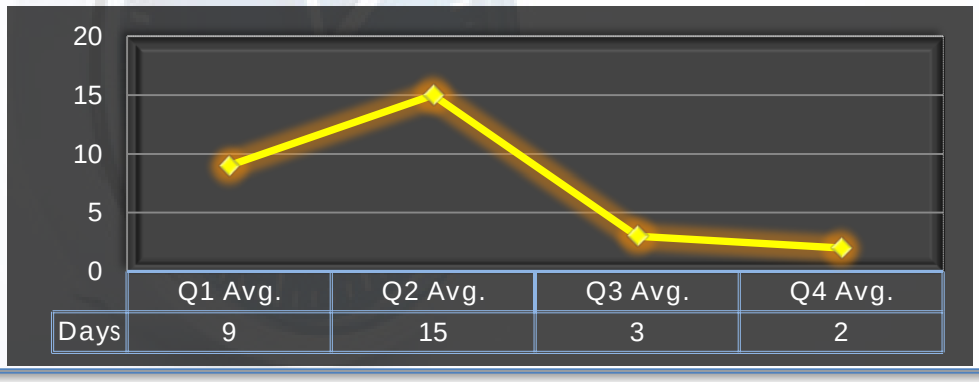
The Bureau had an annual total of 96 this fiscal year.



Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

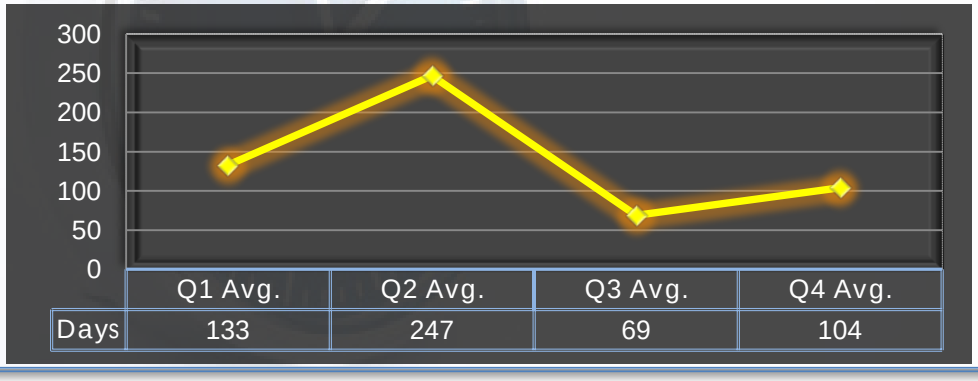
The Bureau has set a target of 5 days for this measure.



Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does <u>not</u> include cases sent to the Attorney General or other forms of formal discipline.

The Bureau has set a target of 365 days for this measure.

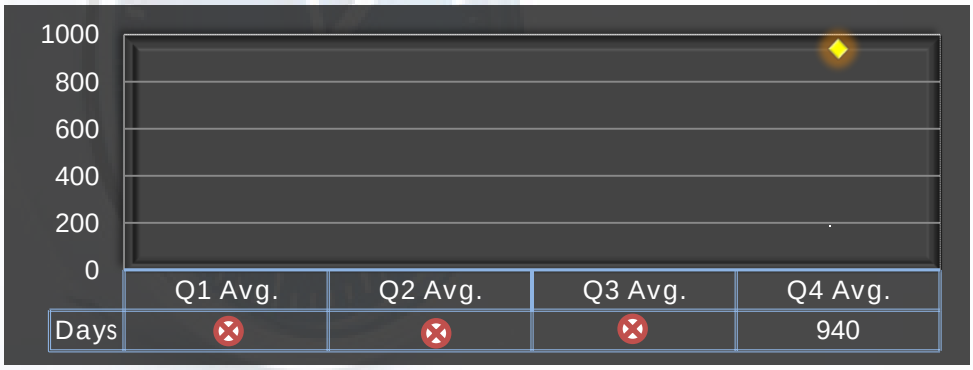


	Q1 Avg.	Q2 Avg.	Q3 Avg.	Q4 Avg.
Days	133	247	69	104

Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

The Board has set a target of 540 days for this measure.



	Q1 Avg.	Q2 Avg.	Q3 Avg.	Q4 Avg.
Days				940

Department of Consumer Affairs

Professional Fiduciaries Bureau

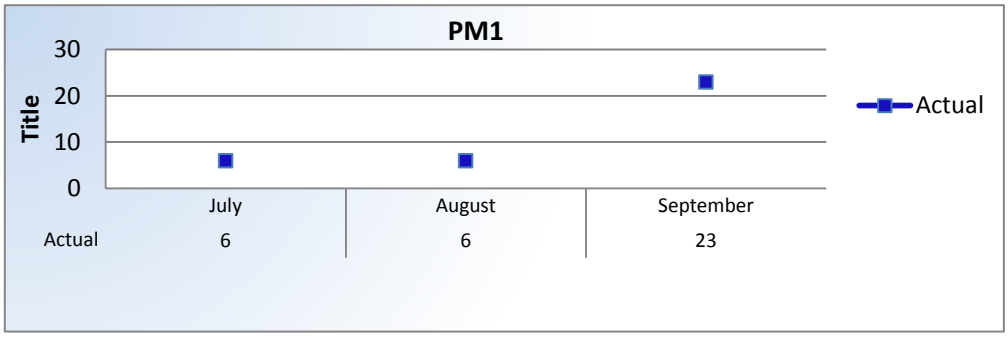
Performance Measures

Q1 Report *(July - September 2013)*

To ensure stakeholders can review the Bureau's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

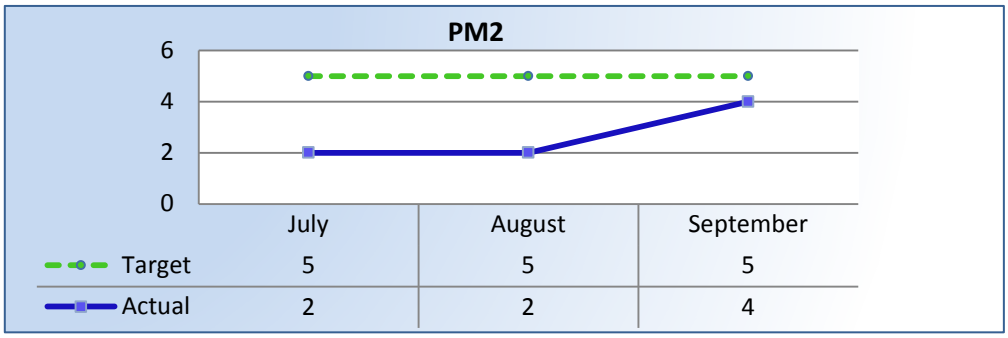


Total Received: 35 Monthly Average: 12

Complaints: 35 | **Convictions**: 0

PM2 | Intake

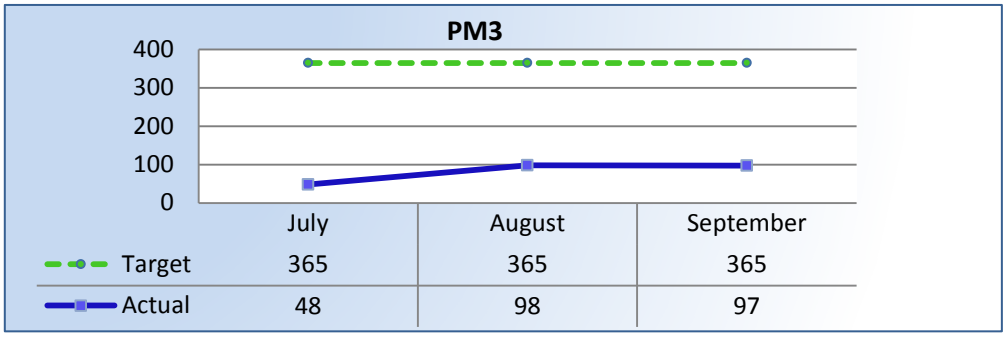
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 5 Days | **Actual Average:** 3 Days

PM3 | Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 365 Days | **Actual Average:** 85 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Bureau and prosecution by the AG).

The Bureau did not report any formal discipline this quarter.

Target Average: 540 Days | **Actual Average:** N/A

PM7 |Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Bureau did not contact any new probationers this quarter.

Target Average: 10 Days | **Actual Average:** N/A

PM8 |Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Bureau did not report any new probation violations this quarter.

Target Average: 10 Days | **Actual Average:** N/A

Department of Consumer Affairs

Professional Fiduciaries Bureau

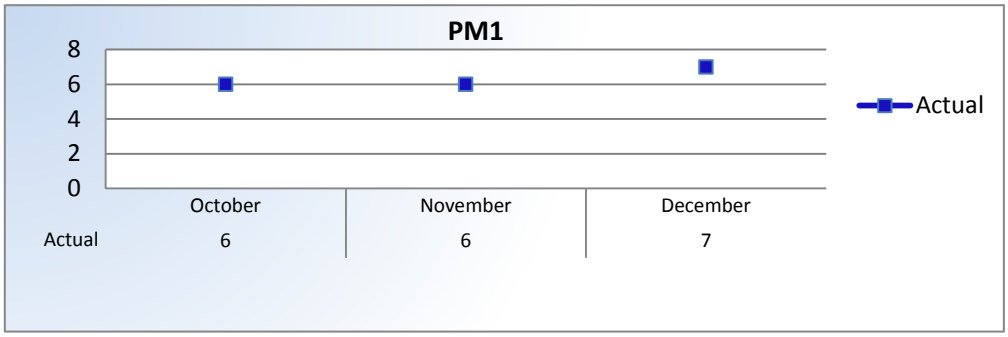
Performance Measures

Q2 Report *(October - December 2013)*

To ensure stakeholders can review the Bureau's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

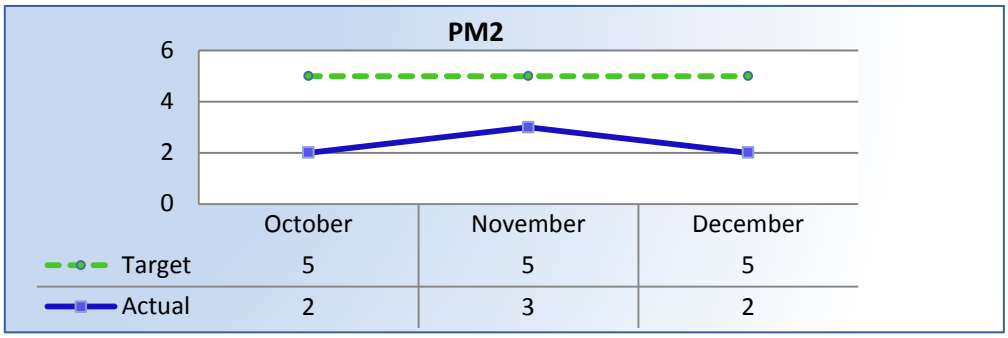


Total Received: 19 Monthly Average: 6

Complaints: 19 | **Convictions**: 0

PM2 | Intake

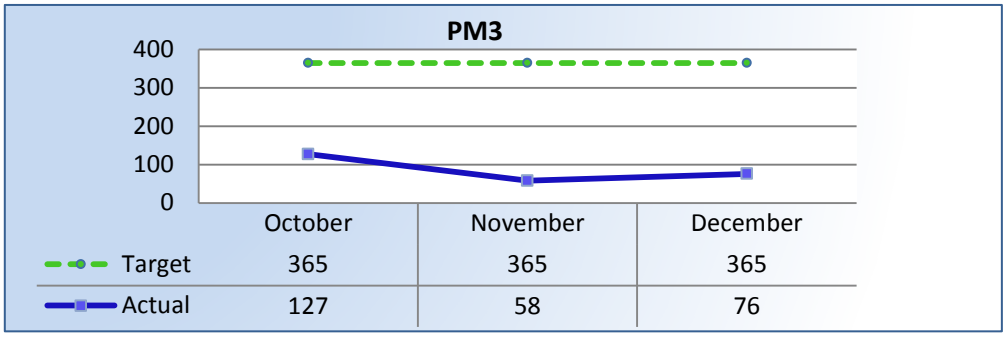
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 5 Days | **Actual Average:** 2 Days

PM3 | Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



	October	November	December
Target	365	365	365
Actual	127	58	76

Target Average: 365 Days | **Actual Average:** 86 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Bureau and prosecution by the AG).

The Bureau did not report any formal discipline this quarter.

Target Average: 540 Days | **Actual Average:** N/A

PM7 |Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Bureau did not contact any new probationers this quarter.

Target Average: 10 Days | **Actual Average:** N/A

PM8 |Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Bureau did not report any new probation violations this quarter.

Target Average: 10 Days | **Actual Average:** N/A

Department of Consumer Affairs

Professional Fiduciaries Bureau

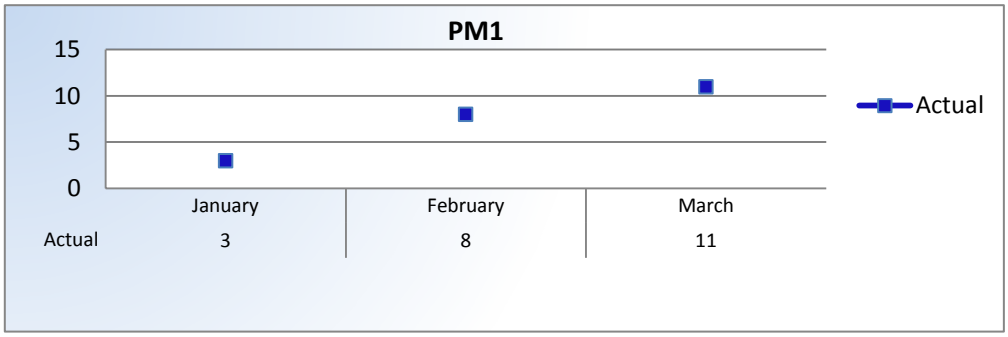
Performance Measures

Q3 Report *(January - March 2014)*

To ensure stakeholders can review the Bureau's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

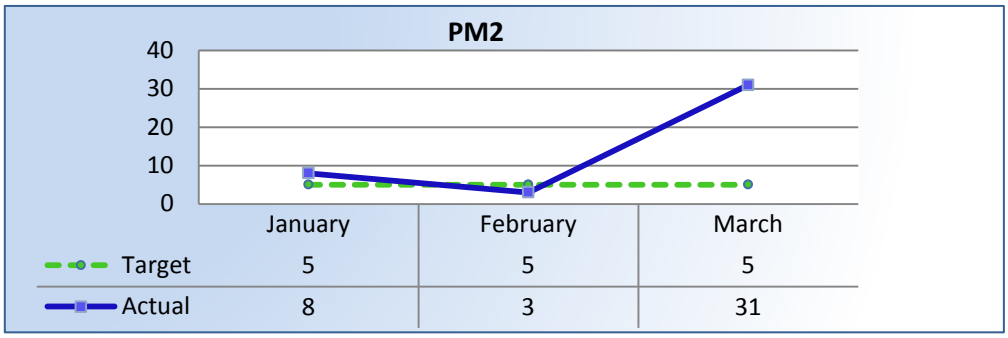


Total Received: 22 Monthly Average: 7

Complaints: 22 | **Convictions**: 0

PM2 | Intake

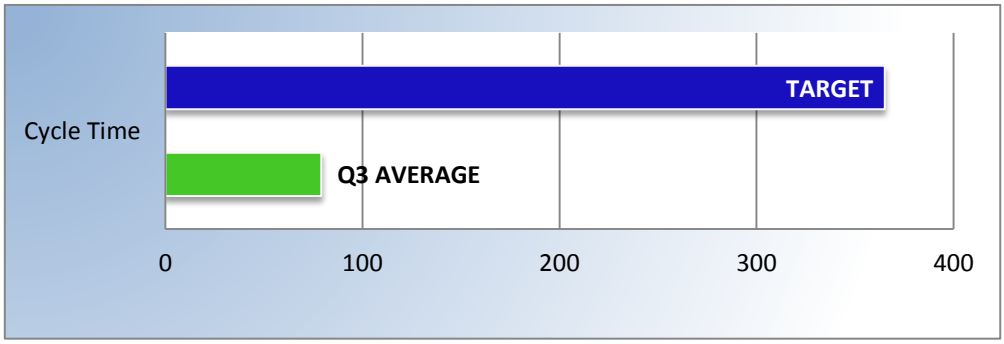
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 5 Days | **Actual Average:** 19 Days

PM3 | Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 365 Days | **Actual Average:** 79 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Bureau and prosecution by the AG).

The Bureau did not report any formal discipline this quarter.

Target Average: 540 Days | **Actual Average:** N/A

PM7 |Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Bureau did not contact any new probationers this quarter.

Target Average: 10 Days | **Actual Average:** N/A

PM8 |Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Bureau did not report any new probation violations this quarter.

Target Average: 10 Days | **Actual Average:** N/A

Department of Consumer Affairs

Professional Fiduciaries Bureau

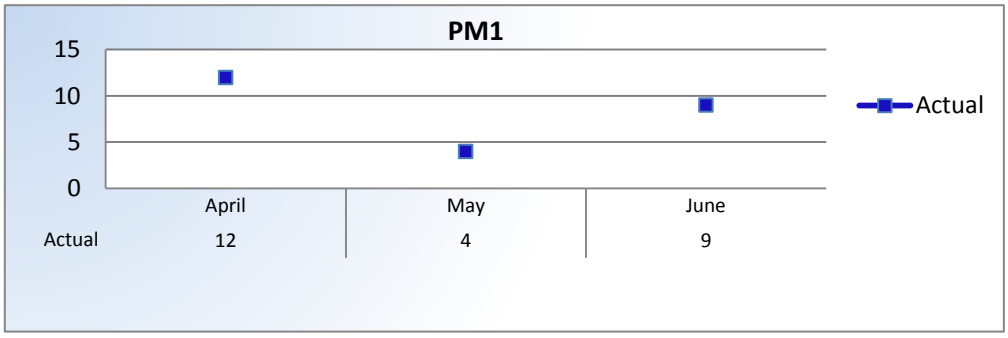
Performance Measures

Q4 Report *(April - June 2014)*

To ensure stakeholders can review the Bureau's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

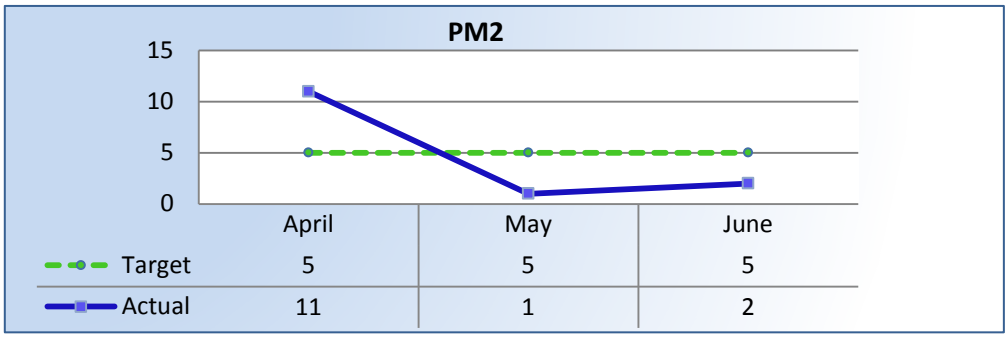


Total Received: 25 Monthly Average: 8

Complaints: 25 | **Convictions**: 0

PM2 | Intake

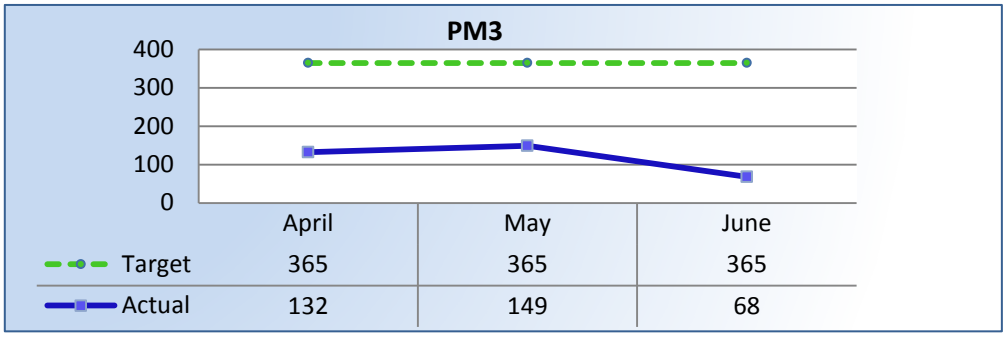
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 5 Days | **Actual Average:** 7 Days

PM3 | Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



	April	May	June
Target	365	365	365
Actual	132	149	68

Target Average: 365 Days | **Actual Average:** 112 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Bureau and prosecution by the AG).

The Bureau did not report any formal discipline this quarter.

Target Average: 540 Days | **Actual Average:** N/A

PM7 |Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Bureau did not contact any new probationers this quarter.

Target Average: 10 Days | **Actual Average:** N/A

PM8 |Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Bureau did not report any new probation violations this quarter.

Target Average: 10 Days | **Actual Average:** N/A

Department of Consumer Affairs

Professional Fiduciaries Bureau

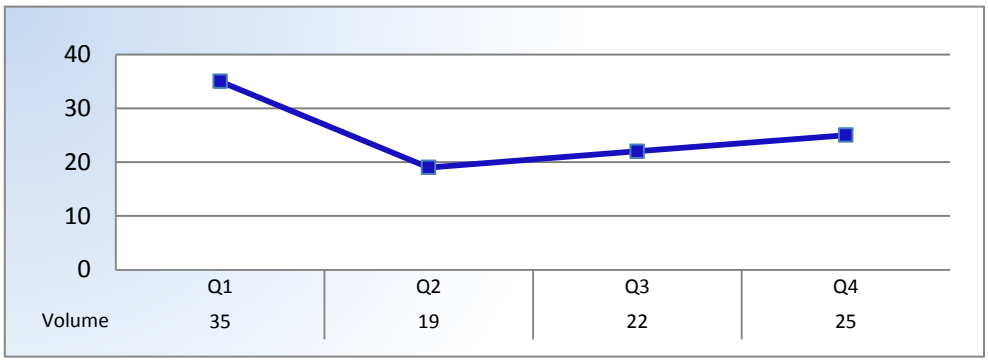
Performance Measures

Annual Report *(2013 – 2014 Fiscal Year)*

To ensure stakeholders can review the Bureau's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

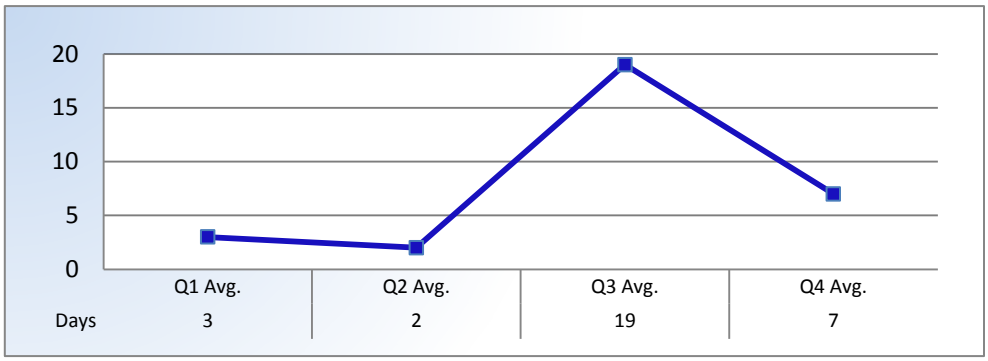
Number of complaints and convictions received.



Fiscal Year Total: 101

PM2 | Intake

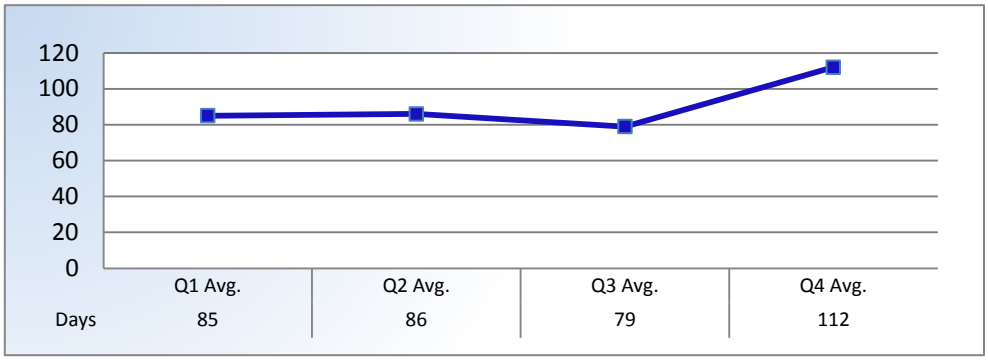
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 5 Days

PM3 | Intake & Investigation

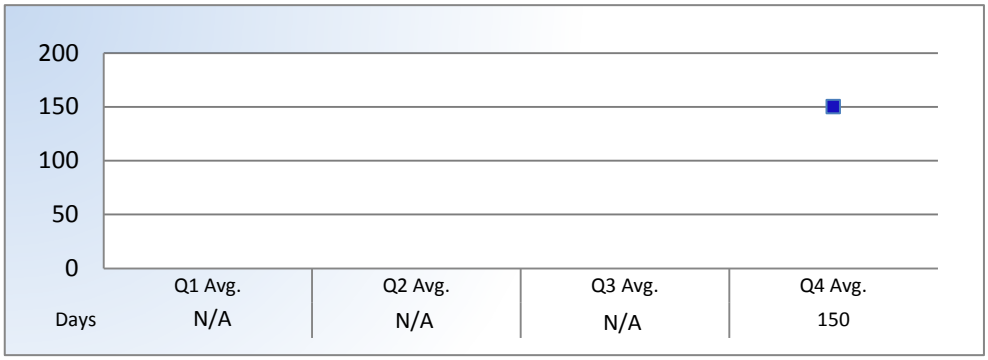
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 365 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Bureau and prosecution by the AG).



Target Average: 540 Days

PM7 |Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Bureau did not contact any new probationers this year.

Target Average: 10 Days

PM8 |Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Bureau did not have any probation violations reported this year.

Target Average: 10 Days

Department of Consumer Affairs

Professional Fiduciaries Bureau

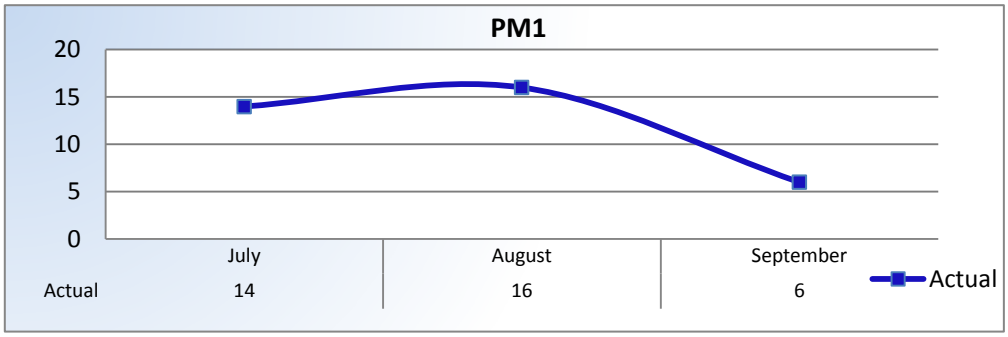
Performance Measures

Q1 Report *(July - September 2014)*

To ensure stakeholders can review the Bureau's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

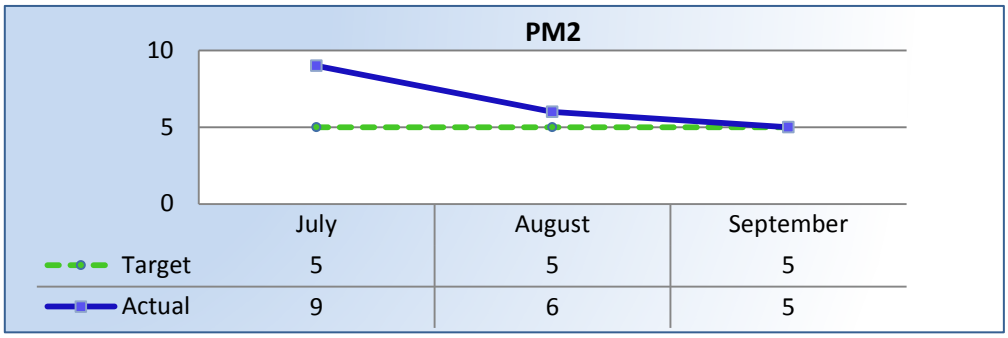


Total Received: 36 Monthly Average: 12

Complaints: 36 | **Convictions**: 0

PM2 | Intake

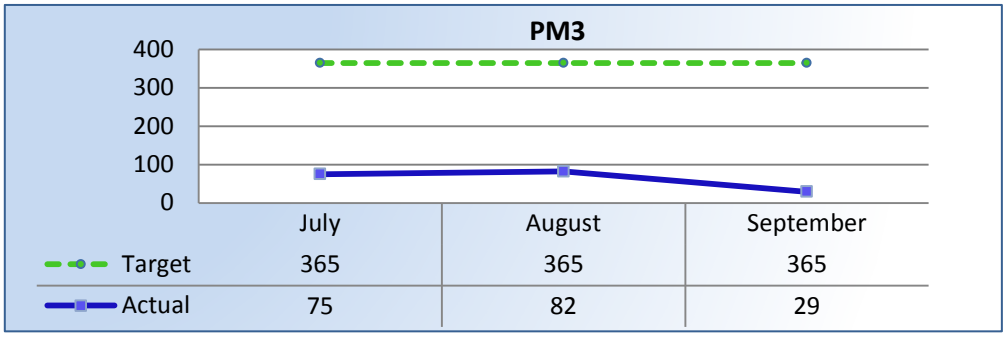
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 5 Days | **Actual Average:** 6 Days

PM3 | Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 365 Days | **Actual Average:** 76 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Bureau and prosecution by the AG).

The Bureau did not report any formal discipline this quarter.

Target Average: 540 Days | **Actual Average:** N/A

PM7 |Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Bureau did not contact any new probationers this quarter.

Target Average: 10 Days | **Actual Average:** N/A

PM8 |Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Bureau did not report any new probation violations this quarter.

Target Average: 10 Days | **Actual Average:** N/A

Department of Consumer Affairs

Professional Fiduciaries Bureau

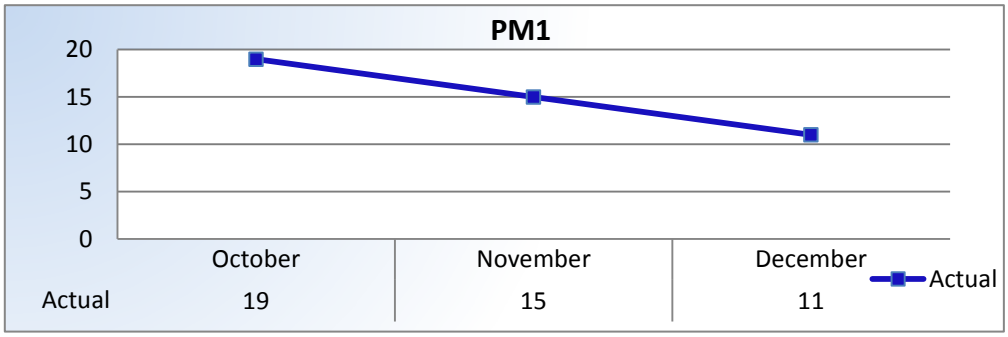
Performance Measures

Q2 Report *(October - December 2014)*

To ensure stakeholders can review the Bureau's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

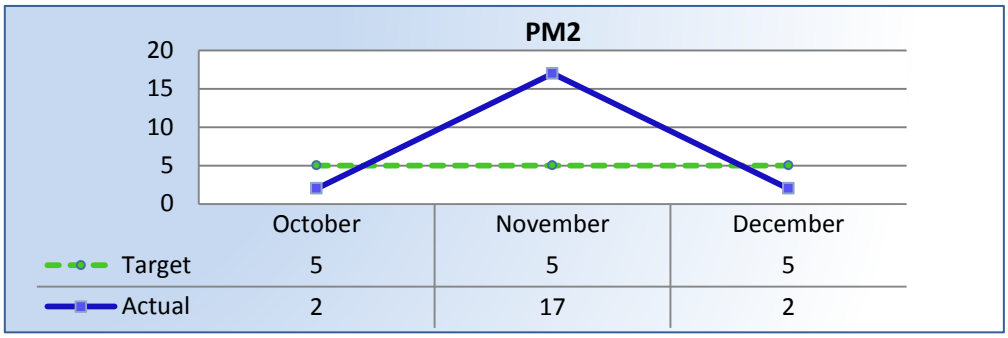


Total Received: 45 Monthly Average: 15

Complaints: 45 | **Convictions**: 0

PM2 | Intake

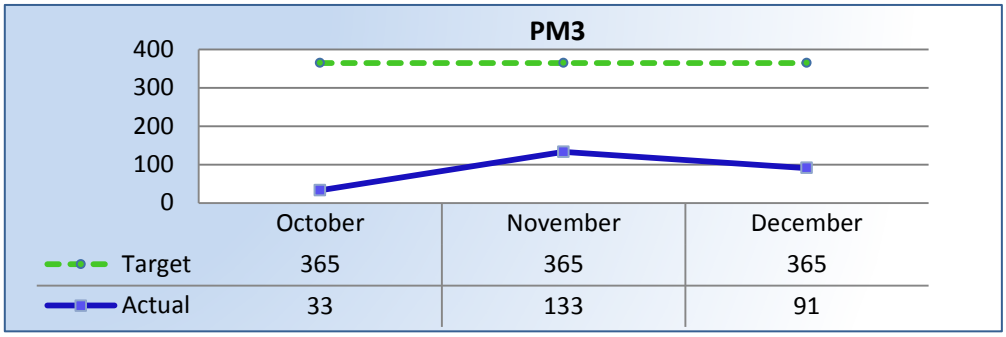
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 5 Days | **Actual Average:** 7 Days

PM3 | Intake & Investigation

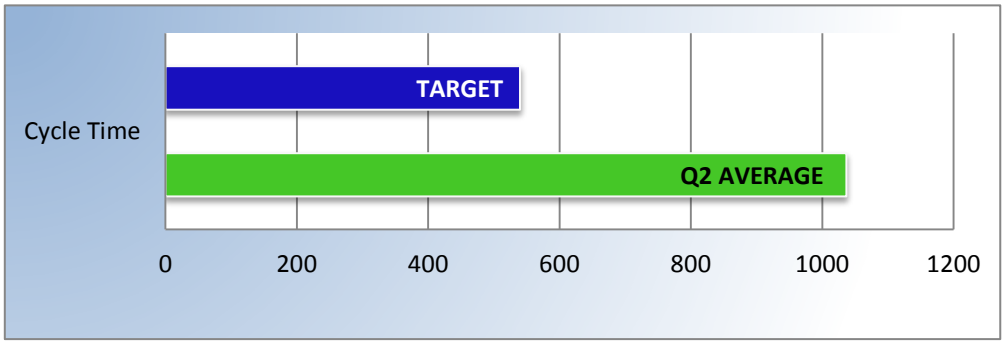
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 365 Days | **Actual Average:** 89 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Bureau and prosecution by the AG).



Target Average: 540 Days | **Actual Average:** 1037

PM7 |Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Board did not contact any new probationers this quarter.

Target Average: 10 Days | **Actual Average:** N/A

PM8 |Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not have any probation violations this quarter.

Target Average: 10 Days | **Actual Average:** N/A

Department of Consumer Affairs

Professional Fiduciaries Bureau

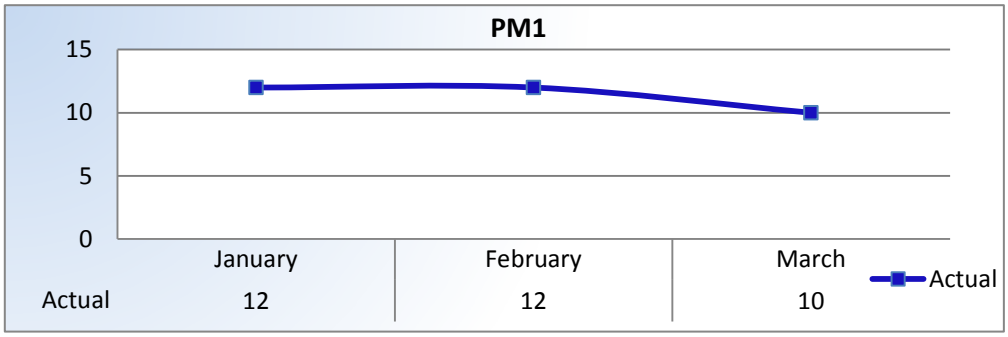
Performance Measures

Q3 Report *(January - March 2015)*

To ensure stakeholders can review the Bureau's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

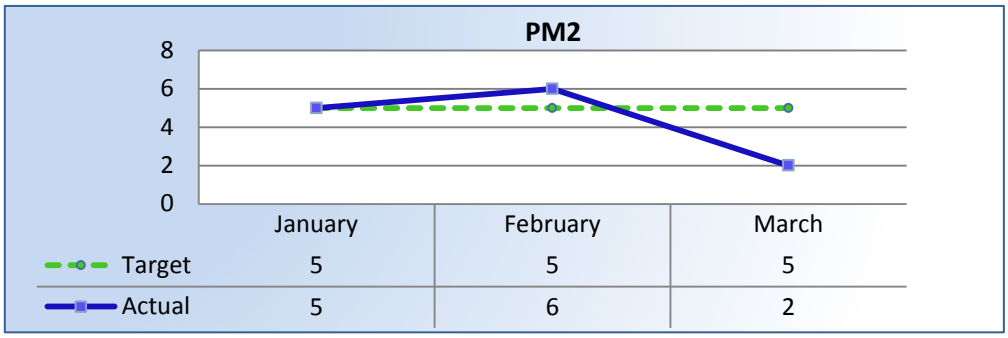


Total Received: 34 Monthly Average: 11

Complaints: 34 | **Convictions**: 0

PM2 | Intake

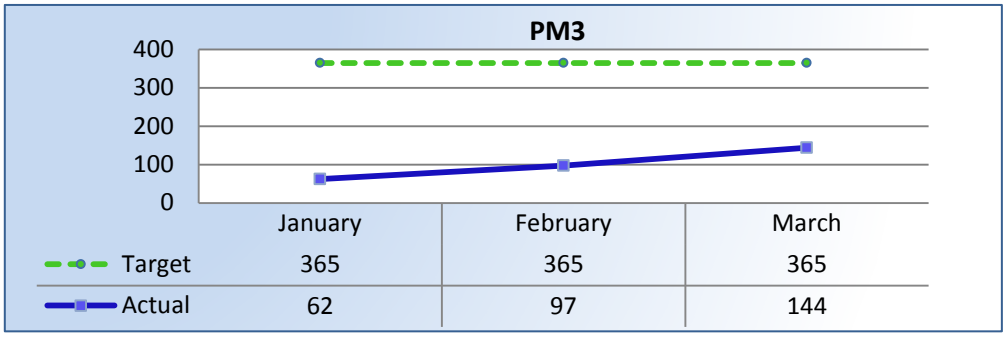
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 5 Days | **Actual Average:** 4 Days

PM3 | Intake & Investigation

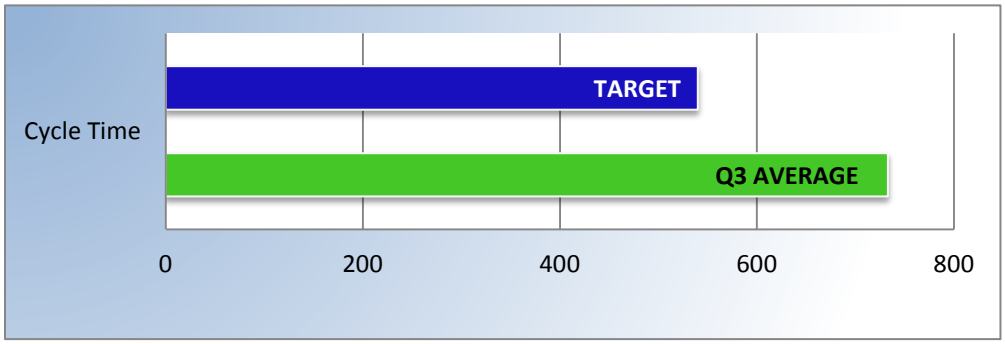
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 365 Days | **Actual Average:** 115 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Bureau and prosecution by the AG).



Target Average: 540 Days | **Actual Average:** 733 Days

PM7 |Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Bureau did not contact any new probationers this quarter.

Target Average: 10 Days | **Actual Average:** N/A

PM8 |Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Bureau did not have any probation violations this quarter.

Target Average: 10 Days | **Actual Average:** N/A

Department of Consumer Affairs

Professional Fiduciaries Bureau

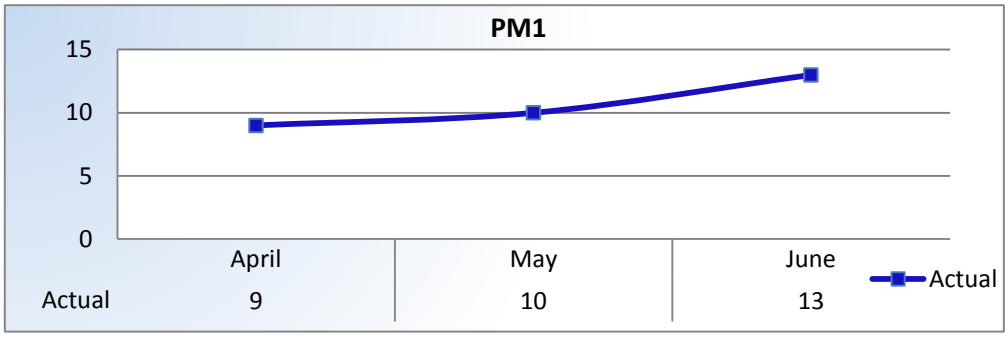
Performance Measures

Q4 Report *(April - June 2015)*

To ensure stakeholders can review the Bureau's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

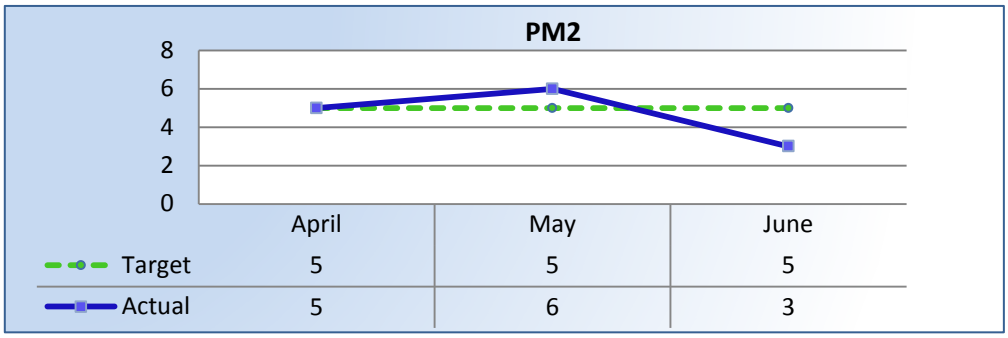


Total Received: 32 Monthly Average: 11

Complaints: 32 | **Convictions**: 0

PM2 | Intake

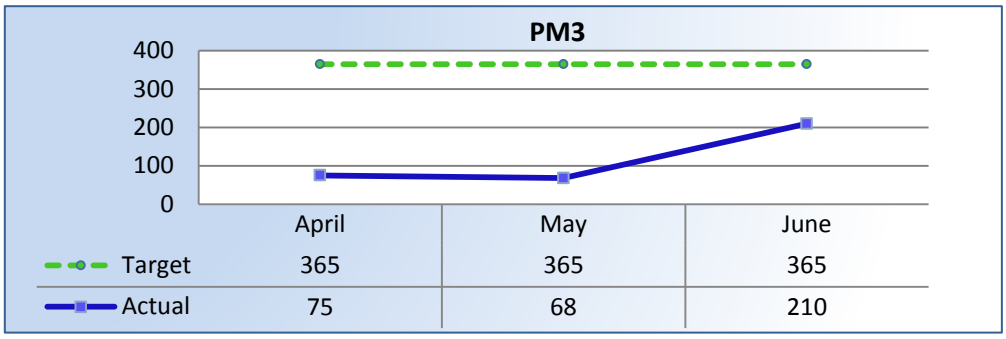
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 5 Days | **Actual Average:** 5 Days

PM3 | Intake & Investigation

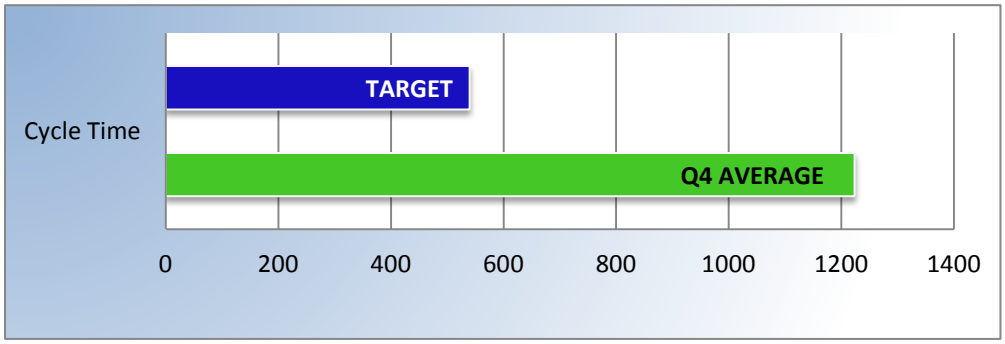
Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



Target Average: 365 Days | **Actual Average:** 112 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)



Target Average: 540 Days | **Actual Average:** 1,224

PM7 |Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Bureau did not contact any new probationers this quarter.

Target Average: 10 Days | **Actual Average:** N/A

PM8 |Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Bureau did not have any probation violations this quarter.

Target Average: 10 Days | **Actual Average:** N/A

Department of Consumer Affairs

Professional Fiduciaries Bureau

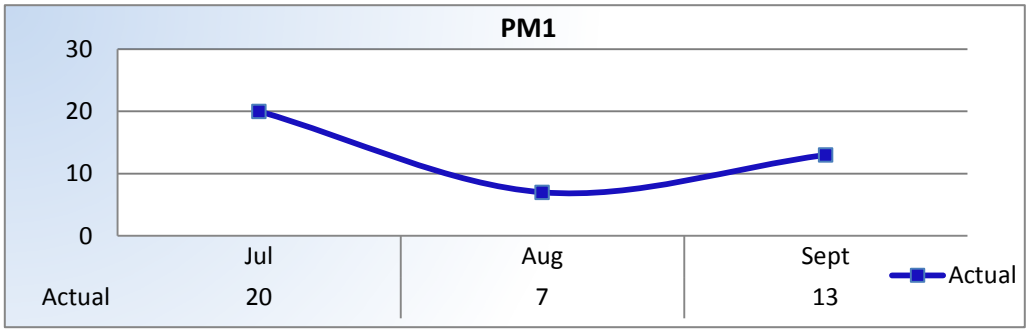
Performance Measures

Q1 Report *(July - September 2015)*

To ensure stakeholders can review the Bureau's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

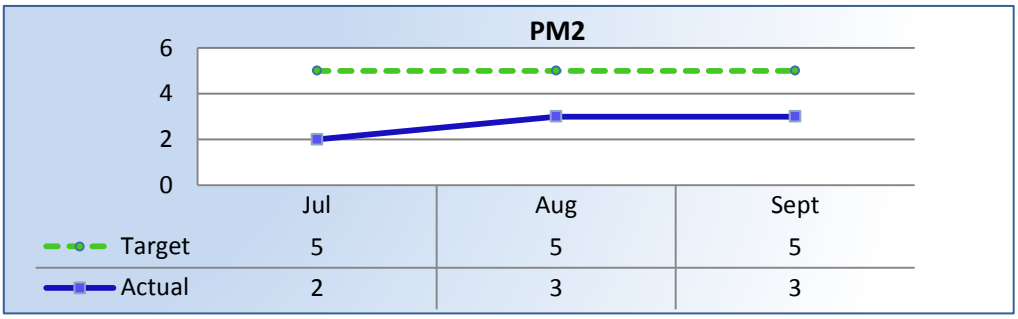


Total Received: 40 **Monthly Average**: 13

Complaints: 40 | **Convictions**: 0

PM2 | Intake

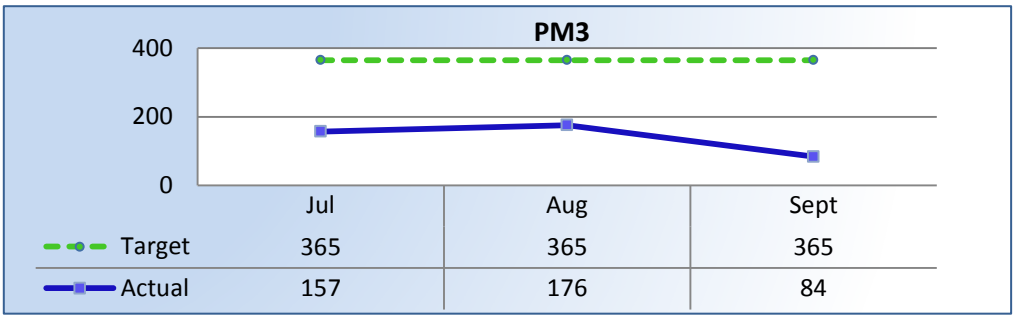
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 5 Days | **Actual Average:** 3 Days

PM3 | Intake & Investigation

Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



Target Average: 365 Days | **Actual Average:** 144 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)

The Bureau did not have any cases closed in formal discipline this quarter.

Target Average: 540 Days | **Actual Average:** N/A

PM7 |Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Bureau did not contact any new probationers this quarter.

Target Average: 10 Days | **Actual Average:** N/A

PM8 |Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Bureau did not have any probation violations this quarter.

Target Average: 10 Days | **Actual Average:** N/A

Department of Consumer Affairs

Professional Fiduciaries Bureau

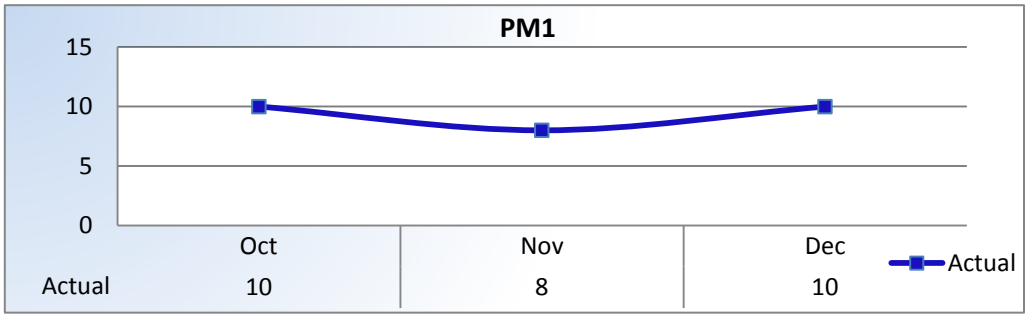
Performance Measures

Q2 Report *(October - December 2015)*

To ensure stakeholders can review the Bureau's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

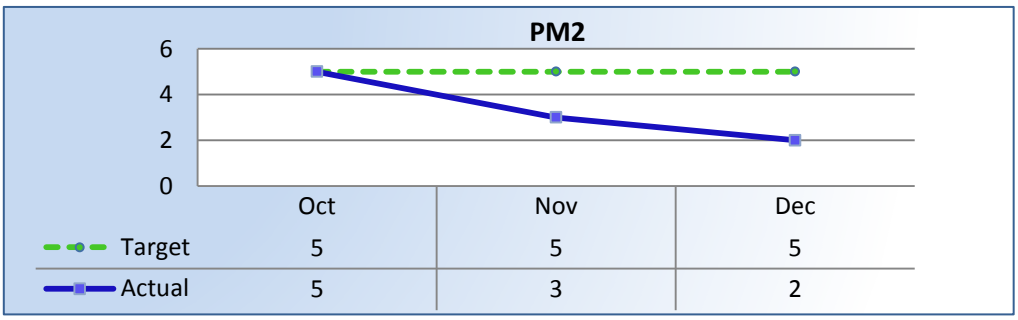


Total Received: 28 **Monthly Average**: 9

Complaints: 28 | **Convictions**: 0

PM2 | Intake

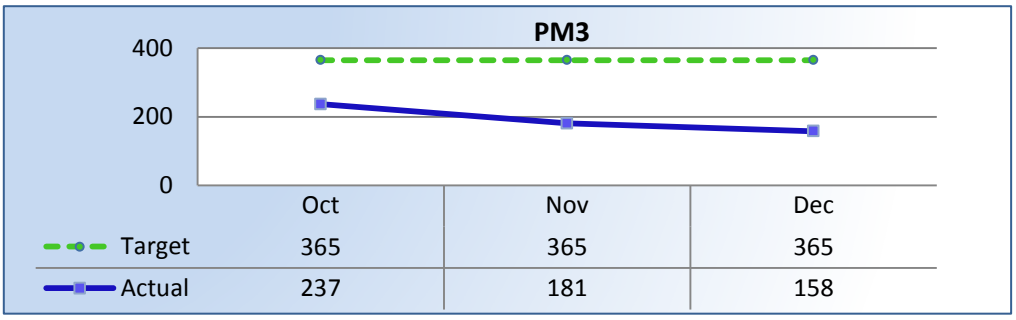
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 5 Days | **Actual Average:** 3 Days

PM3 | Intake & Investigation

Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



Target Average: 365 Days | **Actual Average:** 195 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)

The Bureau did not have any cases closed in formal discipline this quarter.

Target Average: 540 Days | **Actual Average:** N/A

PM7 |Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Bureau did not contact any new probationers this quarter.

Target Average: 10 Days | **Actual Average:** N/A

PM8 |Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Bureau did not have any probation violations this quarter.

Target Average: 10 Days | **Actual Average:** N/A

Department of Consumer Affairs

Professional Fiduciaries Bureau

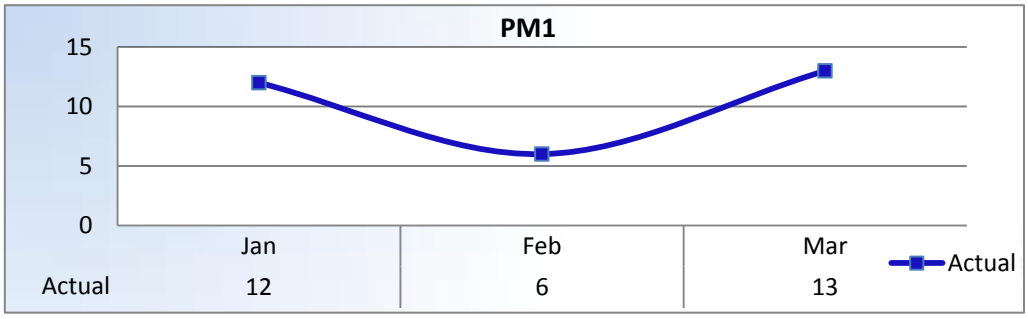
Performance Measures

Q3 Report *(January – March 2016)*

To ensure stakeholders can review the Bureau's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

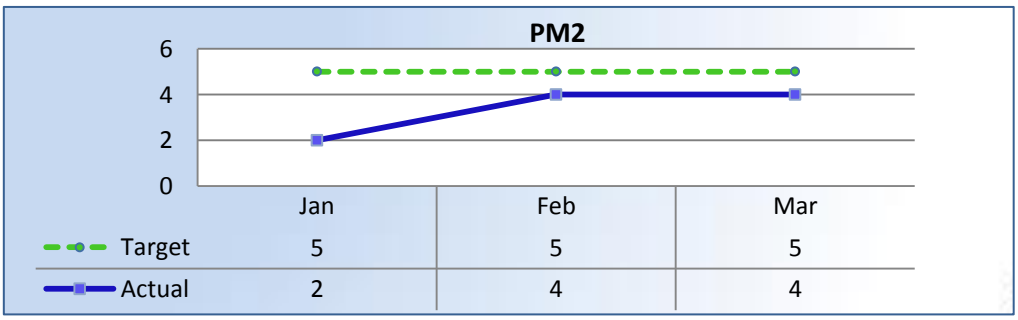


Total Received: 31 **Monthly Average**: 10

Complaints: 31 | **Convictions**: 0

PM2 | Intake

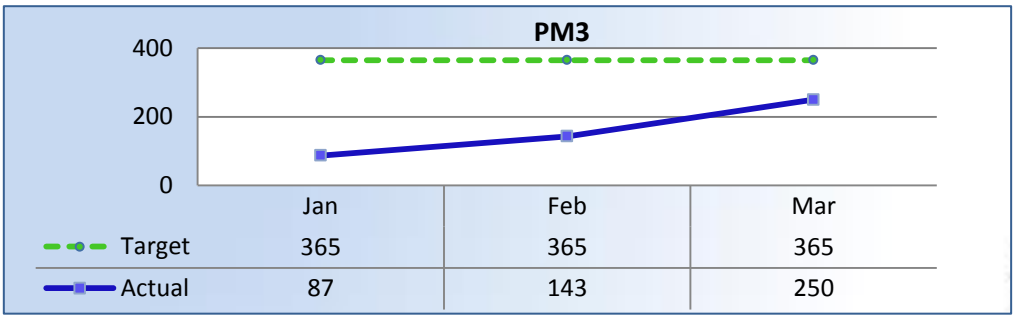
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 5 Days | **Actual Average:** 3 Days

PM3 | Intake & Investigation

Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



Target Average: 365 Days | **Actual Average:** 128 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)

The Bureau did not have any cases closed in formal discipline this quarter.

Target Average: 540 Days | **Actual Average:** N/A

PM7 |Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Bureau did not contact any new probationers this quarter.

Target Average: 10 Days | **Actual Average:** N/A

PM8 |Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Bureau did not have any probation violations this quarter.

Target Average: 10 Days | **Actual Average:** N/A

Department of Consumer Affairs

Professional Fiduciaries Bureau

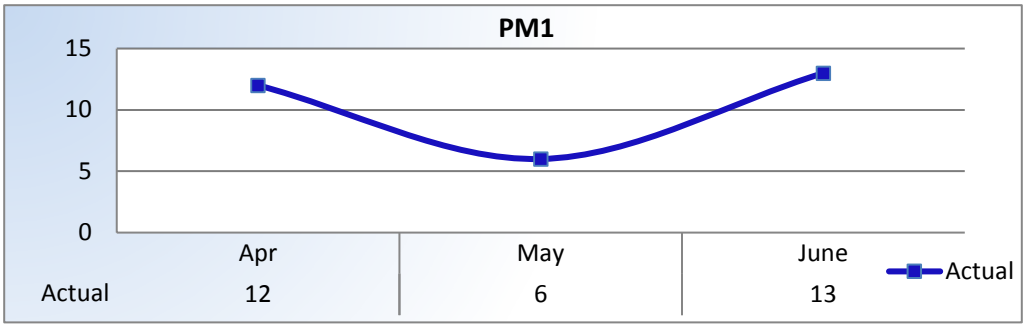
Performance Measures

Q4 Report *(April - June 2016)*

To ensure stakeholders can review the Bureau's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

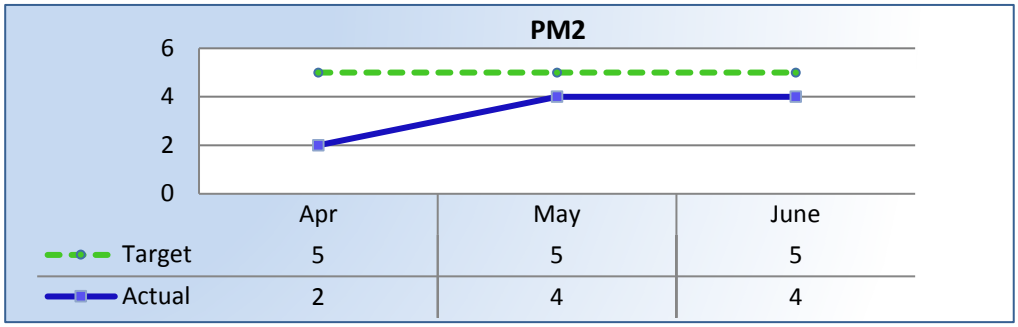


Total Received: 31 **Monthly Average**: 10

Complaints: 31 | **Convictions**: 0

PM2 | Intake

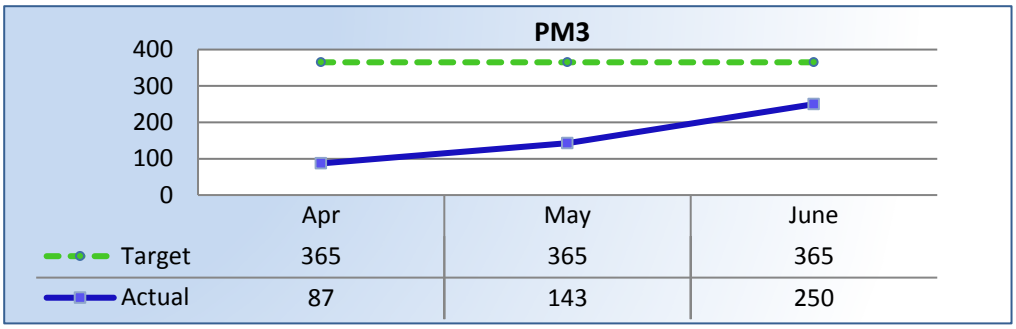
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 5 Days | **Actual Average:** 3 Days

PM3 | Intake & Investigation

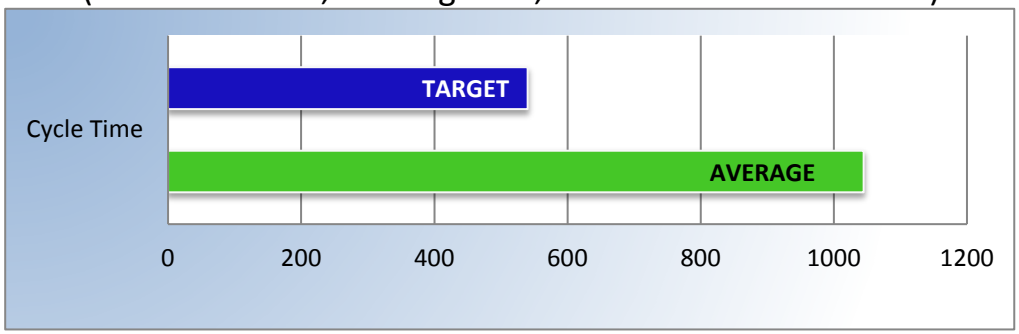
Average number of days to complete the entire enforcement process for cases not transmitted to the AG. (Includes intake and investigation)



Target Average: 365 Days | **Actual Average:** 128 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases transmitted to the AG for formal discipline. (Includes intake, investigation, and transmittal outcome)



Target Average: 540 Days | **Actual Average:** 1,045 Days

PM7 |Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Bureau did not contact any new probationers this quarter.

Target Average: 10 Days | **Actual Average:** n/a

PM8 |Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Bureau did not have any probation violations this quarter.

Target Average: 10 Days | **Actual Average:** n/a

Department of Consumer Affairs

Professional Fiduciaries Bureau

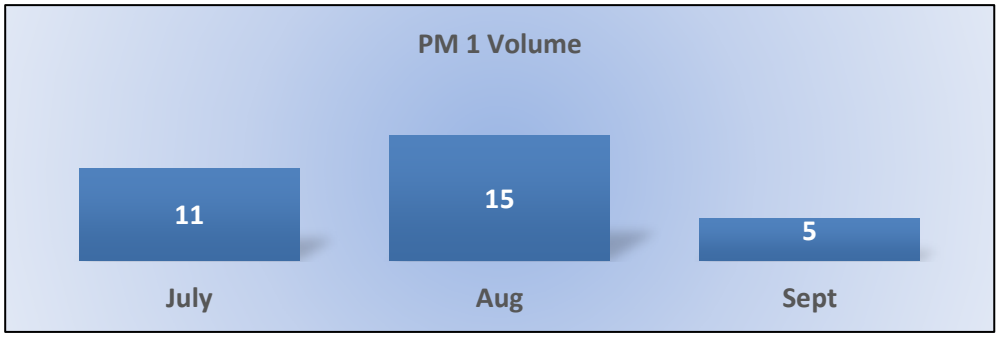
Enforcement Performance Measures

Q1 Report *(July - September 2016)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

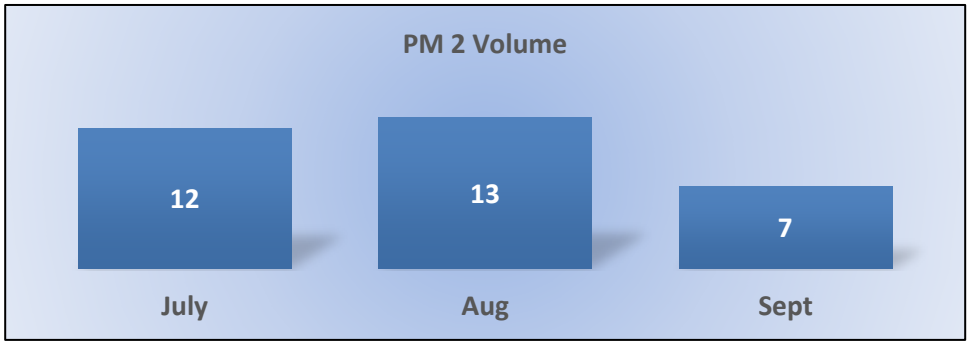


Total Received: 31 | **Monthly Average**: 10

Complaints: 31 | **Convictions**: 0

PM2 | Intake – Volume

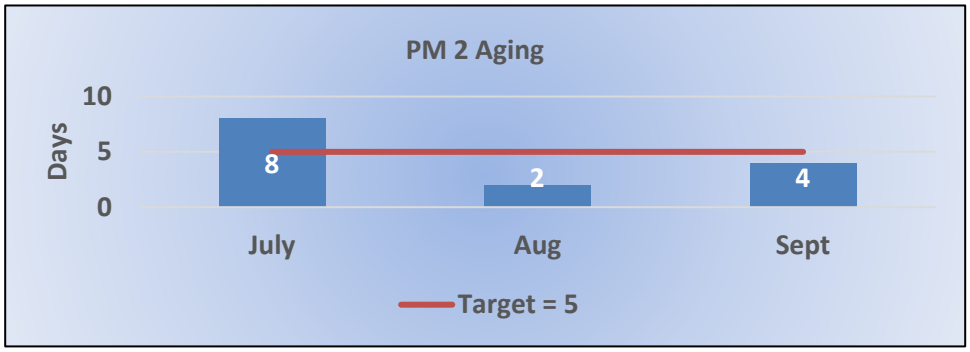
Number of complaints closed or assigned to an investigator.



Total: 32 | **Monthly Average:** 11

PM2 | Intake – Cycle Time

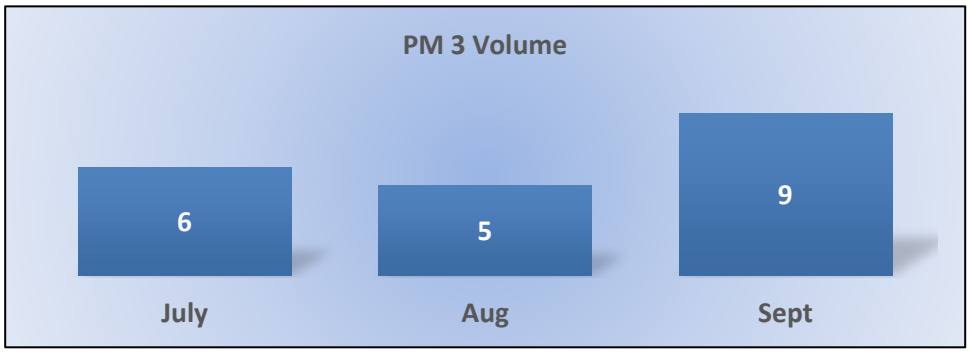
Average number of days from complaint receipt,
to the date the complaint was closed or assigned to an investigator.



Target Average: 5 Days | **Actual Average:** 5 Days

PM3 | Investigations – Volume

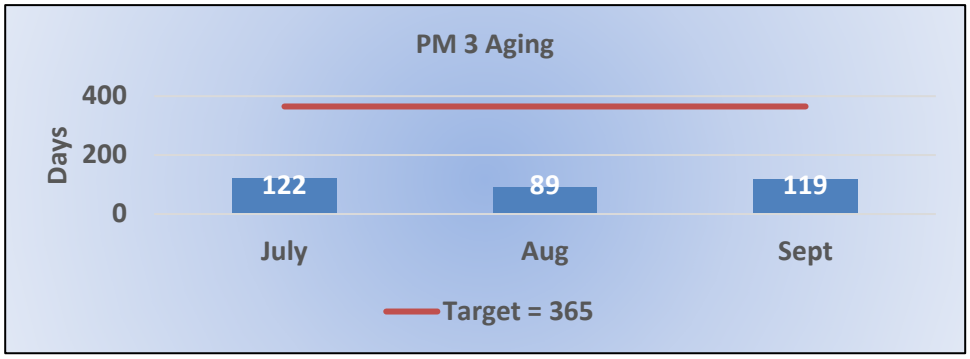
Number of investigations closed (not including cases transmitted to the Attorney General).



Total: 20 | **Monthly Average:** 7

PM3 | Investigations – Cycle Time

Average number of days to complete the entire enforcement process for cases not transmitted to the Attorney General.
(Includes intake and investigation)



Target Average: 365 Days | **Actual Average:** 112 Days

PM4 | Formal Discipline – Volume

Cases closed, of those transmitted to the Attorney General.

The Bureau did not have any cases closed in formal discipline this quarter.

PM4 | Formal Discipline – Cycle Time

Average number of days to complete the entire enforcement process for cases transmitted to the Attorney General.
(Includes intake, investigation, and case outcome.)

The Bureau did not have any cases closed in formal discipline this quarter.

PM7 |Probation Intake – Volume

Number of new probation cases.

No new probationers were assigned for monitoring this quarter.

PM7 |Probation Intake – Cycle Time

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

No new probationers were assigned for monitoring this quarter.

PM8 |Probation Violation Response – Volume

Number of probation violation cases.

The Bureau did not have any probation violations this quarter.

PM8 |Probation Violation Response – Cycle Time

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Bureau did not have any probation violations this quarter.

Department of Consumer Affairs

Professional Fiduciaries Bureau

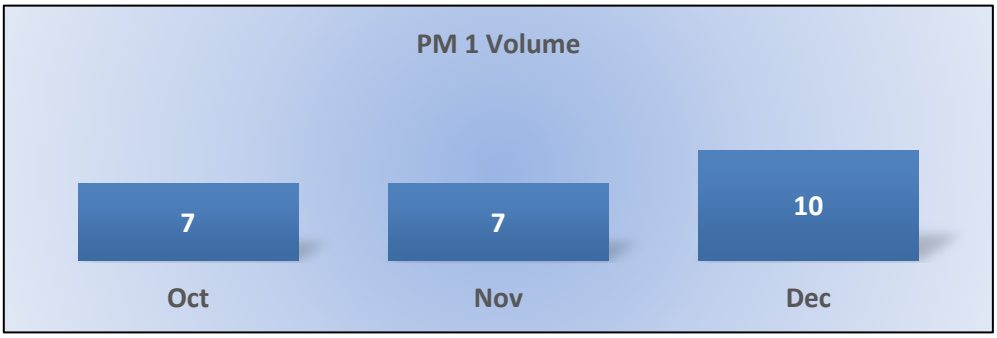
Enforcement Performance Measures

Q2 Report *(October - December 2016)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

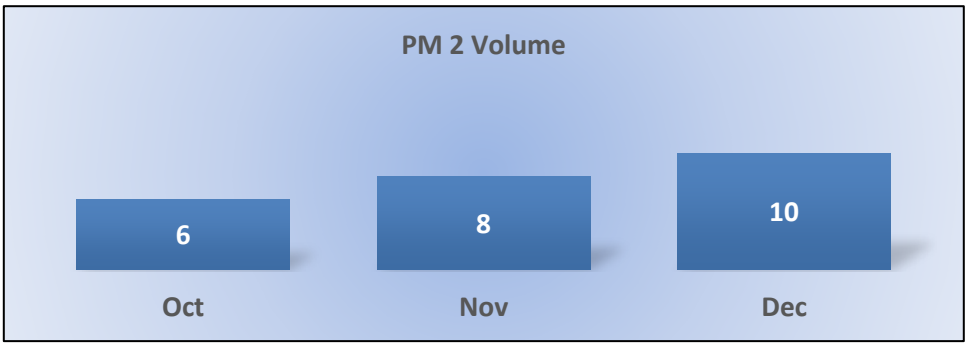


Total Received: 24 | **Monthly Average**: 8

Complaints: 24 | **Convictions**: 0

PM2 | Intake – Volume

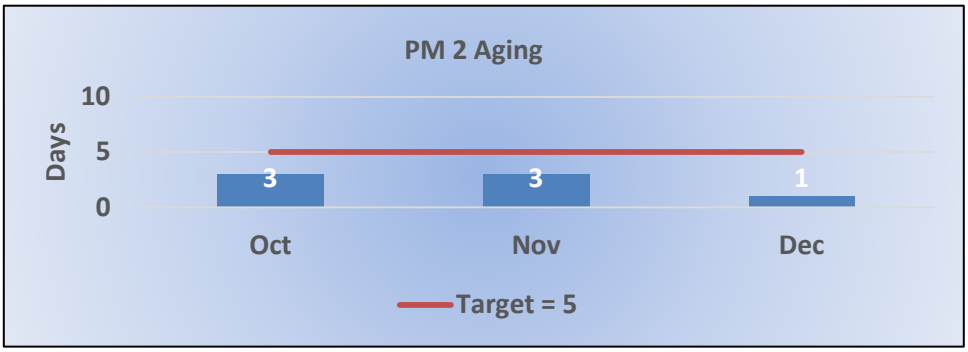
Number of complaints closed or assigned to an investigator.



Total: 24 | **Monthly Average:** 8

PM2 | Intake – Cycle Time

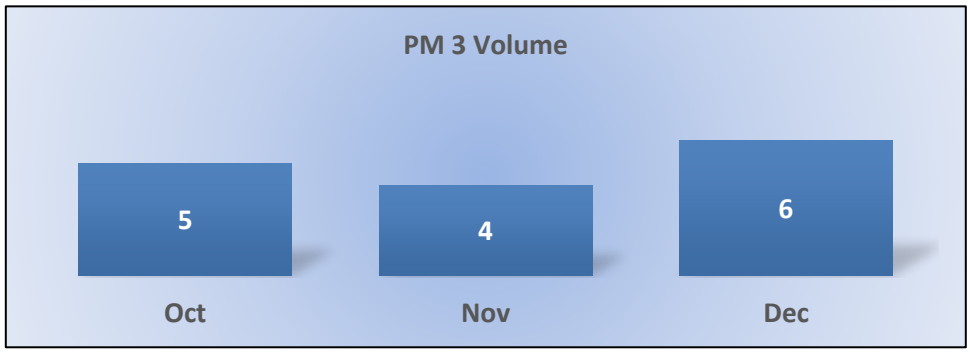
Average number of days from complaint receipt,
to the date the complaint was closed or assigned to an investigator.



Target Average: 5 Days | **Actual Average:** 2 Days

PM3 | Investigations – Volume

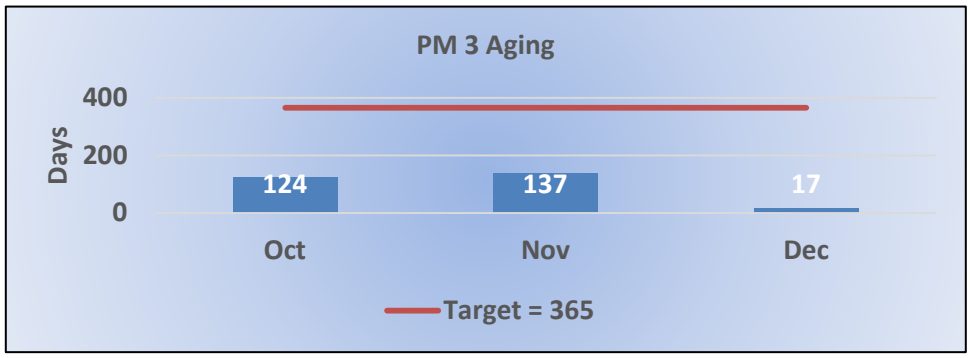
Number of investigations closed (not including cases transmitted to the Attorney General).



Total: 15 | **Monthly Average:** 5

PM3 | Investigations – Cycle Time

Average number of days to complete the entire enforcement process for cases not transmitted to the Attorney General.
(Includes intake and investigation.)



Target Average: 365 Days | **Actual Average:** 85 Days

PM4 | Formal Discipline – Volume

Cases closed after transmission to the Attorney General for formal disciplinary action. This includes formal discipline, and closures without formal discipline (e.g., withdrawals, dismissals, etc.).

The Bureau did not have any cases closed in formal discipline this quarter.

PM4 | Formal Discipline – Cycle Time

Average number of days to complete the entire enforcement process for cases transmitted to the Attorney General. (Includes intake, investigation, and case outcome.)

The Bureau did not have any cases closed in formal discipline this quarter.

PM7 |Probation Intake – Volume

Number of new probation cases.

No new probationers were assigned for monitoring this quarter.

PM7 |Probation Intake – Cycle Time

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

No new probationers were assigned for monitoring this quarter.

PM8 |Probation Violation Response – Volume

Number of probation violation cases.

The Bureau did not have any probation violations this quarter.

PM8 |Probation Violation Response – Cycle Time

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Bureau did not have any probation violations this quarter.

Department of Consumer Affairs

Professional Fiduciaries Bureau

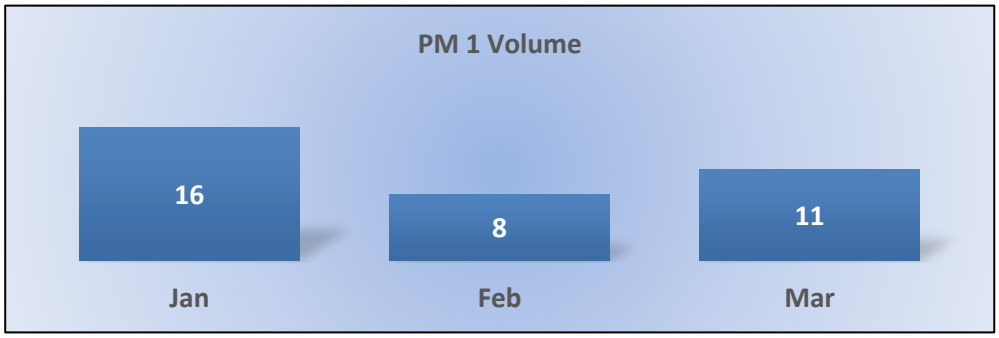
Enforcement Performance Measures

Q3 Report *(January – March 2017)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

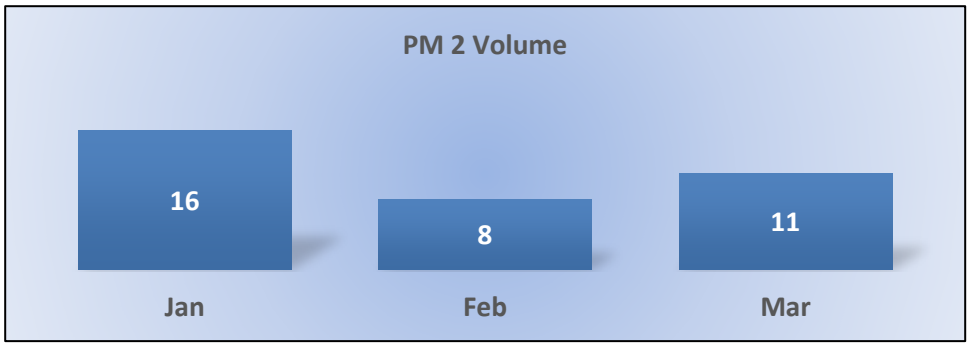


Total Received: 35 | **Monthly Average**: 12

Complaints: 35 | **Convictions**: 0

PM2 | Intake – Volume

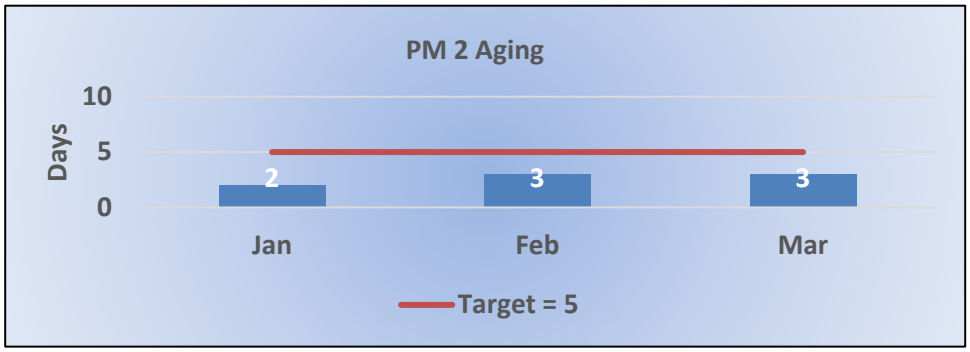
Number of complaints closed or assigned to an investigator.



Total: 35 | **Monthly Average:** 12

PM2 | Intake – Cycle Time

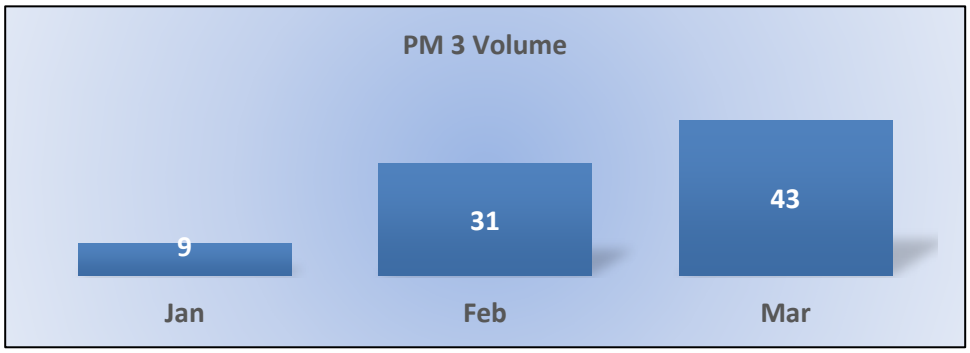
Average number of days from complaint receipt,
to the date the complaint was closed or assigned to an investigator.



Target Average: 5 Days | **Actual Average:** 2 Days

PM3 | Investigations – Volume

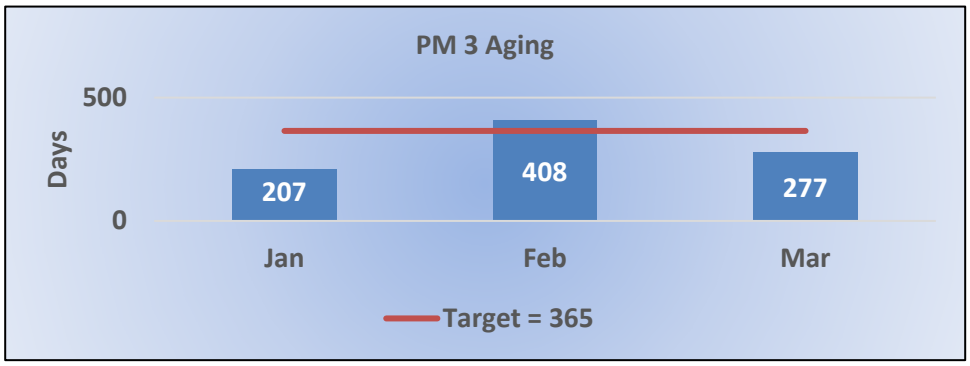
Number of investigations closed (not including cases transmitted to the Attorney General).



Total: 83 | **Monthly Average:** 28

PM3 | Investigations – Cycle Time

Average number of days to complete the entire enforcement process for cases not transmitted to the Attorney General.
(Includes intake and investigation.)



Target Average: 365 Days | **Actual Average:** 318 Days

PM4 | Formal Discipline – Volume

Cases closed after transmission to the Attorney General for formal disciplinary action. This includes formal discipline, and closures without formal discipline (e.g., withdrawals, dismissals, etc.).

The Bureau did not have any cases closed in formal discipline this quarter.

PM4 | Formal Discipline – Cycle Time

Average number of days to complete the entire enforcement process for cases transmitted to the Attorney General. (Includes intake, investigation, and case outcome.)

The Bureau did not have any cases closed in formal discipline this quarter.

PM7 |Probation Intake – Volume

Number of new probation cases.

No new probationers were assigned for monitoring this quarter.

PM7 |Probation Intake – Cycle Time

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

No new probationers were assigned for monitoring this quarter.

PM8 |Probation Violation Response – Volume

Number of probation violation cases.

The Bureau did not have any probation violations this quarter.

PM8 |Probation Violation Response – Cycle Time

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Bureau did not have any probation violations this quarter.

Attachment E 2

Performance Based Budgeting Report

1111 Department of Consumer Affairs

Department of Consumer Affairs Performance Based Budgeting

The Department of Consumer Affairs (DCA) oversees a wide variety of autonomous Boards and Bureaus that certify, register, and license individuals and entities that provide goods and/or services in the state. The overall purpose of the DCA is to promote a fair and competitive marketplace in which consumers are protected. The DCA provides consumers and licensees with valuable information and training, and processes and mediates complaints. When appropriate, cases are referred to the Attorney General's (AG's) office or law enforcement authorities for administrative action, civil and/or criminal prosecution.

Background
Executive Order B-13-11 requires the Department of Finance to work in conjunction with various departments to utilize performance-based budgeting to increase efficiency and focus on accomplishing program goals. As a result, the DCA has identified a variety of ways to measure enforcement and licensing efforts for all Boards and Bureaus. Performance-based budgeting provides the DCA the flexibility to manage its resources based on fluctuating program demand. The performance measures displayed below encompass two core program components of Board and Bureau workload: enforcement and licensing.

Enforcement Performance Measures
To ensure stakeholders can review the progress of the DCA's Boards and Bureaus in meeting their enforcement goals and targets, the DCA developed a transparent system of performance measurements. These measures are critical, particularly during the current climate of budget constraints, for demonstrating that the DCA is making and will continue to make the most efficient and effective use of its resources. These measures are posted publicly to the DCA website on a quarterly basis.

The DCA will assess its enforcement programs based on the following criteria:

- Intake Cycle Time - *Average number of days from the receipt of the complaint to the date the complaint was closed or assigned for investigation.*
- Investigation Cases - *Average number of days to complete the entire enforcement process for cases not referred to the AG, including intake and investigation.*
- Formal Discipline Cases - *Average cycle time to complete the entire enforcement process for cases referred to the AG's office for formal discipline, including intake, investigation, and outcome.*

Information for this special display was compiled using a variety of sources. The Consumer Affairs System (CAS) and the BreEZe system were the primary sources for collecting program data; however, some Boards and Bureaus do not utilize CAS or BreEZe due to their size or reporting requirements. Data for these programs was obtained through non-standardized reporting systems. Further, target numbers shown in this display are based on the Quarterly Performance Measures Report and it should be noted that each Board and Bureau has significantly different mandates and functions. Using this data to compare the cycle time of Boards and Bureaus may not accurately capture unique aspects of individual programs. Additionally, the data identified in this display may not directly correspond with performance data in the DCA Annual Report or the Quarterly Performance Measures Report due to the methods in which the data was collected.

The following budget display represents a snapshot of existing enforcement efforts of the Boards and Bureaus within the DCA.

1. Intake Cycle Time
The following represents the total number of complaint cases received and assigned for investigation and the average number of days (cycle time) from receipt of a complaint to the date

the complaint was assigned for investigation or closed without being referred for investigation. A complaint may not be referred for investigation for a variety for reasons, such as lack of jurisdiction. The DCA and the program use this data to measure the efficiency of the program's internal complaint intake process.

1111 – Department of Consumer Affairs Regulatory Boards						
Program		Target	FY 2014-15		FY 2015-16	
		Avg. Cycle Time (Days)	# of Cases	Avg. Cycle Time (Days)	# of Cases	Avg. Cycle Time (Days)
1100	California Board of Accountancy	10	2,717	4	2,735	4
1105010	California Architects Board	7	292	1	385	1
1105020	Landscape Architects Technical Committee	7	23	1	22	1
1110	State Athletic Commission	NA	NA	NA	NA	NA
1115	Board of Behavioral Sciences	5	2,097	6	2,141	5
1120	Board of Chiropractic Examiners	7	596	15	555	16
1125	Board of Barbering and Cosmetology	10	4,940	2	3,924	3
1130	Contractors' State License Board	3	19,548	2	18,620	4
1135	Dental Board of California	10	4,124	7	3,556	9
1140	Dental Hygiene Committee	30	211	19	195	13
1145	State Board of Guide Dogs for the Blind	5	2	1	4	3
1150	Medical Board of California	9	8,384	12	9,039	15
1155	Acupuncture Board	10	287	9	331	5
1160	Physical Therapy Board	5	1,008	4	697	3
1165	Physician Assistant Board	10	314	15	403	17
1170	California Board of Podiatric Medicine	9	141	13	140	14
1175	Board of Psychology	9	951	7	980	8
1180	Respiratory Care Board	7	861	2	823	2
1185	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	5	132	10	202	2
1190	California Board of Occupational Therapy	2	739	1	420	1
1196	State Board of Optometry	7	404	2	357	4
1200	Osteopathic Medical Board of California	30	483	40	513	31
1205	Naturopathic Medicine Committee	10	*	*	32	134
1210	California State Board of Pharmacy	20	3,907	25	4,483	27
1215	Board for Professional Engineers, Land Surveyors, and Geologists	10	307	10	305	10
1220	Board of Registered Nursing	15	6,823	21	7,541	8
1225	Court Reporters Board of California	5	128	1	113	1
1230	Structural Pest Control Board	10	588	5	575	3
1235	Veterinary Medical Board	10	928	51	897	8
1240	Board of Vocational Nursing and Psychiatric Technicians of the State of California	30	5,360	14	3,508	10
1405	Bureau of Security and Investigative Services**	10	1,468	2	2,104	6
1410	Bureau for Private Postsecondary Education	3	766	3	962	3

1415	Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation	10	2,686	5	2,692	5
1420	Bureau of Automotive Repair	7	19,726	3	19,458	3
1430	Telephone Medical Advice Services Bureau***	10	35	25	30	34
1435	Cemetery and Funeral Bureau	7	742	3	727	2
1441	California Bureau of Real Estate Appraisers	10	318	6	285	4
1446	California Bureau of Real Estate	10	3,565	16	2,936	25
1450	Professional Fiduciaries Bureau	5	148	6	135	3

2. Intake and Investigation Cycle Time

The following table represents the total number of cases investigated, but are not referred to the AG, and the average number of days (cycle time) from receipt of a complaint to the closure of the case. The DCA and the program use this data to measure how efficient a program is in completing the intake, investigating, and processing the disciplinary/ administrative actions for cases not required to be referred to the AG.

1111 – Department of Consumer Affairs Regulatory Boards						
Program		Target	FY 2014-15		FY 2015-16	
		Avg. Cycle Time (Days)	# of Cases	Avg. Cycle Time (Days)	# of Cases	Avg. Cycle Time
1100	California Board of Accountancy	180	1,671	148	2,040	158
1105	California Architects Board	270	331	126	407	111
1105020	Landscape Architects Technical Committee	270	25	285	32	295
1110	State Athletic Commission	NA	NA	NA	NA	NA
1115	Board of Behavioral Sciences	180	2,008	103	1,846	98
1120	Board of Chiropractic Examiners	120	506	181	567	144
1125	Board of Barbering and Cosmetology	120	4,705	67	3,806	106
1130	Contractors' State License Board	180	12,699	78	12,668	88
1135	Dental Board of California	270	3,738	165	3,282	193
1140	Dental Hygiene Committee	120	113	71	132	63
1145	State Board of Guide Dogs for the Blind	125	2	5	3	23
1150	Medical Board of California	125	7,397	178	8,367	175
1155	Acupuncture Board	200	239	297	322	210
1160	Physical Therapy Board	90	1,049	158	762	148
1165	Physician Assistant Board	150	197	166	325	234
1170	California Board of Podiatric Medicine	125	99	206	156	188
1175	Board of Psychology	80	623	69	491	84
1180	Respiratory Care Board	210	810	82	769	91
1185	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	90	124	311	204	97
1190	California Board of Occupational Therapy	270	727	145	235	140
1196	State Board of Optometry	90	237	108	299	182
1200	Osteopathic Medical Board of California	360	370	199	535	170
1205	Naturopathic Medicine Committee	90	*	*	48	1,236
1210	California State Board of Pharmacy	210	2,892	242	3,804	259

1215	Board for Professional Engineers, Land Surveyors, and Geologists	360	294	251	379	235
1220	Board of Registered Nursing	100	6,914	164	6,109	99
1225	Court Reporters Board of California	60	90	56	122	70
1230	Structural Pest Control Board	180	473	122	640	177
1235	Veterinary Medical Board	365	577	276	827	237
1240	Board of Vocational Nursing and Psychiatric Technicians of the State of California	360	6,567	429	5,152	296
1405	Bureau of Security and Investigative Services**	120	1,178	112	6,303	76
1410	Bureau for Private Postsecondary Education	180	673	342	830	494
1415	Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation	180	1,665	48	1,268	115
1420	Bureau of Automotive Repair	60	18,172	38	18,613	43
1430	Telephone Medical Advice Services Bureau***	NA	NA	NA	NA	NA
1435	Cemetery and Funeral Bureau	120	720	63	724	43
1441	California Bureau of Real Estate Appraisers	360	246	172	283	150
1446	California Bureau of Real Estate	360	2,767	219	2,708	236
1450	Professional Fiduciaries Bureau	365	90	108	107	152

3. Formal Discipline Cycle Time

The following table represents the total number of formal disciplinary/administrative action cases referred to the AG and the average number of days (cycle time) from receipt of the complaint to the closure of the case. The cycle time in this measure includes intake and investigation by the program, and all efforts associated with the disciplinary/administrative action process, which may include the services of the Office of Administrative Hearings. The DCA and the program use this data to measure how efficient a program is in completing the intake, investigating, and processing the disciplinary/administrative actions for cases that require referral to the AG.

1111 – Department of Consumer Affairs Regulatory Boards						
Program		Target	FY 2014-15		FY 2015-16	
		Avg. Cycle Time (Days)	# of Cases	Avg. Cycle Time (Days)	# of Cases	Avg. Cycle Time
1100	California Board of Accountancy	540	51	895	82	887
1105	California Architects Board	540	1	329	3	1,095
1105020	Landscape Architects Technical Committee	540	1	1,228	1	1,260
1110	State Athletic Commission	NA	NA	NA	NA	NA
1115	Board of Behavioral Sciences	540	112	747	136	771
1120	Board of Chiropractic Examiners	540	35	1,530	38	1,064
1125	Board of Barbering and Cosmetology	540	71	809	48	872
1130	Contractors' State License Board	540	949	837	1,317	841
1135	Dental Board of California	540	97	1,034	97	935
1140	Dental Hygiene Committee	540	18	422	11	790
1145	State Board of Guide Dogs for the Blind	540	0	0	0	0
1150	Medical Board of California	540	381	877	424	876
1155	Acupuncture Board	540	10	1,046	28	1,090
1160	Physical Therapy Board	540	57	929	68	810
1165	Physician Assistant Board	540	18	756	30	1,112

1170	California Board of Podiatric Medicine	540	6	680	6	655
1175	Board of Psychology	540	26	949	52	1,060
1180	Respiratory Care Board	540	62	590	68	552
1185	Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board	540	9	1,121	16	593
1190	California Board of Occupational Therapy	540	11	592	12	538
1196	State Board of Optometry	540	4	797	6	827
1200	Osteopathic Medical Board of California	540	20	887	19	706
1205	Naturopathic Medicine Committee	540	*	*	0	0
1210	California State Board of Pharmacy	540	374****	812	295****	859
1215	Board for Professional Engineers, Land Surveyors, and Geologists	540	34	1,047	26	995
1220	Board of Registered Nursing	540	1,566	816	1,582	775
1225	Court Reporters Board of California	540	9	600	3	570
1230	Structural Pest Control Board	540	61	595	62	556
1235	Veterinary Medical Board	540	54	998	82	1,324
1240	Board of Vocational Nursing and Psychiatric Technicians of the State of California	540	356	1,223	456	1,080
1405	Bureau of Security and Investigative Services**	540	1,025	173	90	726
1410	Bureau for Private Postsecondary Education	540	2	733	11	702
1415	Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation	540	6	665	0	0
1420	Bureau of Automotive Repair	540	175	665	162	607
1430	Telephone Medical Advice Services Bureau***	NA	NA	NA	NA	NA
1435	Cemetery and Funeral Bureau	540	17	426	12	527
1441	California Bureau of Real Estate Appraisers	540	17	499	19	658
1446	California Bureau of Real Estate	540	612	283	754	279
1450	Professional Fiduciaries Bureau	540	4	1,055	4	717

* The Naturopathic Medicine Committee was not able to provide this statistic at the time this report was produced.
**In January 2016, the Bureau of Security and Investigative Services (BSIS) transitioned to a new database system. Tracking and reporting in the previous database system utilized different logic for intake, investigations and formal discipline. Additionally, BSIS shifted its methodology to account for automatic suspension activities that do not involve the AG's Office. The change in volumes and aging between FY 2014-15 and FY 2015-16 reflect the logic of the new database system and the changed methodology for the accounting of automatic suspensions.
*** Telephone Medical Advice Services Bureau does not conduct any in-house investigations or formal discipline. After intake, complaints requiring further investigation are forwarded outside the Bureau to other regulatory agencies for investigation, such as the Board of Registered Nursing.
**** Cases may have multiple respondents.
NA – Program does not track this measure.

Licensing Performance Measures

The DCA tracks and evaluates licensing program performance by measuring the average application processing time of initial exam and license applications. The DCA implemented this performance tracking at the start of fiscal year 2015-16, which will be the first year of actual data reported in the 2017-18 Governor's Budget. To evaluate cycle times for licensure, the measure will be divided into two categories: 1) Incomplete Applications and 2) Complete Applications.

- Average Days to Application Approval **(incomplete application**): This is the timeframe from when the Board/Bureau received the application for exam and/or licensure to the time the application was approved for exam eligibility or license issuance. In this instance, all applications were incomplete and/or needed additional information/documentation from the applicant.
- Average Days to Application Approval (**complete application**): This is the timeframe from when the Board/Bureau received the application for exam and/or licensure to the time the

application was approved for exam eligibility or license issuance. In this instance, all applications were complete and did not need additional information/ documentation from the applicant.

An initial exam application is the first application submitted by an applicant to sit for an examination that is required for licensure. This does not include re-examination applications. Initial license applications are applications that result in the issuance of a license once approved by the Board or Bureau. Applicants must meet all requirements for licensure established in law before the license is issued. Some applicants may need to submit documentation at various stages of the application process. The applications included in the licensing performance measures represent standardized processes that require Board or Bureau staff to review submitted material before approving an applicant for an exam or license. Depending on the application and licensure requirements, processes may vary across license type. The targets are categorized by license type and application type in order to account for these potential differences in processing times.

The DCA did not establish processing time targets for incomplete applications because the amount of time an application is incomplete is outside of the Board's or Bureau's control. An application is considered incomplete when an application requirement has not been met or required documentation has not been received. When a Board or Bureau receives an incomplete application, they cannot continue to process the application until the deficiency has been remediated. Some Boards and Bureaus have statutes or regulations that set a time limit on how long an application may remain incomplete before it is abandoned. Since Boards and Bureaus cannot directly control how long it may take to receive required information from the applicant or another agency, they cannot establish a target timeframe by which they must approve the application.

Complete application processing times may also include the amount of time the Board or Bureau waits to receive required information from an external source. For example, if an applicant is required to be fingerprinted prior to application approval, the Board or Bureau cannot complete the application process until the results of the fingerprints are received from an external source.

All DCA entities have established target processing times for complete applications. All Boards and Bureaus, with the exception of those included in BreEZe's second release, are reporting actual data. Because those Boards and Bureaus transitioned to the new BreEZe system in the middle of the reporting year (e.g. January, 2016), they are only reporting targets this fiscal year. Next year, those Boards and Bureaus will report actuals for fiscal year 2016-17 in the 2018-19 Governor's Budget.

The following Boards and Bureaus were included in Release Two implementation of BreEZe:

- Dental Board of California
- Dental Hygiene Committee
- California Board of Occupational Therapy
- Physical Therapy Board
- State Board of Optometry
- Medical Board
- Board of Vocational Nursing and Psychiatric Technicians of the State of California
- Bureau of Security and Investigative Services

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1100 - California Board of Accountancy				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Certified Public Accountant License	Examination – First Time Applicant	Complete	30	6,337	34
		Incomplete		1,792	100
	Individual License Application	Complete	30	917	32
		Incomplete		2,572	144
Corporation and Partnership License	Initial License Application	Complete	30	167	22
		Incomplete		184	83
Out-of-State Firm Registrations	Initial Registration Application	Complete	30	100	28
		Incomplete		22	90

1105010 - California Architects Board				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Architect	(Initial) Application for Eligibility Evaluation[1, 2]	Complete	30	918	16
		Incomplete		261	243
	California Architect Reciprocity Application[1, 3]	Complete	30	183	32
		Incomplete		97	115
	Application for Relicensure[1, 3]	Complete	30	2	5
		Incomplete		0	NA
	Notification of California Supplemental Examination (CSE) Eligibility or Ineligibility (upon completion of the Architect Registration Examination (ARE)[3]	Complete	30	158	5
		Incomplete		436	136
	Application for CSE	Complete	30	844	6
		Incomplete		13	28
	Application for Licensure	Complete	30	662	7
		Incomplete		0	NA

[1] One of three entry point applications for candidates seeking licensure.

[2] Submitted by candidates seeking eligibility (approval) to take the ARE. Initial licensure is for individuals who are not licensed.

[3] Submitted by candidates seeking eligibility (approval) to take the CSE. “Reciprocity” is for those individuals licensed in another jurisdiction. “Relicensure” is for individuals who were previously licensed in California, but were canceled after being expired for five or more years.

1105020 - Landscape Architects Technical Committee				FY 2015-16	
Landscape Architect	Exam Application: Landscape Architect Registration Examination	Complete	30	194	16
		Incomplete		20	113
	Exam Application: CSE	Complete	30	59	12
		Incomplete		N/A	N/A
	Exam Application: Reciprocity	Complete	30	19	17

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		Incomplete		10	65
	Initial License Application	Complete	30	95	12
		Incomplete		4	33

1110 - State Athletic Commission				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Promoter	Initial License Application	Complete	30	5	16
		Incomplete		2	32
Professional Athlete	Initial License Application	Complete	10	1441	2
		Incomplete		8	10
Professional Trainer	Initial License Application	Complete	10	53	5
		Incomplete		5	60
Manager	Initial License Application	Complete	30	18	23
		Incomplete		2	60
Timekeeper	Initial License Application	Complete	10	1	5
		Incomplete		0	NA
Judge	Initial License Application	Complete	10	3	9
		Incomplete		0	NA
Referee	Initial License Application	Complete	10	0	NA
		Incomplete		0	NA
Second (corner person)	Initial License Application	Complete	10	1798	1
		Incomplete		218	30

1115 - Board of Behavioral Sciences				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Licensed Marriage and Family Therapist	Registration Application	Complete	35	3,738	25
		Incomplete		318	60
	Initial Law & Ethics Exam Application	Complete	10	6,059	39
		Incomplete		513	110
	Examination & Licensure Application	Complete	60	6,569	69
		Incomplete		464	117
	Examination & Licensure Application-Out of State	Complete	60	1	36
		Incomplete		6	263
	Initial License Application	Complete	10	3,422	43

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		Incomplete		1	30
Licensed Clinical Social Worker	Registration Application	Complete	35	3,040	36
		Incomplete		347	64
	Initial Law & Ethics Exam Application	Complete	10	4,520	32
		Incomplete		494	110
	Examination & Licensure Application	Complete	60	4,631	92
		Incomplete		204	120
	Examination & Licensure Application-Out of State	Complete	60	9	47
		Incomplete		6	263
	Initial License Application	Complete	10	2,149	38
		Incomplete		1	142
Licensed Educational Psychologists	Standard Written Exam Application	Complete	30	105	22
		Incomplete		34	72
	Initial License Application	Complete	10	66	16
		Incomplete		0	NA
Licensed Professional Clinical Counselor	Registration Application	Complete	35	656	51
		Incomplete		175	103
	Initial Law & Ethics Exam Application	Complete	10	493	39
		Incomplete		39	106
	Examination & Licensure Application	Complete	60	256	59
		Incomplete		26	87
	Examination & Licensure Application-Out of State	Complete	60	3	192
		Incomplete		1	148
	Initial License Application	Complete	10	169	40
		Incomplete		0	NA

1120 - Board of Chiropractic Examiners				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Doctor of Chiropractic	Initial/Exam Application[1]	Complete	14	94	15
		Incomplete		121	119

[1]This includes target times from when the application is received to when the license is issued (including the exam process).

1125 - Board of Barbering and Cosmetology				FY 2015-16	
License Type	**Application Type**	**Status**	**Target**	**Volume**	**Avg. Cycle Time (Days)**
Barber	Pre-Application	Complete	20	1,126	20

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		Incomplete		16	49
	Reciprocity	Complete	20	92	18
		Incomplete		37	48
	Exam Application	Complete	20	1,218	22
		Incomplete		198	52
	Apprentice Application	Complete	15	484	21
		Incomplete		27	105
Cosmetologist	Pre-Application	Complete	20	5,963	21
		Incomplete		52	73
	Reciprocity	Complete	20	1,102	19
		Incomplete		238	53
	Exam Application	Complete	20	3,548	23
		Incomplete		852	59
	Apprentice Application	Complete	15	619	22
		Incomplete		31	100
Electrologist	Pre-Application	Complete	20	27	16
		Incomplete		0	NA
	Reciprocity	Complete	20	4	9
		Incomplete		0	NA
	Exam Application	Complete	20	13	17
		Incomplete		1	11
Esthetician	Pre-Application	Complete	20	2,807	20
		Incomplete		15	65
	Reciprocity	Complete	20	318	18
		Incomplete		64	49
	Exam Application	Complete	20	1,871	20
		Incomplete		231	51
Manicurist	Pre-Application	Complete	20	2,485	20
		Incomplete		14	84
	Reciprocity	Complete	20	318	22
		Incomplete		83	59
	Exam Application	Complete	20	3,856	19
		Incomplete		102	72
Establishment	Establishment Application	Complete	25	6,587	19
		Incomplete		411	48

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Mobile Unit	Establishment Application	Complete	120	3	140
		Incomplete		4	126

1130 - Contractors' State License Board				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Contractor	Contractor Original Exam Application (Received to Posted)	Complete	60	5,471	41
		Incomplete		5,149	87
	Contractor Original License Issuance (Received to Issuance)	Complete	175	2,574	138
		Incomplete		2,172	178
	Contractor Original Waiver Application (Received to Posted)	Complete	50	3,042	23
		Incomplete		4,570	53
	Contractor Original Waiver License Issuance (Received to Issuance)	Complete	65	2,559	65
		Incomplete		3,528	92
Home Improvement Salesperson (HIS)	HIS Registration Application (Received to Posted)	Complete	30	10,309	21
		Incomplete		856	61
	HIS Registration Issuance (Received to Issuance)	Complete	30	5,947	50
		Incomplete		651	84

1135 – Dental Board of California				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Dental License	Initial Law and Ethics Exam Request	Complete	10	NA	NA
		Incomplete		NA	NA
	Application for License by the Western Regional Examination Board (WREB) Exam/Residency/Portfolio Exam	Complete	60	NA	NA
		Incomplete		NA	NA
	Application for License By Credential	Complete	60	NA	NA
		Incomplete		NA	NA
	Issue License Number	Complete	10	NA	NA
		Incomplete		NA	NA
Elective Facial Cosmetic Surgery Permit	Initial Application	Complete	365	NA	NA
		Incomplete		NA	NA
General Anesthesia Permit	Initial Application	Complete	60	NA	NA
		Incomplete		NA	NA
Medical General Anesthesia Permit	Initial Application	Complete	60	NA	NA
		Incomplete		NA	NA

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Conscious Sedation Permit	Initial Application	Complete	60	NA	NA
		Incomplete		NA	NA
Oral Conscious Sedation Certificate	Initial Application	Complete	60	NA	NA
		Incomplete		NA	NA
Special Permit for Faculty	Initial Exam Request	Complete	10	NA	NA
		Incomplete		NA	NA
	Application for Special Permit	Complete	60	NA	NA
		Incomplete		NA	NA
Oral Maxillofacial Surgery Permit	Initial Application	Complete	60	NA	NA
		Incomplete		NA	NA
Additional Office Permit	Initial Application	Complete	60	NA	NA
		Incomplete		NA	NA
Mobile Dental Clinic Permit	Initial Application	Complete	60	NA	NA
		Incomplete		NA	NA
Registered Continuing Education Provider	Initial Application	Complete	90	NA	NA
		Incomplete		NA	NA
Fictitious Name Permit	Initial Application	Complete	60	NA	NA
		Incomplete		NA	NA
Registered Dental Assistant (RDA)	Initial Exam Request	Complete	60	NA	NA
		Incomplete		NA	NA
RDA in Extended Functions	Exam Eligibility	Complete	60	NA	NA
		Incomplete		NA	NA
	Practical Exam for Existing License	Complete	60	NA	NA
		Incomplete		NA	NA
Orthodontic Assistant	Initial Exam Request	Complete	60	NA	NA
		Incomplete		NA	NA
Dental Sedation Assistant	Initial Exam Request	Complete	60	NA	NA
		Incomplete		NA	NA
Dental Referral Services	Initial Application	Complete	30	NA	NA
		Incomplete		NA	NA

1140 – Dental Hygiene Committee				**FY 2015-16**	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Registered Dental Hygienist	Initial Exam Request – WREB/Central Regional Dental Testing Services	Complete	30	NA	NA
		Incomplete		NA	NA

	Initial Exam Request – Licensure by Credential	Complete	60	NA	NA
		Incomplete		NA	NA
	Initial License – Licensure by Credential	Complete	60	NA	NA
		Incomplete		NA	NA
Registered Dental Hygienist in Alternative Practice	Initial Application for Licensure – Registered Dental Hygienist in Alternative Practice	Complete	60	NA	NA
		Incomplete		NA	NA
Fictitious Name Permit	Initial Application – Fictitious Name Permit	Complete	60	NA	NA
		Incomplete		NA	NA

1145 - State Board of Guide Dogs for the Blind				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Instructor	Instructor License Application	Complete	15	12	10
		Incomplete		0	NA

1150 - Medical Board of California				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Licensed Midwife	Initial Licensing Application	Complete	40	0	NA
		Incomplete		26	34
		Undetermined[7]		3	124
Postgraduate Training Authorization Letter (PTAL)	Initial PTAL Application	Complete	84	0	NA
		Incomplete		722	186
Physician and Surgeon	Initial Licensing Application (without a PTAL)	Complete	84	0	NA
		Incomplete		5,775	166
		Undetermined[7]		41	247
	Physician and Surgeon Initial Licensing Application (with a PTAL)[1]	Complete	60	0	NA
		Incomplete		499	1354
		Undetermined[7]		2	96
Student Research Psychoanalyst	Initial Licensing Application	Complete	30	0	NA
		Incomplete		4	53
		Undetermined[7]		1	96
Research Psychoanalyst	Initial/Upgrade Licensing Application[2]	Complete	30	0	NA
		Incomplete		3	30
		Undetermined[7]		1	244
Special Programs	Initial Application	Complete	45	6	23

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(Individual)[3]		Incomplete		58	115
		Undetermined[7]		2	250
Special Programs (Organization)	Initial Application	Complete	120	0	NA
		Incomplete		0	NA
Special Faculty Permit[4]	Initial Application	Complete	150	0	NA
		Incomplete		2	257
		Undetermined[7]		1	303
Registered Polysomnographic Trainee	Initial Application	Complete	30	0	NA
		Incomplete		21	73
		Undetermined[7]		5	242
Registered Polysomnographic Technician	Initial/Upgrade Application[5]	Complete	30	0	NA
		Incomplete		16	53
		Undetermined[7]		2	298
Registered Polysomnographic Technologist	Initial/Upgrade Application[6]	Complete	30	1	28
		Incomplete		43	55
		Undetermined[7]		7	221

[1]An International Medical School Graduate (IMG) must have a PTAL in order to participate in a California postgraduate training position (residency) accredited by the Accreditation Council for Graduate Medical Education (ACGME). IMG's must have a minimum of 24 months of ACGME accredited training to be eligible for a California physician's and surgeon's license and may train in an ACGME accredited residency program for a maximum of 36 months without a valid California physician's and surgeon's license. Once a PTAL is approved, the PTAL file remains open until the PTAL holder obtains a license or PTAL holder's application file is closed for due diligence. Many of the PTAL holders do not obtain an ACGME accredited residency program for one or two years. Therefore, many of the PTAL holders have a PTAL that is open for 5 or more years, before obtaining licensure or the PTAL application file is closed for lack of due diligence in obtaining a California physician's and surgeon's license.

[2]Includes Upgrade Transaction from Student Research Psychoanalyst to Research Psychoanalyst.

[3]These applications require a site visit of the facility requesting approval. This takes time to set up a visit with the school and therefore impacts the approval time.

[4]Approval of these applications requires a meeting with the Special Faculty Permit Review Committee (established in Business and Professions Code section 2168.1) and final approval by the Board Members at a quarterly Board Meeting. Therefore, this process requires at least 150 days to complete.

[5]Includes Upgrade Transaction from Registered Polysomnographic Trainee to Registered Polysomnographic Technician.

[6]Includes Upgrade Transaction from Registered Polysomnographic Trainee to Registered Polysomnographic Technologist and Upgrade Transaction from Registered Polysomnographic Technician to Registered Polysomnographic Technologist.

[7]Undetermined because standardized data marker for tracking complete/incomplete not present on all applications received prior to 7/1/2015.

1155 - Acupuncture Board				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Acupuncturist	Initial License Application	Complete	9	504	2
		Incomplete		0	N/A

1160 – Physical Therapy Board				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Physical Therapist	Exam Request	Complete	45	NA	NA
		Incomplete		NA	NA

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	Foreign Exam Request	Complete	45	NA	NA
		Incomplete		NA	NA
	Initial Application	Complete	45	NA	NA
		Incomplete		NA	NA
	Foreign Initial Application	Complete	90	NA	NA
		Incomplete		NA	NA
Physical Therapist Assistant	Exam Request	Complete	45	NA	NA
		Incomplete		NA	NA
	Foreign Exam Request	Complete	45	NA	NA
		Incomplete		NA	NA
	Initial Application	Complete	45	NA	NA
		Incomplete		NA	NA
	Foreign Initial Application	Complete	45	NA	NA
		Incomplete		NA	NA

1165 - Physician Assistant Board				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Physician Assistant	Initial License Application	Complete	20	192	27
		Incomplete		750	50

1170 - California Board of Podiatric Medicine				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Doctor of Podiatric Medicine	Initial Application (Permanent)	Complete	45	5	63
		Incomplete		75	58
	Initial Application (Resident/Limited)	Complete	45	1	42
		Incomplete		48	35

1175 - Board of Psychology				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Psychologist	Initial Applications	Complete	60	735	32
		Incomplete		659	65
	Application to take the California Psychology Law and Ethics Examination	Complete	60	1,099	21
		Incomplete		270	47

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	Initial License	Complete	60	786	36
		Incomplete		269	174
Registered Psychological Assistant	Initial Applications	Complete	60	357	28
		Incomplete		616	44
Registered Psychologist	Initial Applications	Complete	30	82	22
		Incomplete		58	45

1180 - Respiratory Care Board				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Respiratory Care Practitioner	Initial License Application	Complete	60	NA	NA
		Incomplete		NA	NA
		Complete/Incomplete (Combined) [1]		1,146	76

[1] Staff is in the process of modifying existing business processes to correctly identify incomplete applications in a measurable manner. In future fiscal years, data will be reported separately for Complete Applications and Incomplete Applications.

1185 - Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Audiology[1]	License Application	Complete	30	61	15
		Incomplete		7	95
Speech-Language Pathology[1]	License Application	Complete	30	1,172	21
		Incomplete		159	54
Speech-Language Pathology Assistant[1]	Registration Application	Complete	30	442	29
		Incomplete		159	43
Required Professional Experience[1]	Temporary License Application	Complete	30	777	18
		Incomplete		59	98
Aide for Audiology or Speech-Language Pathology[1]	Registration Application	Complete	30	38	30
		Incomplete		6	91
Hearing Aid Dispenser	Exam Application	Complete	14	227	10
		Incomplete		28	191
	License Application	Complete	21	131	12
		Incomplete		0	N/A
Hearing Aid Dispenser - Trainee[1]	Temporary License Application	Complete	21	166	22
		Incomplete		11	115
Hearing Aid Dispenser – Licensed in Another State[1]	Temporary License Application	Complete	21	10	22
		Incomplete		7	88

[1]Processing time averages for these license types are derived from applications completed during the March to June 2016 period. Prior to March 2016, the Board did not have a method to identify incomplete applications for these license types. However, the total volume of applications approved for these license types is representative of the entire fiscal year 2015-16.

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1190 – California Board of Occupational Therapy				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Occupational Therapist	Initial Occupational Therapist	Complete	30	NA	NA
		Incomplete		NA	NA
Occupational Therapist Limited Permit	Initial Occupational Therapist Limited Permit	Complete	30	NA	NA
		Incomplete		NA	NA
Occupational Therapy Assistant	Initial Occupational Therapy Assistant	Complete	30	NA	NA
		Incomplete		NA	NA
Occupational Therapy Assistant Limited Permit	Initial Occupational Therapy Limited Permit	Complete	30	NA	NA
		Incomplete		NA	NA

1196 – State Board of Optometry				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Optometrist	Exam Request	Complete	30	NA	NA
		Incomplete		NA	NA
Optometrist	Initial License	Complete	90	NA	NA
		Incomplete		NA	NA
Branch Office License	Initial License	Complete	30	NA	NA
		Incomplete		NA	NA
Statement of Licensure	Initial License	Complete	30	NA	NA
		Incomplete		NA	NA
Fictitious Name Permit	Initial License	Complete	30	NA	NA
		Incomplete		NA	NA
Registered Dispensing Optician	Initial Application	Complete	60	NA	NA
		Incomplete		NA	NA
Registered Contact Lens Dispenser	Initial Application	Complete	30	NA	NA
		Incomplete		NA	NA
Registered Spectacle Lens Dispenser	Initial Application	Complete	30	NA	NA
		Incomplete		NA	NA
Non-Resident Contact Lens Seller	Initial Application	Complete	60	NA	NA
		Incomplete		NA	NA

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1200 - Osteopathic Medical Board of California				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Osteopathic Physician and Surgeon	Initial License Pre-application[1]	Complete	60	NA	NA
		Incomplete		NA	NA
		Complete/Incomplete (Combined)[3]		715	106
	Initial License Application[2]	Complete	15	NA	NA
		Incomplete		NA	NA
		Complete/Incomplete (Combined)[3]		683	12

[1]Applicants must submit an application fee and all required documents. Once all documents are received, the application is approved and the applicant is sent an address form and billed the amount owed for licensure.
[2]Applicants must submit an application address form and license fees. The license is issued upon approval of the application.
[3] Osteopathic Medical Board of California staff is still in the process of modifying existing business processes to correctly identify incomplete applications in a measurable manner. In future fiscal years, it will be possible to report data separately for Complete Applications and Incomplete Applications.

1205 - Naturopathic Medicine Committee				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Naturopathic Doctor	Initial License Application - Step One[1]	Complete	45	13	53
		Incomplete		50	35
	Initial License Application - Step Two[2]	Complete	25	20	16
		Incomplete		45	13

[1]Applicants must submit an application fee and all required documents. Once all documents are received, the application is approved and the applicant is sent an address form and billed the amount owed for licensure.
[2]Applicants must submit an address form and license fees. The license is issued upon approval of the application.

1210 - California State Board of Pharmacy				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Clinic	Clinic Permit Application[1]	Complete	30	17	58
		Incomplete		91	233
Centralized Hospital Packaging	Centralized Hospital Packaging Pharmacy License Application[1,2]	Complete	45	0	N/A
		Incomplete		5	640
Drug Room	Drug Room Application[1]	Complete	30	0	N/A
		Incomplete		4	166
Designated Representative – Third Party Logistics (3PL)	Application for Designated Representative – 3PL	Complete	30	63	75
		Incomplete		124	131
Designated Representative – Veterinary Food-Animal Drug Retailer	Designated Representative – Veterinary Food-Animal Drug Retailer Application	Complete	30	0	N/A
		Incomplete		2	67
Designated Representative - Wholesaler	Application for a Designated Representative License	Complete	30	117	55
		Incomplete		310	147

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Hospital	Hospital Pharmacy Permit Application[1]	Complete	30	0	N/A
		Incomplete		24	196
Hypodermic Needle and Syringe	Application for Hypodermic Needle and Syringe Permit[1]	Complete	30	9	81
		Incomplete		5	183
Intern Pharmacist	Application for Registration as an Intern Pharmacist	Complete	15	133	17
		Incomplete		782	56
Licensed Correctional Facility	Licensed Correctional Facility[1]	Complete	30	1	132
		Incomplete		1	58
Pharmacist	Application for Pharmacist Examination and Licensure	Complete	15	1,507	20
		Incomplete		947	69
	Application for Pharmacist Initial License	Complete	5	1,966	11
		Incomplete		10	34
Pharmacy	Pharmacy Permit Application[1]	Complete	30	383	51
		Incomplete		352	160
Pharmacy - Nonresident	Nonresident Pharmacy Permit Application[3]	Complete	30	9	184
		Incomplete		126	331
Pharmacy Technician	Pharmacy Technician Application	Complete	30	2,941	35
		Incomplete		2,907	85
Sterile Compounding Pharmacy	Application for a Sterile Compounding Pharmacy License[1,2]	Complete	45	32	121
		Incomplete		35	215
Sterile Compounding Pharmacy - Nonresident	Application for a Nonresident Pharmacy Sterile Compounding License[2,3]	Complete	45	3	81
		Incomplete		18	306
Third-Party Logistics Provider	Application for Third-Party Logistics Provider License[1]	Complete	30	3	64
		Incomplete		13	154
Third-Party Logistics Provider – Non Resident	Application for Nonresident Third-Party Logistics Provider License[3]	Complete	30	0	N/A
		Incomplete		58	156
Veterinary Food- Animal Drug Retailer	Veterinary Food-Animal Drug Retailer Application	Complete	30	0	N/A
		Incomplete		5	129
Wholesaler	Application for Wholesaler License[1]	Complete	30	7	40
		Incomplete		57	184
Wholesaler - Nonresident	Application for Nonresident Wholesaler License[3]	Complete	30	7	65
		Incomplete		84	238

[1]The period of time measured for this application type may include time spent after approval but prior to the site's opening date. This period of time is outside of the Board's control.

[2]The period of time measured for this application type includes a required pre-licensure inspection.

[3]As a condition of licensure a nonresident pharmacy must be operating as a pharmacy in the home state; thus, no coordination of an opening date is needed.

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1215 - Board for Professional Engineers, Land Surveyors, and Geologists				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Agricultural Engineer	Exam Application: New Applicants (in-state)	Complete	60	2	21
		Incomplete		1	39
	Exam Application: New Applicants (out-of-state)	Complete	30	0	N/A
		Incomplete		0	N/A
Chemical Engineer	Exam Application: New Applicants (in-state)	Complete	60	62	29
		Incomplete		14	24
	Exam Application: New Applicants (out-of-state)	Complete	30	4	19
		Incomplete		8	33
Civil Engineer	Exam Application: New Applicants (in-state)	Complete	60	526	33
		Incomplete		239	41
	Exam Application: New Applicants (out-of-state)	Complete	60	79	13
		Incomplete		81	26
Certified Engineering Geologist[1]	Exam Application: New Applicants (in-state)	Complete	60	36	62
		Incomplete		5	81
	Exam Application: New Applicants (out-of-state)	Complete	30	N/A	N/A
		Incomplete		N/A	N/A
	License Issuance	Complete	30	22	14
		Incomplete		N/A	N/A
Certified Hydrogeologist	Exam Application: New Applicants (in-state)	Complete	60	24	74
		Incomplete		3	81
	Exam Application: New Applicants (out-of-state)	Complete	30	N/A	N/A
		Incomplete		N/A	N/A
	License Issuance	Complete	30	12	14
		Incomplete		N/A	N/A
Control Systems	Exam Application: New Applicants (in-state)	Complete	60	11	21
		Incomplete		6	28
	Exam Application: New Applicants (out-of-state)	Complete	30	3	26
		Incomplete		1	10
Electrical Engineer	Exam Application: New Applicants (in-state)	Complete	60	301	20
		Incomplete		75	26
	Exam Application: New Applicants (out-of-state)	Complete	30	150	27
		Incomplete		143	25

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Engineer-in-Training[1]	Exam Application: New Applicants (in-state)	Complete	60	2614	14
		Incomplete		89	28
	Exam Application: New Applicants (out-of-state)	Complete	60	44	14
		Incomplete		1	28
Fire Protection	Exam Application: New Applicants (in-state)	Complete	60	12	24
		Incomplete		13	23
	Exam Application: New Applicants (out-of-state)	Complete	30	0	N/A
		Incomplete		2	29
Geologist-in-Training	Exam Application: New Applicants (in-state)	Complete	60	80	29
		Incomplete		8	81
	Exam Application: New Applicants (out-of-state)	Complete	30	N/A	N/A
		Incomplete		N/A	N/A
Geologist, Professional	Exam Application: New Applicants (in-state)	Complete	60	88	52
		Incomplete		6	81
	Exam Application: New Applicants (out-of-state)	Complete	30	0	N/A
		Incomplete		0	N/A
Geophysicist, Professional	Exam Application: New Applicants	Complete	60	5	80
		Incomplete		3	81
Geotechnical Engineer	Exam Application: New Applicants	Complete	60	12	29
		Incomplete		1	35
Industrial Engineer	Exam Application: New Applicants (in-state)	Complete	60	4	28
		Incomplete		2	14
	Exam Application: New Applicants (out-of-state)	Complete	30	0	N\A
		Incomplete		0	N\A
Land Surveyor, Professional	Exam Application: New Applicants (in-state)	Complete	60	78	31
		Incomplete		38	23
	Exam Application: New Applicants (out-of-state)	Complete	60	9	13
		Incomplete		8	58
Land Surveyor-in-Training[1]	Exam Application: New Applicants (in-state)	Complete	60	54	14
		Incomplete		1	28
	Exam Application: New Applicants (out-of-state)	Complete	60	0	0
		Incomplete		0	0
Mechanical Engineer	Exam Application: New Applicants (in-state)	Complete	60	24	24
		Incomplete		130	26
		Complete	30	95	20

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	Exam Application: New Applicants (out-of-state)	Incomplete		52	22
Metallurgical Engineer	Exam Application: New Applicants (in-state)	Complete	60	5	14
		Incomplete		1	14
	Exam Application: New Applicants (out-of-state)	Complete	30	1	20
		Incomplete		0	N/A
Nuclear Engineer	Exam Application: New Applicants (in-state)	Complete	60	0	N/A
		Incomplete		0	N/A
	Exam Application: New Applicants (out-of-state)	Complete	30	1	31
		Incomplete		0	N/A
Petroleum Engineer	Exam Application: New Applicants (in-state)	Complete	60	1	32
		Incomplete		0	N/A
	Exam Application: New Applicants (out-of-state)	Complete	30	0	N/A
		Incomplete		1	20
Structural Engineer	Exam Application: New Applicants (in-state)	Complete	60	149	23
		Incomplete		15	23
	Exam Application: New Applicants (out-of-state)	Complete	30	12	19
		Incomplete		10	28
Traffic Engineer	Exam Application: New Applicants	Complete	60	47	29
		Incomplete		6	16

New Applicants (in-state) - New applicants applying for licensure without having a license in another state
New Applicants (out-of-state) - New applicants applying for licensure in California by using a license from another state (Comity)
Professional Geophysicist, Geotechnical Engineer, and Traffic Engineer licenses are not given in other states, so they do not have out-of-state tracking
[1]These are certifications issued by the Board; for the purposes of tracking exam information, they are being referred to here as licenses.

1220 - Board of Registered Nursing				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Registered Nurse (RN)	RN Initial Exam Application	Complete	90	7,829	93
		Incomplete		5,678	117
	RN Initial Endorsement Application	Complete	90	7,578	105
		Incomplete		3,999	150
Clinical Nurse Specialist (CNS)	CNS Certification Application	Complete	90	1	179
		Incomplete		172	84
Nurse Practitioner (NP)	NP Certification Application	Complete	90	94	56
		Incomplete		1,767	75
Nurse Practitioner Furnishing (NPF)	NPF Number Application	Complete	90	151	53
		Incomplete		1,663	70
Nurse Anesthetist (NA)	NA Certification Application	Complete	90	75	48

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		Incomplete		126	69
Nurse Midwife (NMW)	NMW Certification Application	Complete	90	37	35
		Incomplete		27	70
Nurse Midwife Furnishing (NMF)	NMF Number Application	Complete	90	28	63
		Incomplete		35	71
Public Health Nurse (PHN)	PHN Certification Application	Complete	90	1,741	122
		Incomplete		429	163
Psychiatric Mental Health Nurse (PMH)	PMH Listing Application	Complete	90	0	NA
		Incomplete		2	88

1225 - Court Reporters Board of California				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Court Reporter	Exam Application[1]	Complete	7	131	3
		Incomplete		0	N/A
	Initial License Application[1]	Complete	7	72	2
		Incomplete		0	N/A

[1]The Board's reported application processing time may include incomplete applications because there is no statistical difference between the processing time for complete applications and incomplete applications.
Almost all applications received are complete upon receipt. Any application received with a deficiency is remediated and completed within a couple days of receipt.

1230 - Structural Pest Control Board				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Applicator	Exam Application	Complete	14	2,107	2
		Incomplete		281	73
	License Application	Complete	14	877	3
		Incomplete		509	21
Field Representative	Exam Application	Complete	14	2,302	6
		Incomplete		180	210
	License Application	Complete	21	985	13
		Incomplete		333	36
Operator	Exam Application	Complete	14	131	3
		Incomplete		60	264
	License Application[1]	Complete	45	108	25
		Incomplete		55	74
Principal Registration	License Application	Complete	45	138	27
		Incomplete		96	85

Branch Office Registration	License Application	Complete	45	40	23
		Incomplete		4	73

[1]This application requires review of experience verification documents and completion of the fingerprint requirement.

1235 – Veterinary Medical Board				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Veterinarian	Exam Request – California	Complete	30	NA	NA
		Incomplete		NA	NA
	Exam Request-American Veterinary Medical Association (AVMA)/Non-AVMA	Complete	30	NA	NA
		Incomplete		NA	NA
	Reciprocity – California	Complete	30	NA	NA
		Incomplete		NA	NA
	Reciprocity –AVMA/Non-AVMA	Complete	30	NA	NA
		Incomplete		NA	NA
Registered Veterinary Technician	Exam Request – AVMA – California/Alternate Route	Complete	30	NA	NA
		Incomplete		NA	NA
	Out-of-State Exam Request	Complete	30	NA	NA
		Incomplete		NA	NA
Internship	Initial License Application	Complete	30	NA	NA
		Incomplete		NA	NA
Veterinary Premises	Initial License – Veterinary Premise	Complete	30	NA	NA
		Incomplete		NA	NA
Temporary Veterinary License	Exam Request	Complete	30	NA	NA
		Incomplete		NA	NA

1240 – Board of Vocational Nursing and Psychiatric Technicians of the State of California				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Vocational Nurse	Exam Request	Complete	60	NA	NA
		Incomplete		NA	NA
	Endorsement	Complete	30	NA	NA
		Incomplete		NA	NA
Psychiatric Technician	Exam Request	Complete	60	NA	NA
		Incomplete		NA	NA
	Endorsement	Complete	30	NA	NA
		Incomplete		NA	NA

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1240 – Bureau of Security and Investigative Services				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Individual License Types					
Alarm Agent	Initial Application	Complete	60	NA	NA
		Incomplete		NA	NA
Baton Instructor	Initial Application	Complete	75	NA	NA
		Incomplete		NA	NA
Firearm Instructor	Initial Application	Complete	75	NA	NA
		Incomplete		NA	NA
Firearm Permit	Initial Application	Complete	75	NA	NA
		Incomplete		NA	NA
Locksmith Employee	Initial Application	Complete	60	NA	NA
		Incomplete		NA	NA
Proprietary Private Security Officer	Initial Application	Complete	60	NA	NA
		Incomplete		NA	NA
Repossession Agency Employee	Initial Application	Complete	60	NA	NA
		Incomplete		NA	NA
Security Guard	Initial Application	Complete	60	NA	NA
		Incomplete		NA	NA
Company License Types					
Alarm Company Operator	Initial Application	Complete	30	NA	NA
		Incomplete		NA	NA
	Qualified Manager (QM) Exam Passage (QM Who Passed Exam Required for License)[1]	Complete	Varies[2]	NA	NA
		Incomplete		NA	NA
	Initial License	Complete	90	NA	NA
		Incomplete		NA	NA
Baton Training Facility	Initial Application[3]	Complete	90	NA	NA
		Incomplete		NA	NA
Firearm Training Facility	Initial Application[3]	Complete	90	NA	NA
		Incomplete		NA	NA
Locksmith Company	Initial Application/License[3]	Complete	90	NA	NA
		Incomplete		NA	NA
Private Investigator	Initial Application	Complete	30	NA	NA
		Incomplete		NA	NA
	QM Exam Passage (QM Who Passed Exam Required for License)	Complete	Varies[2]	NA	NA
		Incomplete		NA	NA

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	Initial License	Complete	90	NA	NA
		Incomplete		NA	NA
Private Patrol Operator	Initial Application	Complete	30	NA	NA
		Incomplete		NA	NA
	QM Exam Passage (QM Who Passed Exam Required for License)	Complete	Varies[2]	NA	NA
		Incomplete		NA	NA
	Initial License	Complete	90	NA	NA
		Incomplete		NA	NA
Proprietary Private Security Employer	Initial Application/License[3]	Complete	90	NA	NA
		Incomplete		NA	NA
Repossession Agency	QM Exam Passage (QM Who Passed Exam Required for License)[1]	Complete	Varies[2]	NA	NA
		Incomplete		NA	NA
	Initial Application/License[3]	Complete	120	NA	NA
		Incomplete		NA	NA

[1]Alarm Company QM and Repossession Agency QM are licensed separately from a company license. Information is reported as part of a company license since the QM is a qualifier for the company license.
[2]This time runs parallel to the time for initial licensure and varies depending on how long it takes the QM to pass the exam. The QM has up to one year from the date they are deemed eligible to take the exam to pass it.
[3]These license types have only one BreEZe licensing transaction.

1410 - Bureau for Private Postsecondary Education				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Private Postsecondary Educational Institutions	Approval to Operate an Institution Not Accredited[1]	Complete	120	0	NA
		Incomplete		53	96
	Approval to Operate an Accredited Institution	Complete	40	12	25
		Incomplete		38	44

[1]Some of these applications require an onsite visit to complete an extensive review of the educational programs.

1415 - Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Appliance Service Dealer	Initial Registration Application	Complete	30	364	13
		Incomplete		NA	NA
Combination Service Dealer	Initial Registration Application	Complete	30	168	3
		Incomplete		NA	NA
Electronic Service Dealer	Initial Registration Application	Complete	30	822	15
		Incomplete		NA	NA
Service Contract Seller	Initial Registration Application	Complete	45	2,636	2
		Incomplete		NA	NA

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Appliance Service Dealer	Initial Registration Application	Complete	45	3	27
		Incomplete		NA	NA
Furniture Retailer	Initial License Application	Complete	30	181	9
		Incomplete		NA	NA
Custom Upholsterer	Initial License Application	Complete	30	47	13
		Incomplete		NA	NA
Supply Dealer	Initial License Application	Complete	30	9	10
		Incomplete		NA	NA
Bedding Retailer	Initial License Application	Complete	30	1,084	8
		Incomplete		NA	NA
Sanitizer	Initial License Application	Complete	30	5	0
		Incomplete		NA	NA
Furniture & Bedding Importer	Initial License Application	Complete	30	881	9
		Incomplete		NA	NA
Furniture & Bedding Retailer	Initial License Application	Complete	30	793	7
		Incomplete		NA	NA
Furniture & Bedding	Initial License Application	Complete	30	157	8
		Incomplete		NA	NA
Thermal Insulation	Initial License Application	Complete	30	1	6
		Incomplete		NA	NA
Furniture & Bedding Wholesaler	Initial License Application	Complete	30	3	11
		Incomplete		NA	NA

1420 - Bureau of Automotive Repair				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Automotive Repair Dealer	Initial License Application	Complete	30	2,609	33
		Incomplete		771	47
Test & Repair Station[1]	Initial License Application	Complete and Incomplete	30	197	81
Test Only Station[1]	Initial License Application	Complete and Incomplete	30	153	70
Repair Only Station[1]	Initial License Application	Complete and Incomplete	30	1	82
Lamp Station[1]	Initial License Application	Complete and Incomplete	30	22	53

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Brake Station[1]	Initial License Application	Complete and Incomplete	30	23	48
Inspector Technician	Exam Application	Complete	14	1,548	25
		Incomplete		11	34
Repair Technician	Exam Application	Complete	14	485	19
		Incomplete		3	28
Brake Adjuster	Exam Application	Complete	14	340	11
		Incomplete		0	N/A
Lamp Adjuster	Exam Application	Complete	14	350	3
		Incomplete		1	58

[1]For these applications to be approved, the applicant must first possess a valid Automotive Repair Dealer license. Applications that are otherwise complete can be delayed from approval for an extended period of time outside of the Bureau's control due to this requirement, particularly if the Automotive Repair Dealer application is delayed due to an incomplete submission. Because an accurate representation of complete and incomplete applications cannot be obtained, these applications are combined in one line item.

1435 - Cemetery and Funeral Bureau				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Funeral Establishment[1]	Original License	Complete	90	7	88
		Incomplete		22	125
Funeral Director	Exam Application	Complete	20	135	10
		Incomplete		42	43
	Initial License Application	Complete	20	109	7
		Incomplete		25	27
Embalmer[2]	Exam Application	Complete	20	36	8
		Incomplete		19	41
	License Issuance	Complete	90	47	245
		Incomplete		0	N/A
Apprentice Embalmer	Certificate of Registration	Complete	20	47	8
		Incomplete		23	49
Certificate of Authority/Cemetery[1]	Original License	Complete	90	1	627
		Incomplete		1	486
Cemetery Manager	Exam Application	Complete	20	14	5
		Incomplete		5	41
	Initial License Application	Complete	20	13	11
		Incomplete		4	13

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Crematory[1]	Original License	Complete	90	2	24
		Incomplete		7	533
Crematory Manager	Exam Application	Complete	20	23	9
		Incomplete		7	114
	Initial License Application	Complete	20	18	13
		Incomplete		6	24
Cemetery Broker and Cemetery Broker Additional	Exam application	Complete	20	7	31
		Incomplete		2	19
Cemetery Broker	License Application	Complete	20	15	1
		Incomplete		1	8
Cemetery Broker Additional	Initial License Application	Complete	20	0	N/A
		Incomplete		0	N/A
Cemetery Broker Branch	Initial License Application	Complete	20	0	N/A
		Incomplete		0	N/A
Cemetery Salesperson	Initial License Application	Complete	20	1,364	11
		Incomplete		119	44
Cremated Remains Disposer	Initial License Application	Complete	20	11	14
		Incomplete		2	42

[1]Business license applicant facilities (Funeral Establishment (BPC §7625), Certificate of Authority/Cemetery (BPC §7653), and Crematory (BPC §7712.5)) are required to pass an inspection prior to issuance of a license. Processing times for business license applications may exceed the established target if the proposed facility is not ready for, or fails to pass, the required inspection(s).

[2]Embalmer applicants must complete a two-year apprenticeship prior to licensure. The applicant has six-years from the date of the original apprentice embalmer registration, or from the date an apprentice embalmer successfully passes the examination, whichever occurs first (BPC §7666(b)), to complete their apprenticeship.

1441 – California Bureau of Real Estate Appraisers				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Real Estate Appraiser	Trainee Initial Application - for Examination	Complete	90	55	4
		Incomplete		97	28
	Trainee Application for Issuance of License - Initials	Complete	90	82	3
		Incomplete		12	58
	Residential Initial Application – for Examination	Complete	90	9	16
		Incomplete		5	58
	Residential Application for Issuance of License - Initials	Complete	90	6	10
		Incomplete		3	25
	Certified Residential Initial Application – for Examination	Complete	90	2	17
		Incomplete		2	153
	Certified Residential Application for Issuance of License - Initials	Complete	90	3	8
		Incomplete		0	0

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	Certified General Initial Application – for Examination	Complete	90	11	23
		Incomplete		24	63
	Certified General Application for Issuance of License - Initials	Complete	90	18	15
		Incomplete		11	29
Real Estate Appraiser	Trainee Upgrade Application to Residential - for Examination	Complete	90	5	20
		Incomplete		3	51
	Trainee Upgrade Application to Residential - for Issuance of License	Complete	90	5	19
		Incomplete		1	18
	Trainee Upgrade Application to Certified Residential - for Examination	Complete	90	2	19
		Incomplete		4	62
	Trainee Upgrade Application to Certified Residential - for Issuance of License	Complete	90	4	8
		Incomplete		0	0
	Trainee Upgrade Application to Certified General - for Examination	Complete	90	3	16
		Incomplete		7	64
	Trainee Upgrade Application to Certified General - for Issuance of License	Complete	90	6	12
		Incomplete		1	37
	Residential Upgrade Application to Certified Residential - for Examination	Complete	90	15	17
		Incomplete		20	47
	Residential Upgrade Application to Certified Residential - for Issuance of License	Complete	90	16	12
		Incomplete		4	20
	Residential Upgrade Application to Certified General - for Examination	Complete	90	1	34
		Incomplete		4	55
	Residential Upgrade Application to Certified General - for Issuance of License	Complete	90	3	9
		Incomplete		0	0
	Certified Residential Upgrade Application to Certified General - for Examination	Complete	90	6	16
		Incomplete		0	0
	Certified Residential Upgrade Application to Certified General - for Issuance of License	Complete	90	2	17
		Incomplete		2	19

1446 – California Bureau of Real Estate				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Real Estate Salesperson	Exam and License Application[1]	Complete	48	22,015	34
		Incomplete		4,258	35
Real Estate Broker	Exam and License Application[1]	Complete	48	917	33

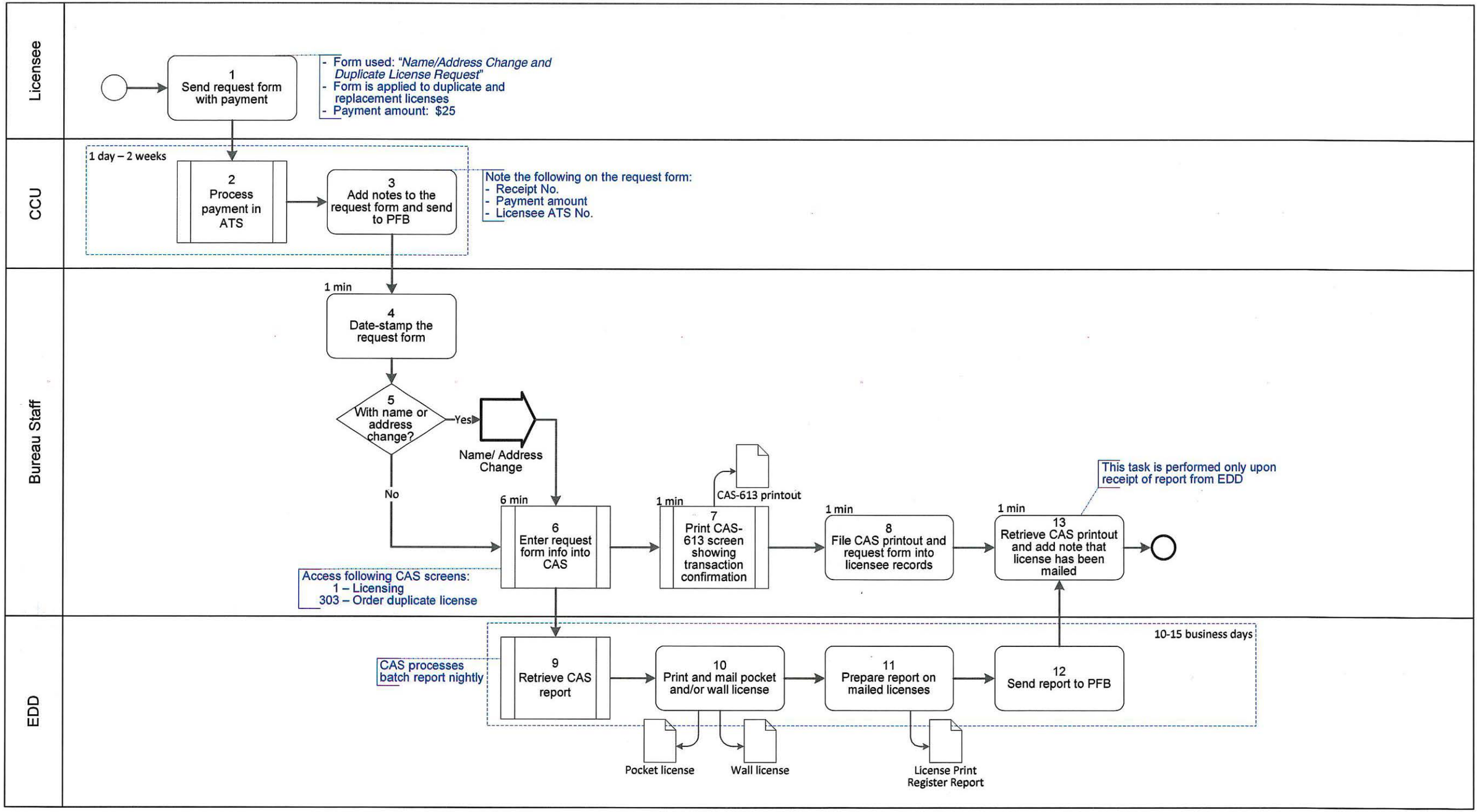
		Incomplete		1,895	33

[1]The Exam and License Application represents the entire licensure process, which includes processing the exam application, scheduling a test date, taking the exam, and issuing the license.

1450 - Professional Fiduciaries Bureau				FY 2015-16	
License Type	**Application Type**	**Status**	**Target (Days)**	**Volume**	**Avg. Cycle Time (Days)**
Professional Fiduciary	Exam Application	Complete	45	72	50
		Incomplete		16	91
	Initial License Application	Complete	15	80	5
		Incomplete		0	N/A

Attachment F

Bureau’s Business Process Maps



SOLID OCM	As-Is Duplicate/Replacement License	PFB 1 | Professional Fiduciaries Bureau	3/27/2017
	Approved on: 4-6-17 By: Tracy Montez (Tracy Montez)		FINAL

Narrative Description of Business Process

Trigger: Licensee sends request form for duplicate or replacement license.

1. Send request form with payment — *(N/A)*
2. Process payment in ATS — *(1 day – 2 weeks)*
3. Add notes to the request form and send to PFB
4. Date-stamp the request form — *(1 minute)*
5. With name or address change? (if yes, proceed to ***Name / Address Change*** process)
6. Enter request form info into CAS — *(6 minutes)*
7. Print CAS-613 screen showing transaction confirmation — *(1 minute)*
8. File CAS printout and request form into licensee records — *(1 minute)*
9. Retrieve CAS report — *(10 – 15 business days)*
10. Print and mail pocket and/or wall license
11. Prepare report on mailed licenses
12. Send report to PFB
13. Retrieve CAS printout and add note that license has been mailed (recently added) — *(1 minute)*

End point: Bureau staff notes on the CAS-613 printout that license has been mailed.

Frequency: As needed
Volume: 2-5 requests/ month
Duration: 9 min to perform steps 4-8
2 - 5 weeks wait time from external parties

Associated Documents and Artifacts

- "*Name/Address Change and Duplicate License Request*" form
- CAS-613 screen printout
- Pocket license
- Wallet license
- *License Print Register Report*

Critical Information Inputs

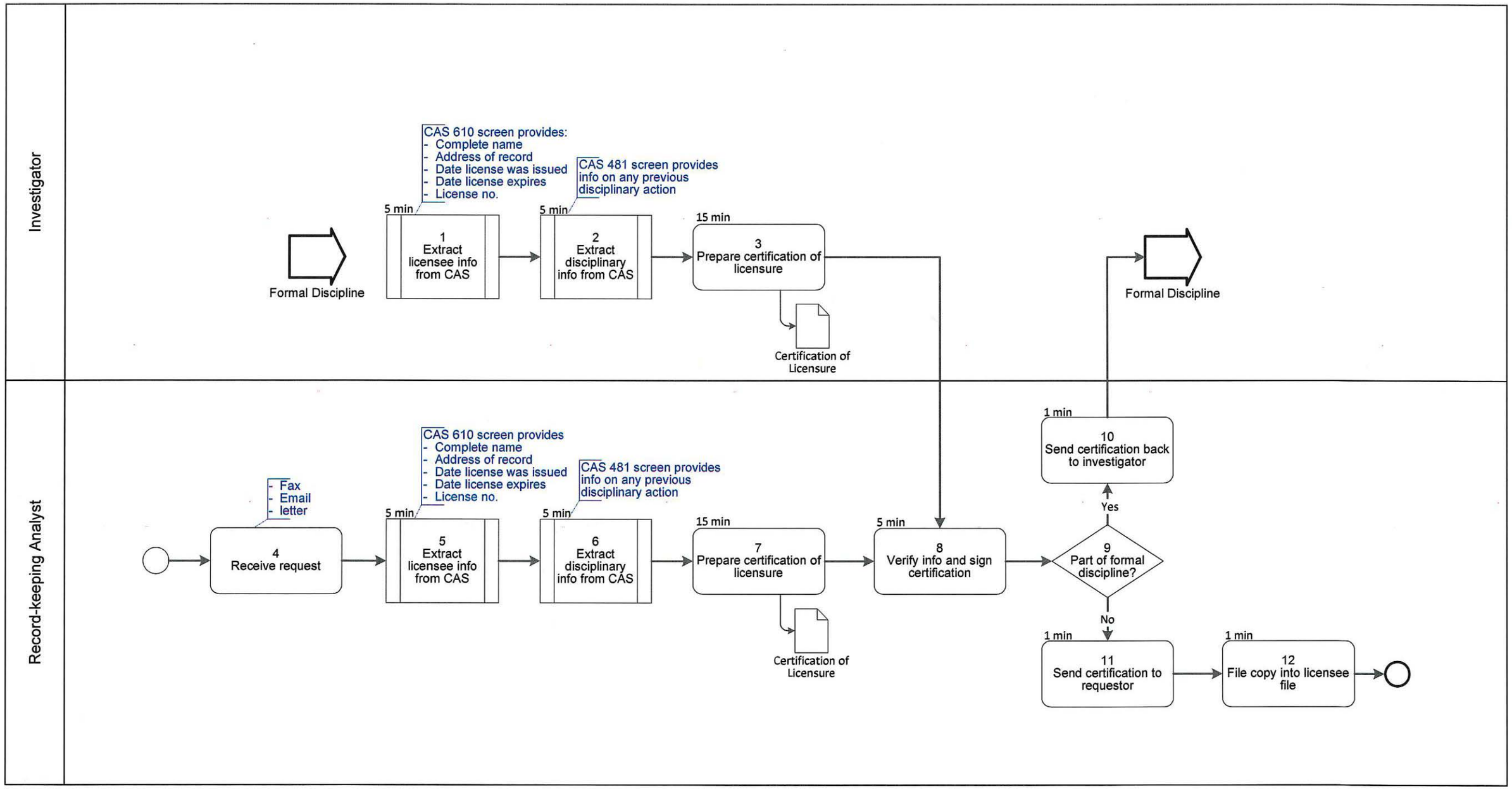
- License Number

Process Improvement Opportunities *(including applicable automation recommendations)*

- Set standard turnaround time
- Set up a way to track or monitor status of individual requests
- Scan *License Print Register Report*. Retain physical copy following guidelines for retention
- Request EDD for an electronic copy of the report in order to facilitate reconciliation

Authority Cited

- Business and Professions Code (Section 122)
- California Code of Regulations (Article 9, Section 4580)



SOLID OCM	As-Is Certification of Licensure	PFB 2 | Professional Fiduciaries Bureau	3/27/2017
	Approved on: 4-6-17 By: Tracy Montez (Tracy Montez)		FINAL

Narrative Description of Business Process

Trigger: Analyst receives a request for certification of license. Or certification process is a requirement in ***Formal Discipline***.

1. Extract licensee info from CAS. Links from ***Formal Discipline***. *(5 minutes)*
2. Extract disciplinary info from CAS *(5 minutes)*
3. Prepare certification of licensure *(15 minutes)*
4. Receive request
5. Extract licensee info from CAS *(5 minutes)*
6. Extract disciplinary info from CAS *(5 minutes)*
7. Prepare certification of licensure *(15 minutes)*
8. Verify info and sign certification *(5 minutes)*
9. Part of formal discipline? (if no, proceed to step 11)
10. Send certification back to investigator. Links to ***Formal Discipline*** *(1 minute)*
11. Send certification to requestor *(1 minute)*
12. File copy into licensee file *(1 minute)*

End point: Analyst issues certification to requestor or investigator.

Frequency: As needed
Volume: From external requests, 2 certifications in past 7 years
As part of ***Formal Discipline***, 3-4 certifications / year
Duration: 58 minutes

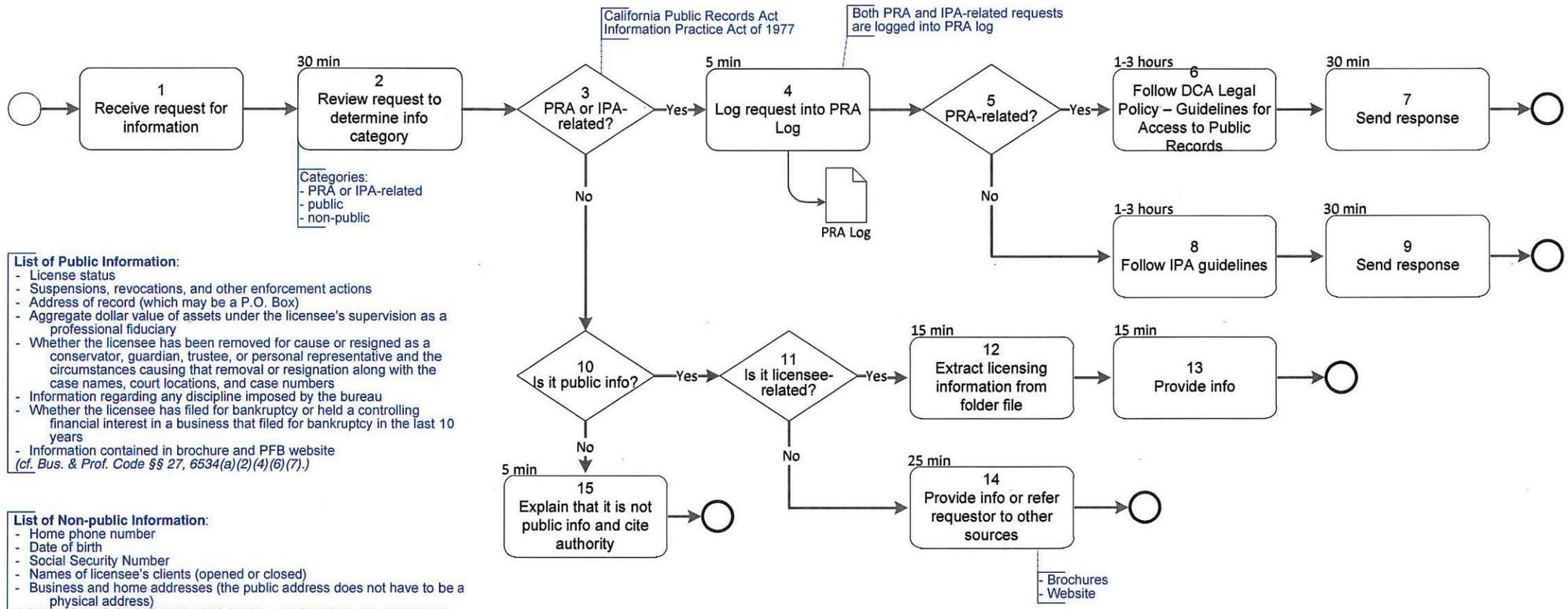
Associated Documents and Artifacts
- Certification of Licensure

Critical Information Inputs
- License Number

Process Improvement Opportunities *(including applicable automation recommendations)*
- Set standard turnaround time
- Create a log (preferably in Excel) to track or monitor status of individual requests

Authority Cited
- Business and Professions Code §§ 27, 6534(a)(2)(4)(6)(7)

Bureau Staff



List of Public Information:
- License status
- Suspensions, revocations, and other enforcement actions
- Address of record (which may be a P.O. Box)
- Aggregate dollar value of assets under the licensee's supervision as a professional fiduciary
- Whether the licensee has been removed for cause or resigned as a conservator, guardian, trustee, or personal representative and the circumstances causing that removal or resignation along with the case names, court locations, and case numbers
- Information regarding any discipline imposed by the bureau
- Whether the licensee has filed for bankruptcy or held a controlling financial interest in a business that filed for bankruptcy in the last 10 years
- Information contained in brochure and PFB website

(cf. Bus. & Prof. Code §§ 27, 6534(a)(2)(4)(6)(7).)

List of Non-public Information:
- Home phone number
- Date of birth
- Social Security Number
- Names of licensee's clients (opened or closed)
- Business and home addresses (the public address does not have to be a physical address)

(cf. Bus. & Prof. Code § 6534(a)(1),(3),(5). and Civil Code §§ 1798.85(1), 1798.24.)

Narrative Description of Business Process

Trigger: A request for information is received.

1. Receive request for information
2. Review request to determine info category — *(30 minutes)*
3. PRA or IPA-related? (if no, proceed to step 10)
4. Log request into PRA Log — *(5 minutes)*
5. PRA-related? (if no, proceed to step 8)
6. Follow DCA Legal Policy – Guidelines for Access to Public Records — *(1-3 hours)*
7. Send response. (process ends) — *(30 minutes)*
8. Follow IPA guidelines — *(1-3 hours)*
9. Send response. (process ends) — *(30 minutes)*
10. Is it public info? (if no, proceed to step 15)
11. Is it licensee-related? (if no, proceed to step 14)
12. Extract licensing information from folder file — *(15 minutes)*
13. Provide info. (process ends) — *(15 minutes)*
14. Provide info or refer requestor to other sources. (process ends) — *(25 minutes)*
15. Explain that it is not public info and cite authority. (process ends) — *(5 minutes)*

End point: A response is sent, information is provided, or staff explains that the information requested is not public information.

Frequency: As needed
Volume: 10 requests / day – mostly non-PRA related
Duration: PRA- or IPA-related – 2-5 hours
non-PRA related – 40 min to 1 hour

Associated Documents and Artifacts

- PRA log
- DCA Policy & Procedures – Guidelines for Access to Public Records

Critical Information Inputs

- License number for licensee-related info

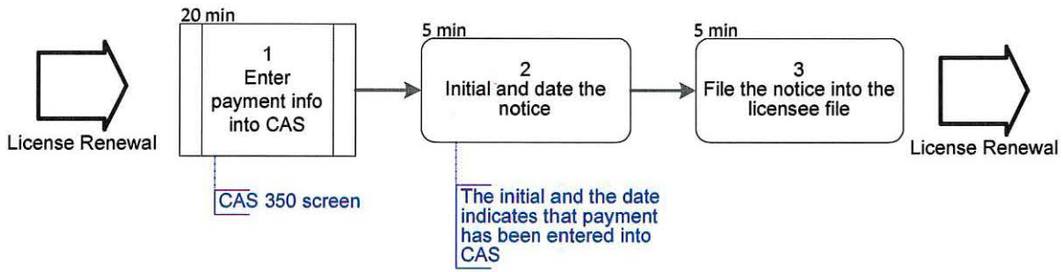
Process Improvement Opportunities *(including applicable automation recommendations)*

- Create a reference defining PRA, IPA, Public, and Non-public information
- Change the format of the PRA log to Excel rather than Word.
- Create separate log, in Excel, for logging IPA requests

Authority Cited

- Gov't Code §§ 6253.4, 6254, 6276 (Public Records Act).
- Public info: Bus. & Prof. Code §§ 27, 6534(a)(2)(4)(6)(7).
- Non-public info:
  - Home phone number, names of licensee's clients, business and home addresses – Bus. & Prof. Code § 6534(a)(1)(3)(5).
  - Date of birth - Civil Code § 1798.24 (Information Practices Act of 1977).
  - Social Security Number - Civil Code § 1798.85(1).

PFB Analyst



SOLID OCM	As-Is Manual Cashiering	PFB 4 | Professional Fiduciaries Bureau	3/27/2017
	Approved on: 4-6-17 By: Tracy Montez (Tracy Montez)		FINAL

Narrative Description of Business Process

Trigger: Notice of payment for ***License Renewal*** is received from CCU wherein check has no automated renewal slip.

1. Enter payment info into CAS *(20 minutes)*
2. Initial and date the notice *(5 minutes)*
3. File the notice into the licensee file. *(5 minutes)*

End point: Analyst files notice of payment into the licensee file. Process loops back into ***License Renewal***.

Frequency: As needed
Volume: 30 manual cashiering / month
Duration: 30 min

Associated Documents and Artifacts

- Notice of payment (sent in one or more of the following ways):
  1. Original Annual Statement
  2. Original letter
  3. Copy of check
  4. Copy of ATS screen

Critical Information Inputs

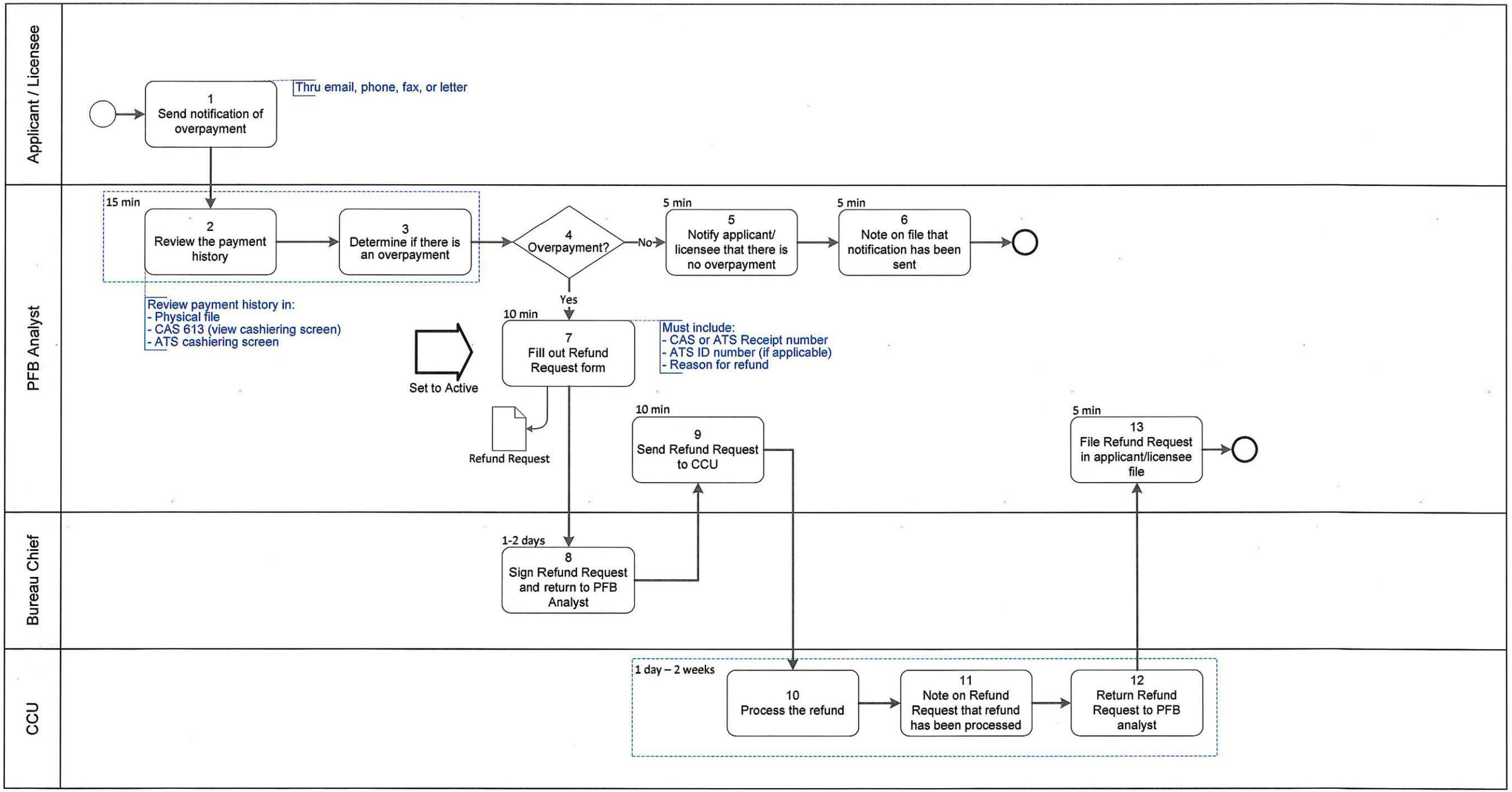
- Receipt No.
- Dollar Amount
- ATS ID No.

Process Improvement Opportunities *(including applicable automation recommendations)*

- None at this time

Authority Cited

- Business and Professions Code § 6541(b)



SOLID OCM	As-Is Refunds	PFB 5 | Professional Fiduciaries Bureau	3/27/2017
	Approved on: 4-6-17 By: Tracy Montez (Tracy Montez)		FINAL

Narrative Description of Business Process

Trigger: Applicant/licensee sends notification of overpayment.

1. Send notification of overpayment by email/phone/fax/letter — *(N/A)*
2. Review the payment history
3. Determine if there is an overpayment
4. Overpayment? (if yes, proceed to step 7) — *(15 minutes)*
5. Notify applicant/licensee that there is no overpayment — *(5 minutes)*
6. Note on file that notification has been sent. (process ends) — *(5 minutes)*
7. Fill out Refund Request form — *(10 minutes)*
8. Sign Refund Request form and returns it to PFB Analyst — *(1-2 days)*
9. Send Refund Request form to CCU — *(10 minutes)*
10. Process the refund
11. Note on the Refund Request form that refund has been processed
12. Return form to PFB analyst — *(1 day – 2 weeks)*
13. File Refund Request form in applicant/licensee file — *(5 minutes)*

End point: Overpayment is confirmed or denied. If an overpayment is confirmed, the licensee/ applicant is sent a refund.

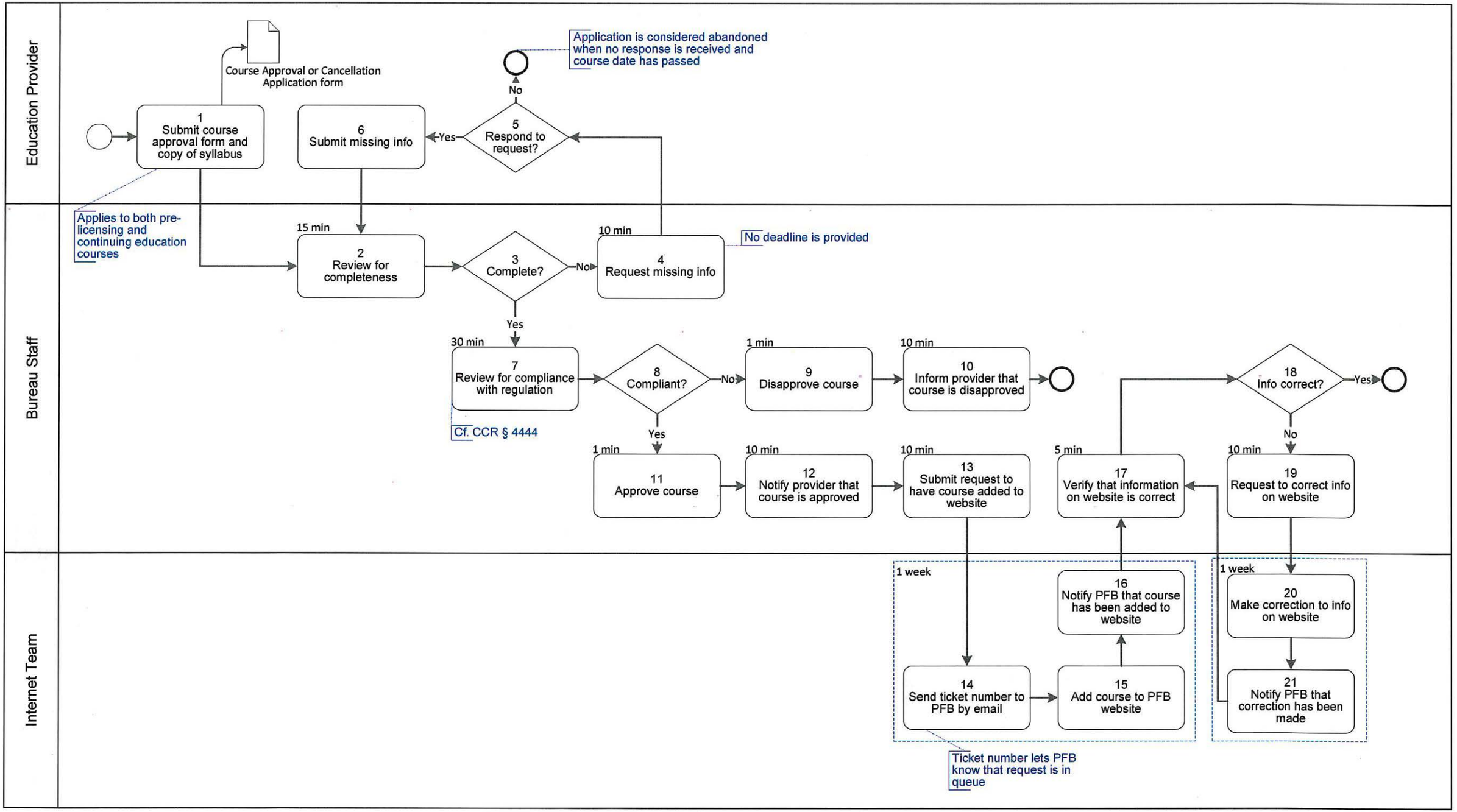
Frequency: As needed
Volume: 1 – 3 refunds/ year
Duration: Verified overpayment – 40 min total task time plus 2-12 business days wait time
Verified non-overpayment – 25 min

Associated Documents and Artifacts
- Refund Request form

Critical Information Inputs
- CAS or ATS Receipt No.
- ATS ID No. (if applicable)
- Reason for refund

Process Improvement Opportunities *(including applicable automation recommendations)*
- Create log to track status of refunds

Authority Cited
- N/A



SOLID OCM	As-Is Course Review and Approval	PFB 6 | Professional Fiduciaries Bureau	3/27/2017
	Approved on: 4-6-17 By: Tracy Montez (Tracy Montez)		FINAL

Narrative Description of Business Process

Trigger: Education provider submits course approval form and syllabus.

1. Submit course approval form and syllabus — *(N/A)*
2. Review for completeness
3. Complete? (if yes, proceed to step 7) — *(15 minutes)*
4. Request missing info — *(10 minutes)*
5. Respond to request? (if no, process ends)
6. Submit missing info — *(N/A)*
7. Review for compliance and regulation
8. Compliant? (if yes, proceed to step 11) — *(30 minutes)*
9. Disapprove course — *(1 minute)*
10. Inform provider that course is disapproved. (process ends) — *(10 minutes)*
11. Approve course — *(1 minute)*
12. Notify provider that course is approved — *(10 minutes)*
13. Submit request to have course added to website — *(10 minutes)*
14. Send ticket number to PFB by email
15. Add course to PFB website — *(1 week)*
16. Notify PFB that course has been added to website
17. Verify that information on website is correct
18. Info correct? (if yes, process ends) — *(5 minutes)*
19. Request to correct info on website — *(10 minutes)*
20. Make correction to info on website — *(1 week)*
21. Notify PFB that correction has been made

End point: Course is approved or disapproved. If course is approved, it is added to website.

Frequency: As needed
Volume: 2-3 requests / month
Duration: 56 min – for disapproved course
66 min plus 1 week Internet Team response time – for approved course
Add _ days to obtain missing info from education provider

Associated Documents and Artifacts

- *Course Approval and Cancellation Application* form

Critical Information Inputs

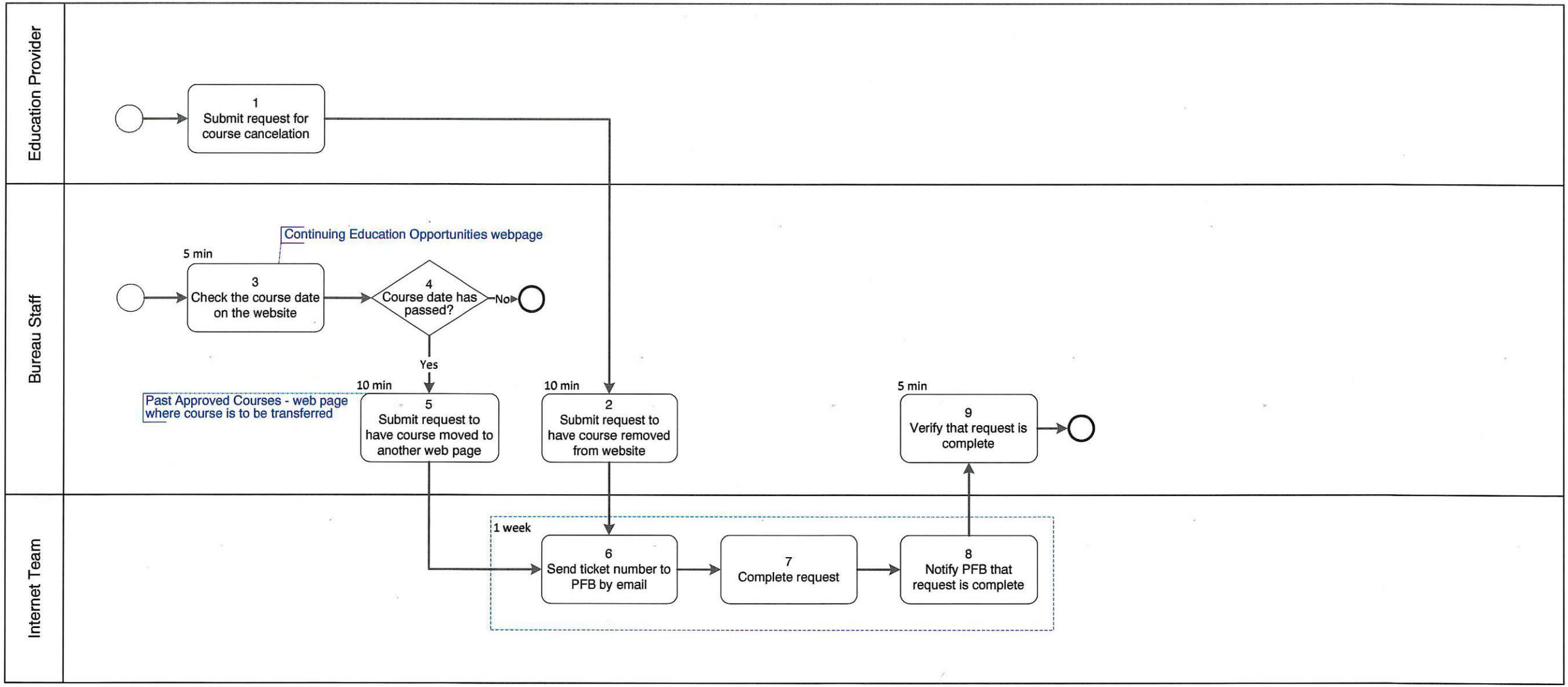
- Syllabus

Process Improvement Opportunities *(including applicable automation recommendations)*

- None at this time

Authority Cited

- 16 CCR § 4444. "Approved Education Courses"



SOLID OCM	As-Is Course Removal	PFB 7 | Professional Fiduciaries Bureau	3/27/2017
	Approved on: 4-6-17 By: Tracy Montez (Tracy Montez)		FINAL

Narrative Description of Business Process

Trigger: Either the Education Provider submits a request to cancel a course or the Bureau Staff notices a course date has passed.

1. Submit request for course cancelation — *(N/A)*
2. Submit request to have course removed from website — *(10 minutes)*
3. Check the course date on the website
4. Course date has passed? — *(5 minutes)*
5. Submit request to have course moved to another web page — *(10 minutes)*
6. Send ticket number to PFB by email
7. Complete request — *(1 week)*
8. Notify PFB that request is complete
9. Verify that request is complete — *(5 minutes)*

End point: Cancelled courses are removed from the PFB website or courses with passed dates are moved to the "Past Approved Courses" webpage.

Frequency: As needed
Volume: Once a month
Duration: 15-20 mins total task time
1 week wait time for Internet Team to move/ remove course

Associated Documents and Artifacts

- *Course Approval and Cancellation Application* form

Critical Information Inputs

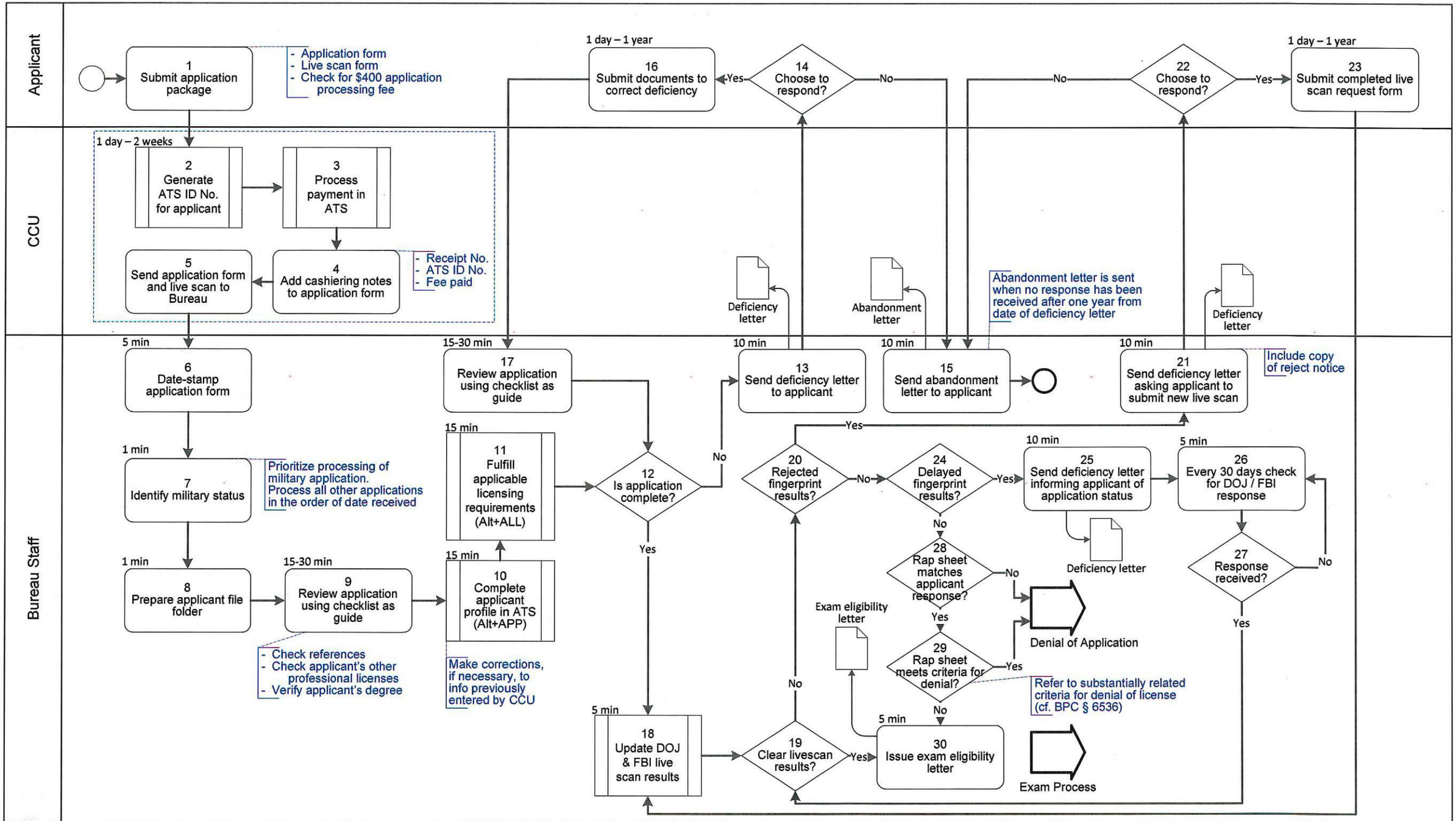
- Course title and date

Process Improvement Opportunities *(including applicable automation recommendations)*

- Currently, courses with passed dates are removed when they are noticed, which happens typically once a month. Suggest to establish a monthly course date-check routine.

Authority Cited

- 16 CCR § 4444. Approved Education Courses.
- 16 CCR § 4446. Approved Education Providers.
- 16 CCR § 4448. Requirements for Education Providers.
- BPC § 6518(b) – Requirement to maintain a current list of all approved classes



SOLID OCM	As-Is Initial Application	PFB 8 | Professional Fiduciaries Bureau	3/27/2017
	Approved on: 4-6-17 By: Tracy Montez (Tracy Montez)		FINAL

Narrative Description of Business Process

Trigger: Applicant submits application package.

1. Submit application package — *(N/A)*
2. Generate ATS ID No. for applicant
3. Process payment in ATS
4. Add cashiering notes to application form
5. Send application form and live scan to Bureau — *(1 day – 2 weeks)*
6. Date-stamp application form — *(5 minutes)*
7. Identify military status — *(1 minute)*
8. Prepare applicant file folder — *(1 minute)*
9. Review application using checklist as guide — *(15-30 minutes)*
10. Complete applicant profile in ATS. (Alt+APP) — *(15 minutes)*
11. Fulfill applicable licensing requirements. (Alt+ALL) — *(15 minutes)*
12. Is application complete? (if yes, proceed to step 18)
13. Send deficiency letter to applicant — *(10 minutes)*
14. Choose to respond? (if yes, proceed to step 16)
15. Send abandonment letter to applicant. (process ends) — *(10 minutes)*
16. Submit documents to correct deficiency — *(1 day – 1 year)*
17. Review application using checklist as guide — *(15-30 minutes)*
18. Update DOJ & FBI live scan results — *(5 minutes)*
19. Clear livescan results? (if yes, proceed to step 30)
20. Rejected fingerprint results? (if no, proceed to step 24)
21. Send deficiency letter asking applicant to submit new live scan — *(10 minutes)*
22. Choose to respond? (if no, proceed to step 15)
23. Submit completed live scan request form — *(1 day – 1 year)*
24. Delayed fingerprint results? (if no, proceed to step 28)
25. Send deficiency letter informing applicant of application status — *(10 minutes)*
26. Every 30 days check for DOJ / FBI response
27. Response received? (if no, return to step 26) — *(5 minutes)*
28. Rap sheet matches applicant response? (if no, proceed to ***Denial of Application***)
29. Rap sheet meets criteria for denial? (if yes, proceed to ***Denial of Application***)
30. Issue exam eligibility letter. (Proceed to ***Exam Process***) — *(5 minutes)*

End point: Application is either noted as abandoned, denied, or approved for exam eligibility.

Frequency: As needed
Volume: 9 new applications / month
Duration: 1 day - 2 weeks processing time for CCU
62-77 min for Bureau to process an application with no deficiencies
Add 3 mos. (average) response time from applicants to address deficiencies
Add 30 days (minimum) for delayed DOJ/FBI response

Associated Documents and Artifacts

- *Licensing Application Professional Fiduciary* form
- *Request for Live Scan Service* form
- Deficiency letter
- Abandonment letter
- Exam eligibility letter
- Application checklist

Critical Information Inputs

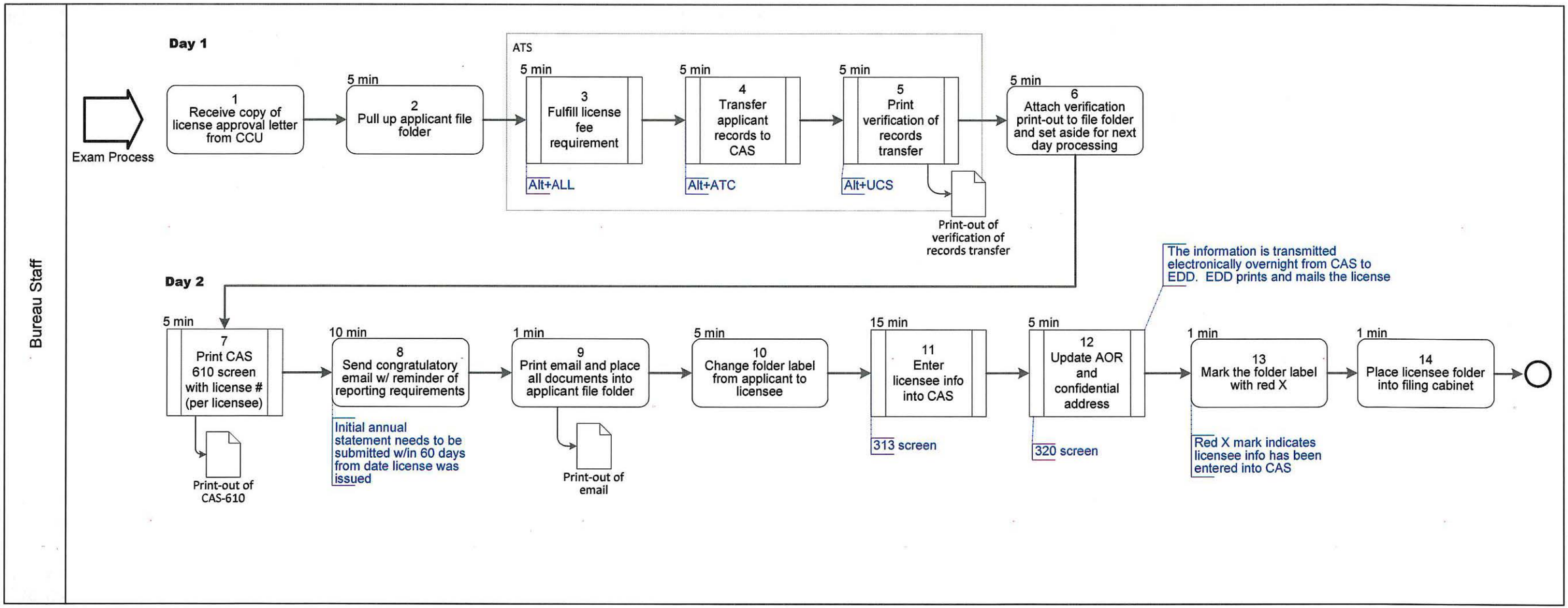
- Receipt Number
- Dollar Amount
- ATS ID Number
- Applicant personal data

Process Improvement Opportunities *(including applicable automation recommendations)*

- Consider using a log to track application statuses – to use for sending abandonment letters

Authority Cited

- Application for licensure - BPC § 6533, 16 CCR § 4422.
- Completed and signed application form - BPC 6533(i).
- Submission of criminal offender record information - BPC 6533(c), BPC 6533.5.
- Place of Filing - 16 CCR § 4420.
- Deficiency letter, exam eligibility letter - 16 CCR § 4424(a).
- Abandonment of application - 16 CCR § 4426(a).
- Application fee - BPC 6533(j), 16 CCR § 4580(a).
- Substantially-related criteria for denial of license – CCR § 4520, BPC § 6536



SOLID OCM	As-Is Issue License	PFB 9 | Professional Fiduciaries Bureau	3/27/2017
	Approved on: 7-6-17 By: Tracy Montez (Tracy Montez)		FINAL

Narrative Description of Business Process

Trigger: From the exam process, receive copy of license approval letter from CCU.

1. Receive copy of license approval letter from CCU
2. Pull up applicant file folder — *(5 minutes)*
3. Fulfill license fee requirement — *(5 minutes)*
4. Transfer applicant records to CAS — *(5 minutes)*
5. Print verification of records transfer — *(5 minutes)*
6. Attach verification print-out to file folder and set aside for next day processing — *(5 minutes)*
7. Print CAS 610 screen with license # (per licensee) — *(5 minutes)*
8. Send congratulatory email w/ reminder of reporting requirements — *(10 minutes)*
9. Print email and place all documents into applicant file folder — *(1 minute)*
10. Change folder label from applicant to licensee — *(5 minutes)*
11. Enter licensee info into CAS — *(15 minutes)*
12. Update AOR and confidential address — *(5 minutes)*
13. Mark the folder label with red X — *(1 minute)*
14. Place licensee folder into filing cabinet — *(1 minute)*

End point: Place licensee folder into filing cabinet.

Frequency: As needed
Volume: 7 licenses issued per month.
Duration: Task time 68 minutes per file over two days.
Processing time one week from receipt of license approval letter from CCU to issuance of license.

Associated Documents and Artifacts

- License Approval Letter
- Print-out of verification of records transfer from ATS
- Print-out of screen 610 from CAS
- Printout of congratulatory email

Critical Information Inputs

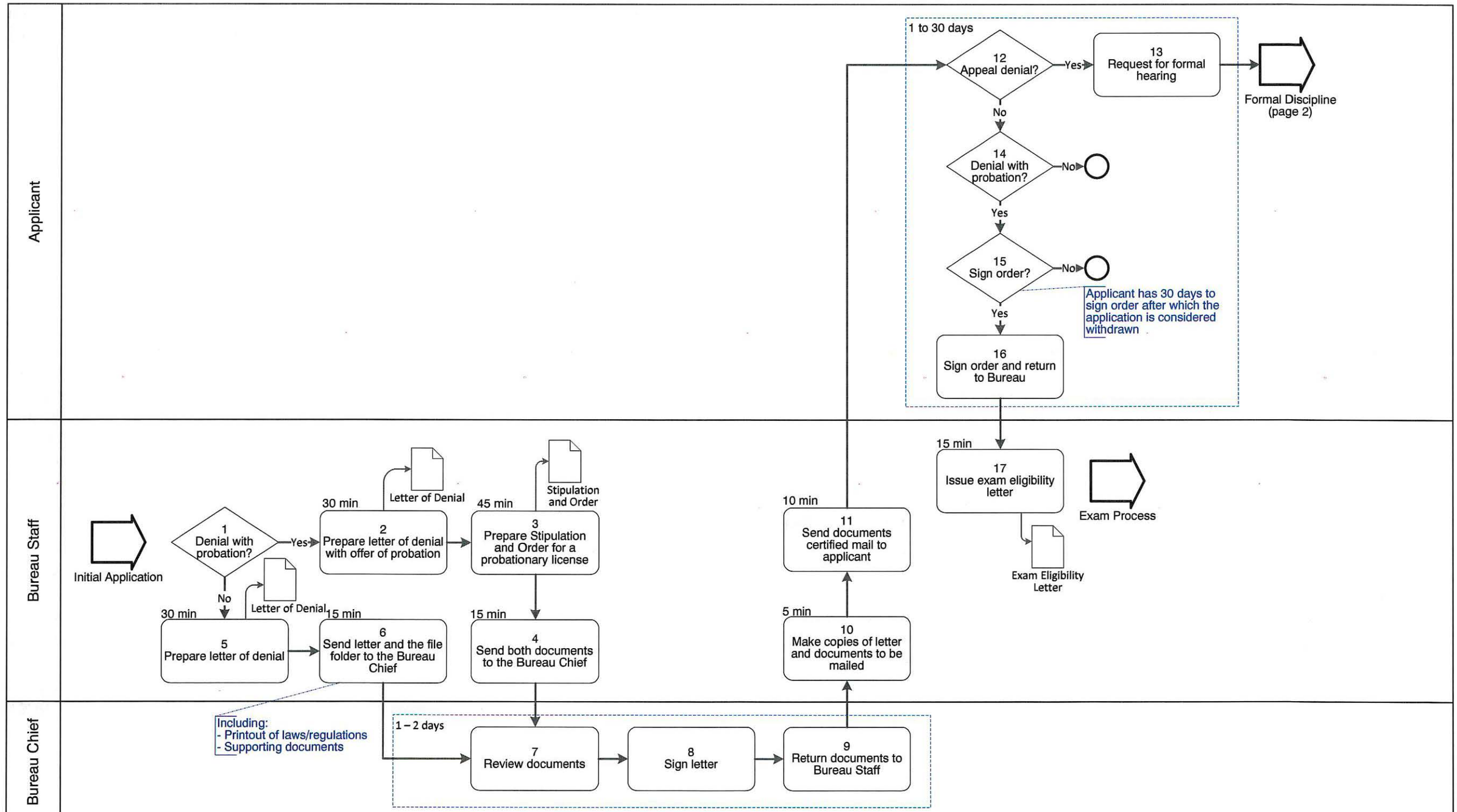
- CCU receipt number
- Payment amount
- Licensee ATS number

Process Improvement Opportunities (including applicable automation recommendations)

- None at this time

Authority Cited

- CCR § 4424



SOLID OCM	As-Is Denial of Application	PFB 10 | Professional Fiduciaries Bureau	3/27/2017
	Approved on: 4-6-17 By: Tracy Montez (Tracy Montez)		FINAL

Narrative Description of Business Process

Trigger: Bureau Staff decides whether to straight deny or deny applicant with probation.

1. Denial with probation? (if no, proceed to step 5)
2. Prepare letter of denial with offer of probation — *(30 minutes)*
3. Prepare Stipulation and Order for a probationary license — *(45 minutes)*
4. Send both documents to the Bureau Chief — *(15 minutes)*
5. Prepare letter of denial — *(30 minutes)*
6. Send letter and the file folder to the Bureau Chief — *(15 minutes)*
7. Review documents
8. Sign letter
9. Return documents to Bureau Staff

   (1 to 2 days)
10. Make copies of letter and documents to be mailed — *(5 minutes)*
11. Send documents certified mail to applicant — *(10 minutes)*
12. Appeal denial? (if no, proceed to step 14)
13. Request for formal hearing. (Proceed to ***Formal Discipline*** process, page 2)
14. Denial with probation? (if no, process ends)
15. Sign order? (if no, process ends. Application is considered withdrawn)
16. Sign order and return to Bureau

    (30 days)
17. Issue exam eligibility letter. (Proceed to ***Exam Process***) — *(15 minutes)*

End point: Applicant either receives denial letter or denial with probation letter. If the latter, applicant needs to sign Stipulation & Order for a Probationary License and return it to the Bureau for the ***Exam Process*** to commence.

Frequency: As needed
Volume: 1-2 application denials (with or without probation) processed per month
Duration: 2.75 hours for the process
Possible waiting time 32 days

Associated Documents and Artifacts

- Letter of Denial
- Stipulation & Order for a Probationary License
- Exam Eligibility Letter
- Print-out of laws and regulations

Critical Information Inputs

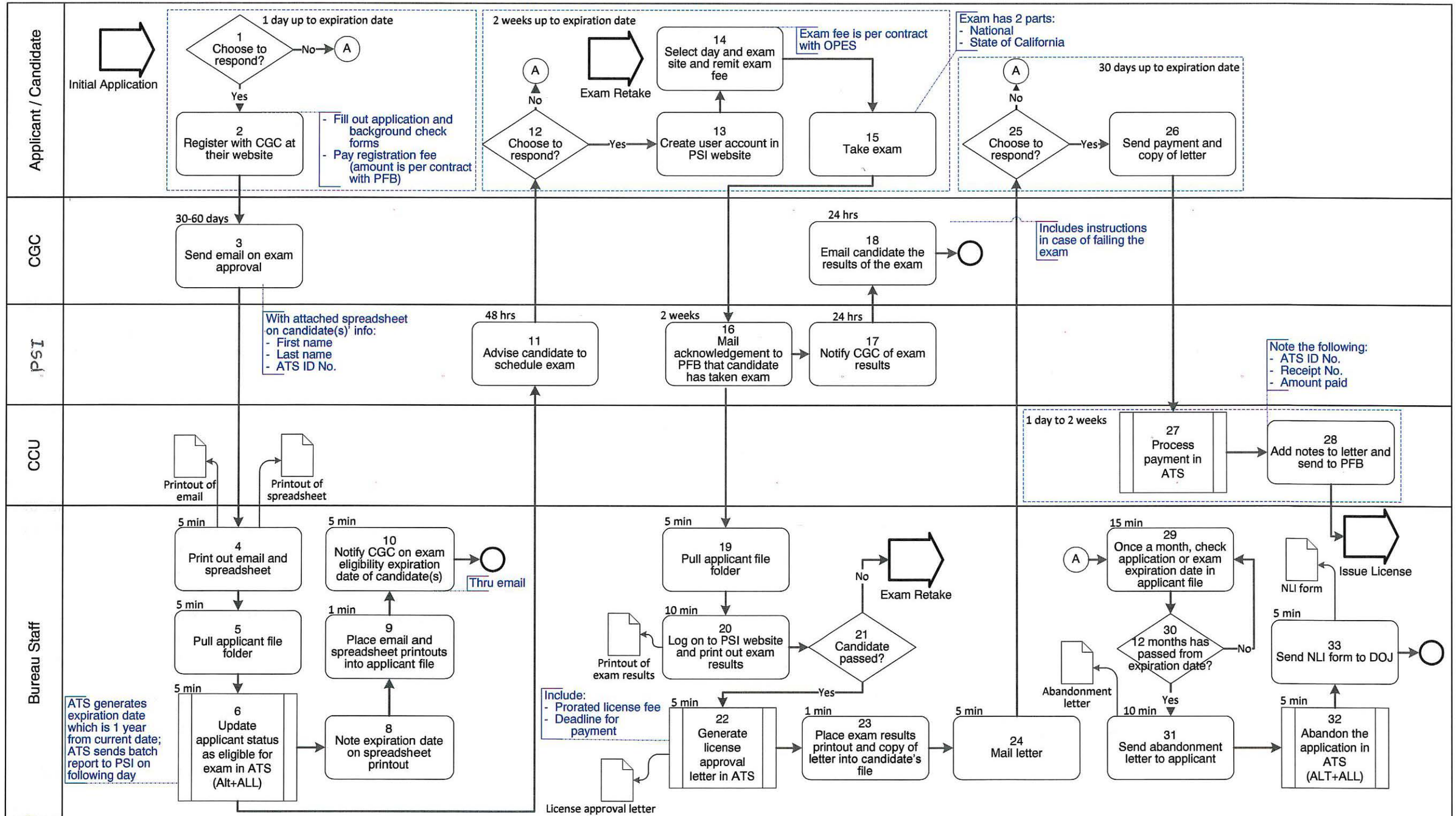
- Reasons for denial of license
- Laws and regulations supporting denial

Process Improvement Opportunities *(including applicable automation recommendations)*

- Keep log of denials

Authority Cited

- BPC §§ 6535, 6536, 6537, 6580, 6582.2, and 6584
- CCR § 4520



SOLID OCM	As-Is Exam Process	PFB 11 | Professional Fiduciaries Bureau	3/27/2017
	Approved on: 4-6-17 By: Tracy Montez (Tracy Montez)		FINAL

Narrative Description of Business Process

Trigger: Links from ***Initial Application*** process.

1. Choose to respond? (If no, proceed to step 29)
2. Register with CGC at their website

(1 day to 1 year)

3. Send email on exam approval — *(30-60 days)*
4. Print out email and spreadsheet — *(5 minutes)*
5. Pull up applicant file folder — *(5 minutes)*
6. Update applicant status as eligible for exam — *(5 minutes)*
7. ATS generates expiration date, sends batch report to PSI the next day — *(1 day)*
8. Note expiration date on spreadsheet printout — *(1 minute)*
9. Place email and spreadsheet printouts into applicant file — *(1 minute)*
10. Notify CGC on exam eligibility expiration date of candidate(s) — *(5 minutes)*
11. Advise candidate to schedule exam with PSI — *(Within 48 hours)*
12. Choose to respond? (If no, proceed to step 29)
13. Create user account in PSI website
14. Select day and exam site and remit exam fee
15. Take exam

(2 weeks to 1 year)

16. Mail acknowledgement that candidate has taken exam — *(Up to 2 weeks)*
17. Notify CGC of exam results — *(24 hours)*
18. Email candidate the results of the exam — *(24 hours)*
19. Pull up applicant file folder — *(5 minutes)*
20. Log on to PSI website and print out exam results
21. Candidate passed? (If no, proceed to ***Exam Retake*** process)

(10 minutes)

22. Generate license approval letter — *(5 minutes)*
23. Place exam results printout and copy of letter into candidate's file — *(1 minute)*
24. Mail letter — *(5 minutes)*
25. Choose to respond? (If no, proceed to step 29)
26. Send payment and copy of letter — *(30 days to 1 year)*
27. Process payment in ATS
28. Add notes to letter and send to PFB. (Links to ***Issue License*** process)

(1 day to 2 weeks)

29. Once a month, check application or exam expiration date in applicant file
30. 12 months has passed from expiration date?

(15 minutes)

Narrative Description of Business Process (cont'd)

31. Send abandonment letter to applicant — *(10 minutes)*
32. Abandon the app in ATS. (ALT+ALL) — *(5 minutes)*
33. Send NLI form to DOJ — *(5 minutes)*

End point: Completed process with no deficiencies links to ***Issue License*** process.

Frequency: As recceived
Volume: 15 initial exams / month
Duration: 60 days minimum
1 year maximum

Associated Documents and Artifacts

- Printout of email from CGC
- Spreadsheet of applicants approved to take the exam
- Printout of PSI exam results
- License approval letter
- Abandonment letter to applicant
- NLI (No Longer Interested) form
- Printout of ATS Alt-ALL screen showing abandonment of application

Critical Information Inputs

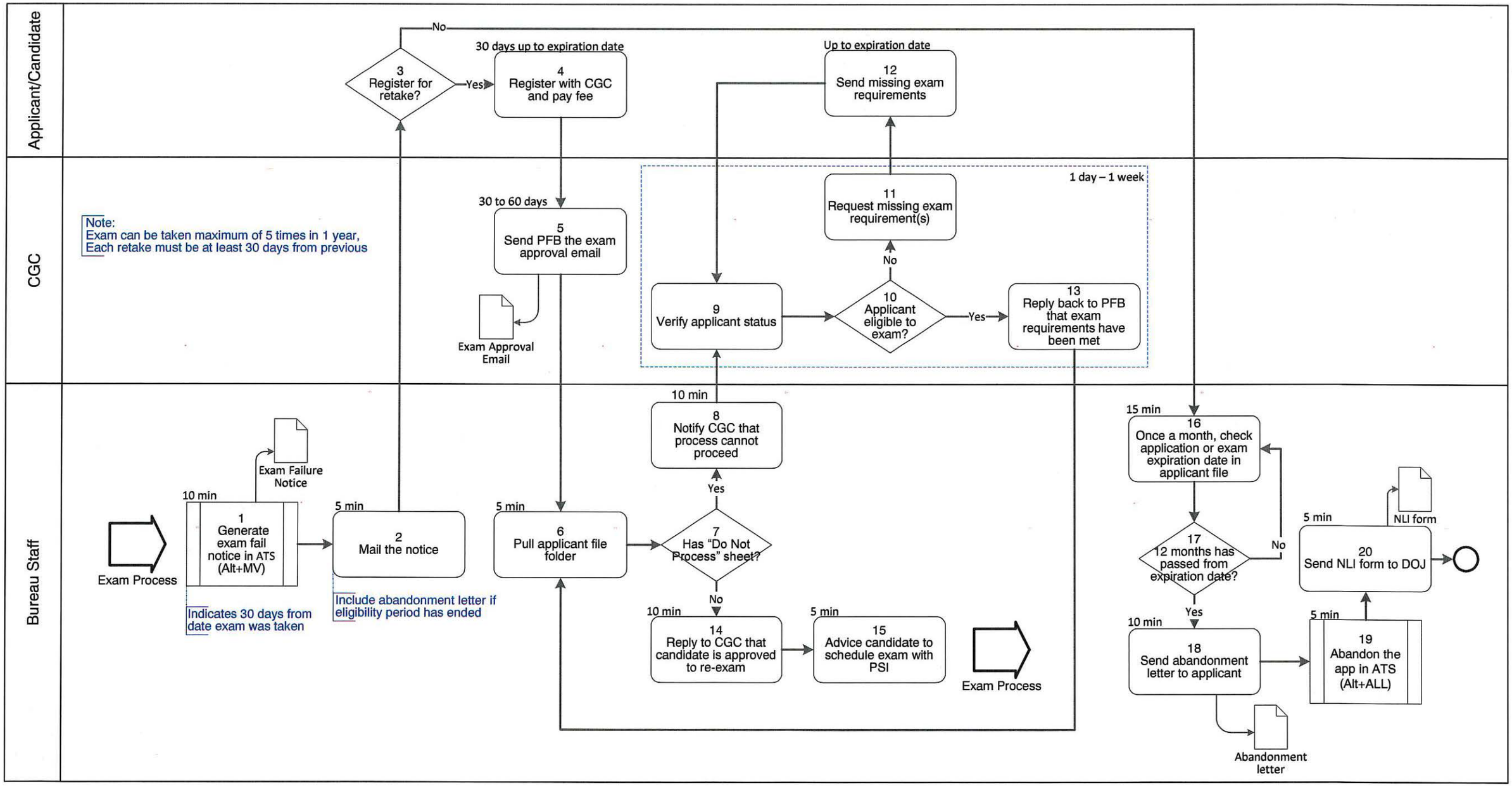
- ATS ID Number

Process Improvement Opportunities *(including applicable automation recommendations)*

- Look into ATS for feature to track aging for abandonment of application and to automatically notify PFB of applications passing 12-month mark

Authority Cited

- Business and Professions Code §§ 6592, 6518(c)
- California Code of Regulations §§ 4426, 4500



SOLID OCM	As-Is Exam Retake	PFB 12 | Professional Fiduciaries Bureau	3/27/2017
	Approved on: 4-6-17 By: (Tracy Montez)		FINAL

Narrative Description of Business Process

Trigger: Applicant fails one or both parts of the exam.

1. Generate exam fail notice in ATS (Alt+MV) — *(10 minutes)*
2. Mail the notice — *(5 minutes)*
3. Register for retake? (If no, proceed to step 15)
4. Register with CGC and pay fee — *(30 days up to expiration date)*
5. Send PFB the exam approval email — *(30 to 60 days)*
6. Pull applicant file folder
7. Has "Do Not Process" sheet? (if no, proceed to step 14) — *(5 minutes)*
8. Notify CGC that process cannot proceed — *(10 min)*
9. Verify applicant status
10. Applicant eligible to exam? (if yes, proceed to step 13)
11. Request missing exam requirement(s)
12. Send missing exam requirements — *(Up to expiration date)*
13. Reply back to PFB that exam requirements have been met — *(1 day – 1 week)*
14. Reply to CGC that candidate is approved to re-exam — *(10 minutes)*
15. Advice candidate to schedule exam with PSI — *(5 minutes)*
16. Once a month, check application or exam expiration date in applicant file
17. 12 months has passed from expiration date? — *(15 minutes)*
18. Send abandonment letter to applicant — *(10 minutes)*
19. Abandon the app in ATS. (Alt+ALL) — *(5 minutes)*
20. Send NLI form to DOJ — *(5 minutes)*

End point: CGC is advised that applicant is approved to re-exam.

Frequency: As received
Volume: 20 per month
Duration: 30 days minimum
Timing of applicant response could extend process up to expiration date

Associated Documents and Artifacts

- Exam failure notice
- CGC exam approval email
- Abandonment letter
- NLI (No Longer Interested) form

Critical Information Inputs

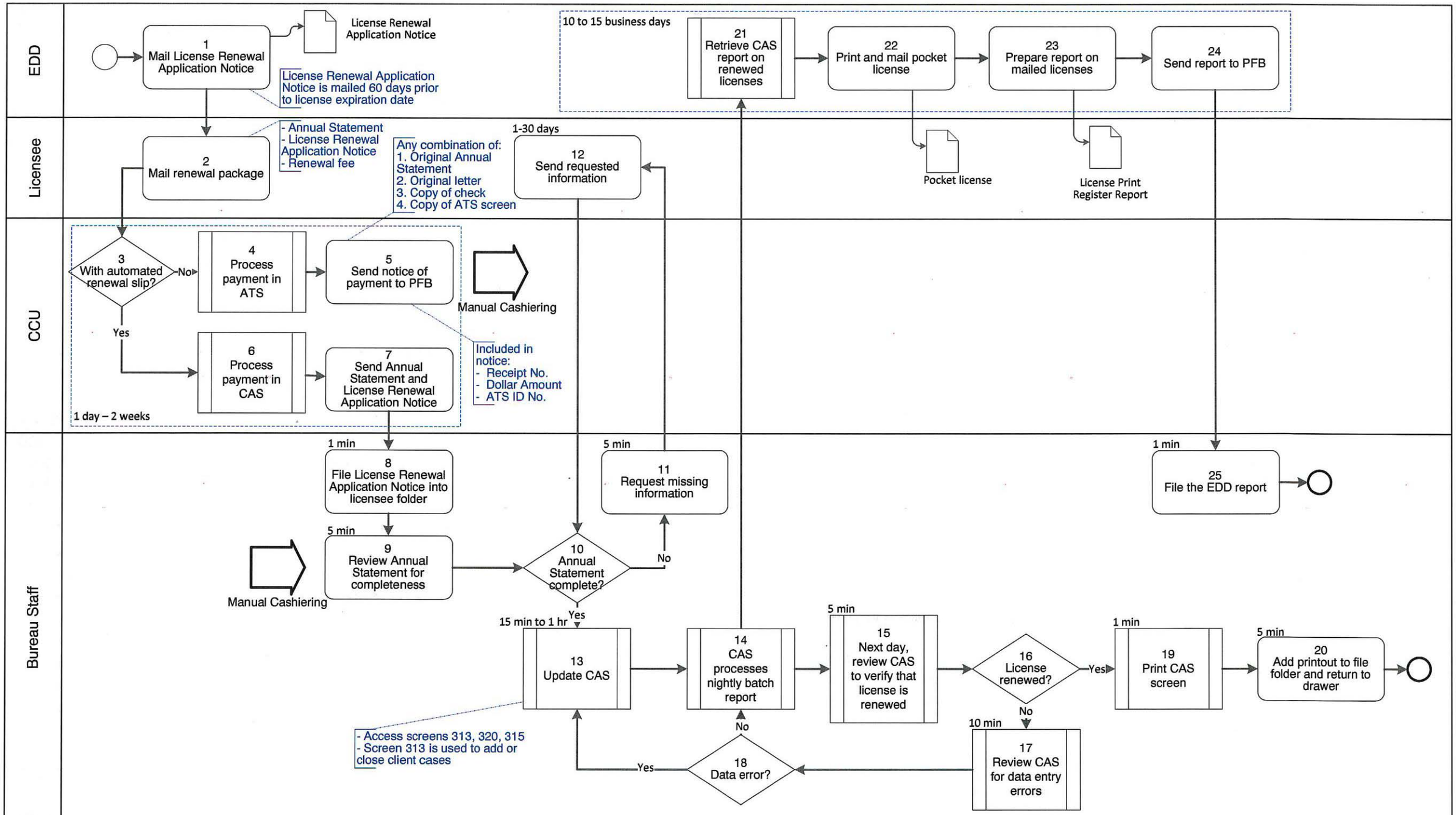
- Exam failure date
- CGC exam approval email

Process Improvement Opportunities *(including applicable automation recommendations)*

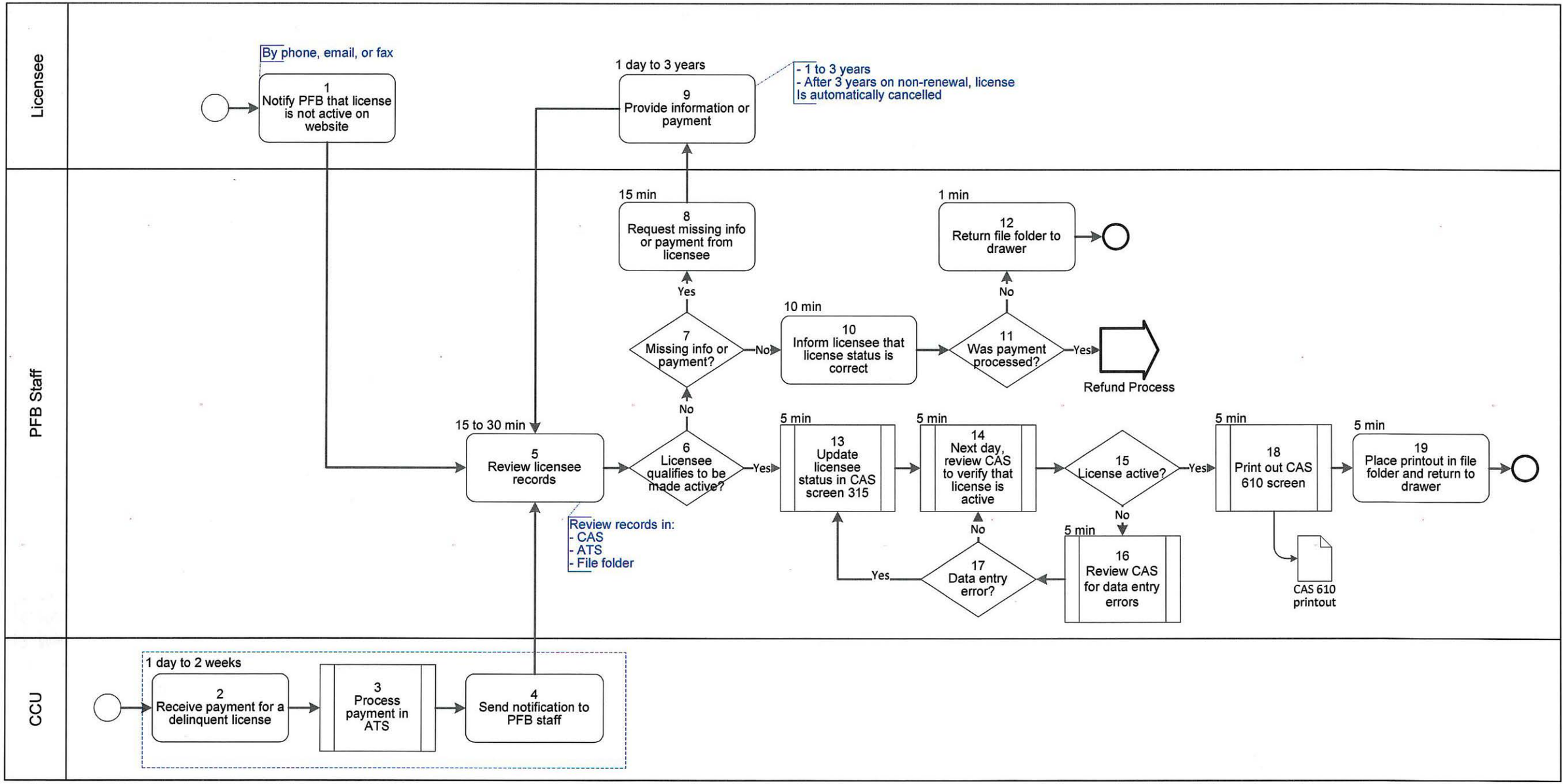
- Replace Post-it notes with a digital/automatic tracking process such as Outlook/ATS reminders to track when exam re-take periods expire

Authority Cited

- Business and Professions Code (Chapter 6, Article 3, Section 6539)
- Business and Professions Code (Chapter 6, Article 6, Section 6592)
- California Code of Regulations §§ 4426(a) and 4500(a)



SOLID OCM	As-Is License Renewal	PFB 13 | Professional Fiduciaries Bureau	3/27/2017
	Approved on: 4-6-17 By: (Tracy Montez)		FINAL



SOLID OCM	As-Is Set to Active	PFB 14 | Professional Fiduciaries Bureau	3/27/2017
	Approved on: 4-6-17 By: Tracy Montez (Tracy Montez)		FINAL

Narrative Description of Business Process

Trigger: Licensee notifies PFB staff that his/her license is inactive or CCU receives a payment for a delinquent license.

1. Notify PFB that license is not active on website — *(N/A)*
2. Receive payment for a delinquent license
3. Process payment in ATS
4. Send notification to PFB staff
   — *(1 day – 2 weeks)*
5. Review licensee records
6. Licensee qualifies to be made active? (if yes, proceed to step 13)
7. Missing info or payment? (if no, proceed to step 10)
   — *(15-30 minutes)*
8. Request missing info or payment from licensee — *(15 minutes)*
9. Provide information or payment — *(1 to 3 years)*
10. Inform licensee that license status is correct — *(10 minutes)*
11. Was payment processed? (if yes, proceed to ***Refund Process***)
12. Return file folder to drawer (Process complete) — *(1 minute)*
13. Update licensee status in CAS screen 315 — *(5 minutes)*
14. Next day, review CAS to verify that license is active
15. License active? (if yes, proceed to step 18)
    — *(5 minutes)*
16. Review CAS for data entry errors
17. Data entry error? (if yes, proceed to step 13; if no, proceed to step 14)
    — *(5 minutes)*
18. Print out CAS 610 screen — *(5 minutes)*
19. Place printout in file folder and return to drawer — *(5 minutes)*

End point: PFB staff activates license or informs licensee that inactive license status is correct.

Frequency: As needed
Volume: 5 requests / month
Duration: 66 minutes for the process
Possible wait time of 1 day to 2 weeks

Associated Documents and Artifacts

- Payment for delinquent license
- Licensee file
- CAS 610 printout

Critical Information Inputs

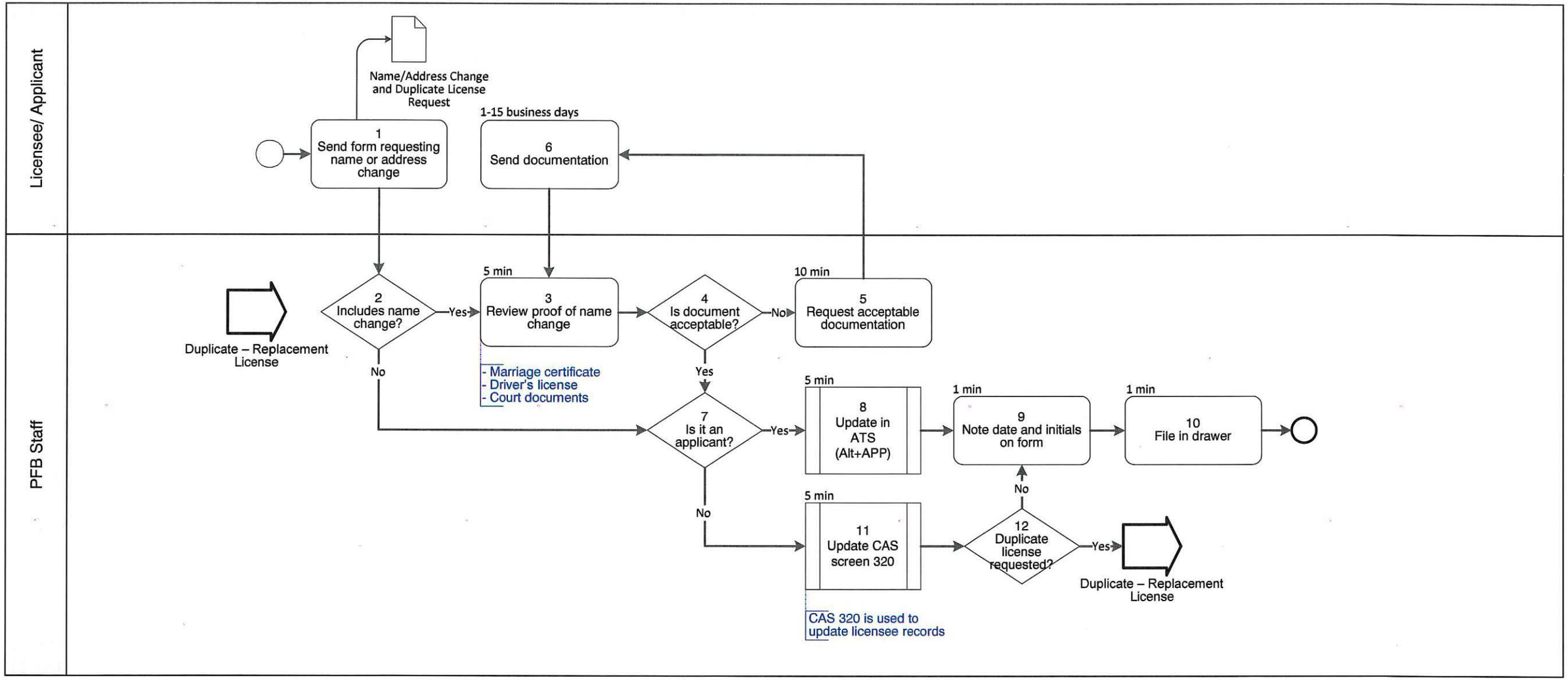
- Status code (if applicable)

Process Improvement Opportunities *(including applicable automation recommendations)*

- None at this time

Authority Cited

- California Regulations Code § 4562



SOLID OCM	As-Is Change of Name/Address	PFB 15 | Professional Fiduciaries Bureau	3/27/2017
	Approved on: 4-6-17 By: Tracy Montez (Tracy Montez)		FINAL

Narrative Description of Business Process

Trigger: Applicant or licensee sends form requesting a name or address change. May also triggered by ***Duplicate/ Replacement License*** process.

1. Send form requesting name or address change *(N/A)*
2. Includes name change? (if no, proceed to step 7; ***Duplicate/ Replacement License*** process links to this step)
3. Review proof of name change *(5 minutes)*
4. Is document acceptable? (if yes, proceed to step 7)
5. Request acceptable documentation *(10 minutes)*
6. Send documentation *(1-15 business days)*
7. Is it an applicant? (if no, proceed to step 11)
8. Update in ATS. (Alt+APP) *(5 minutes)*
9. Note date and initials on form *(1 minute)*
10. File in drawer. (process ends) *(1 minute)*
11. Update CAS screen 320 *(5 minutes)*
12. Duplicate license requested? (if yes, proceed to ***Duplicate/ Replacement License*** process; if no, proceed to step 9)

End point: PFB staff updates CAS or ATS as required, then returns file to drawer. Return to ***Duplicate/ Replacement License*** process if this was the trigger.

Frequency: As needed
Volume: 10 per month
Duration: 27 minutes to process

Associated Documents and Artifacts

- Name/Address Change and Duplicate License Request
- Marriage certificate, driver's license, or court documents

Critical Information Inputs

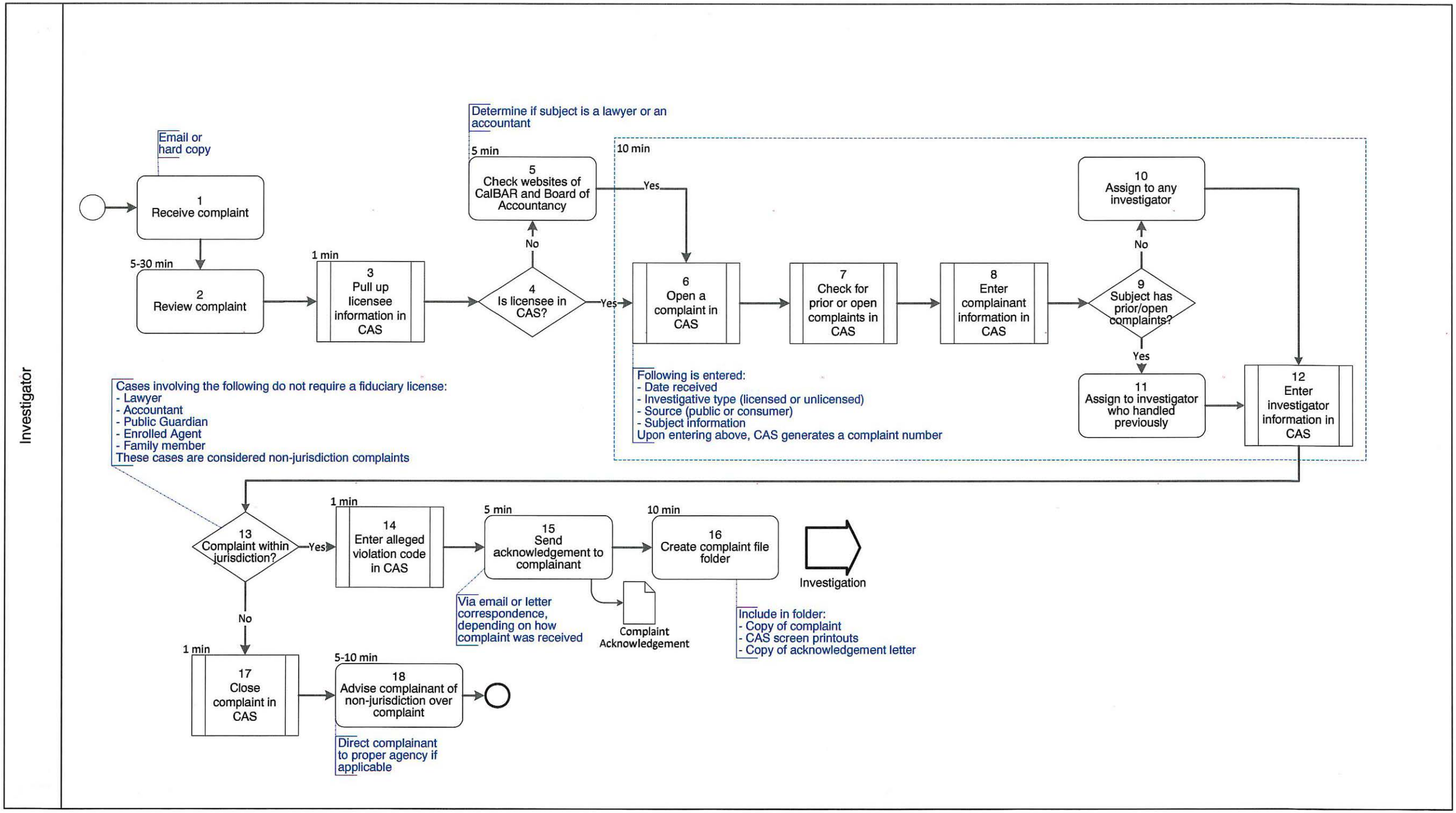
- New name/address information

Process Improvement Opportunities *(including applicable automation recommendations)*

- None at this time

Authority Cited

- CCR § 4404



SOLID OCM	As-Is Complaint Intake Process	PFB 16 | Professional Fiduciaries Bureau	3/27/2017
	Approved on: 4-6-17 By: Tracy Montez (Tracy Montez)		FINAL

Narrative Description of Business Process

Legend:
min – minutes d – days
h – hours mo – months
y - years

Trigger: A complaint is received.

1. Receive complaint
2. Review complaint — *(5-30 min)*
3. Pull up licensee information in CAS
4. Is licensee in CAS? (if yes, proceed to step 6) — *(1 min)*
5. Check websites of CalBAR and Board of Accountancy — *(5 min)*
6. Open a complaint in CAS
7. Check for prior or open complaints in CAS
8. Enter complainant information in CAS
9. Subject has prior/open complaints? (if yes, proceed to step 11) — *(10 min)*
10. Assign to any investigator
11. Assign to investigator who handled previously
12. Enter investigator information in CAS
13. Complaint within jurisdiction? (if no, proceed to step 17)
14. Enter alleged violation code in CAS — *(1 min)*
15. Send acknowledgement to complainant — *(5 min)*
16. Create complaint file folder. (Proceed to ***Investigation*** process) — *(10 min)*
17. Close complaint in CAS — *(1 min)*
18. Advise complainant of non-jurisdiction over complaint — *(5-10 min)*

End point: If within jurisdiction, case proceeds to ***Investigation*** process. Else the Bureau advises complainant of non-jurisdiction over the complaint.

Frequency: 2 to 3 complaints per week
Volume: 140 complaints per year
Duration: 43-73 min

Associated Documents and Artifacts

- Complaint Acknowledgement letter
- CalBar or Accountancy website printout

Critical Information Inputs

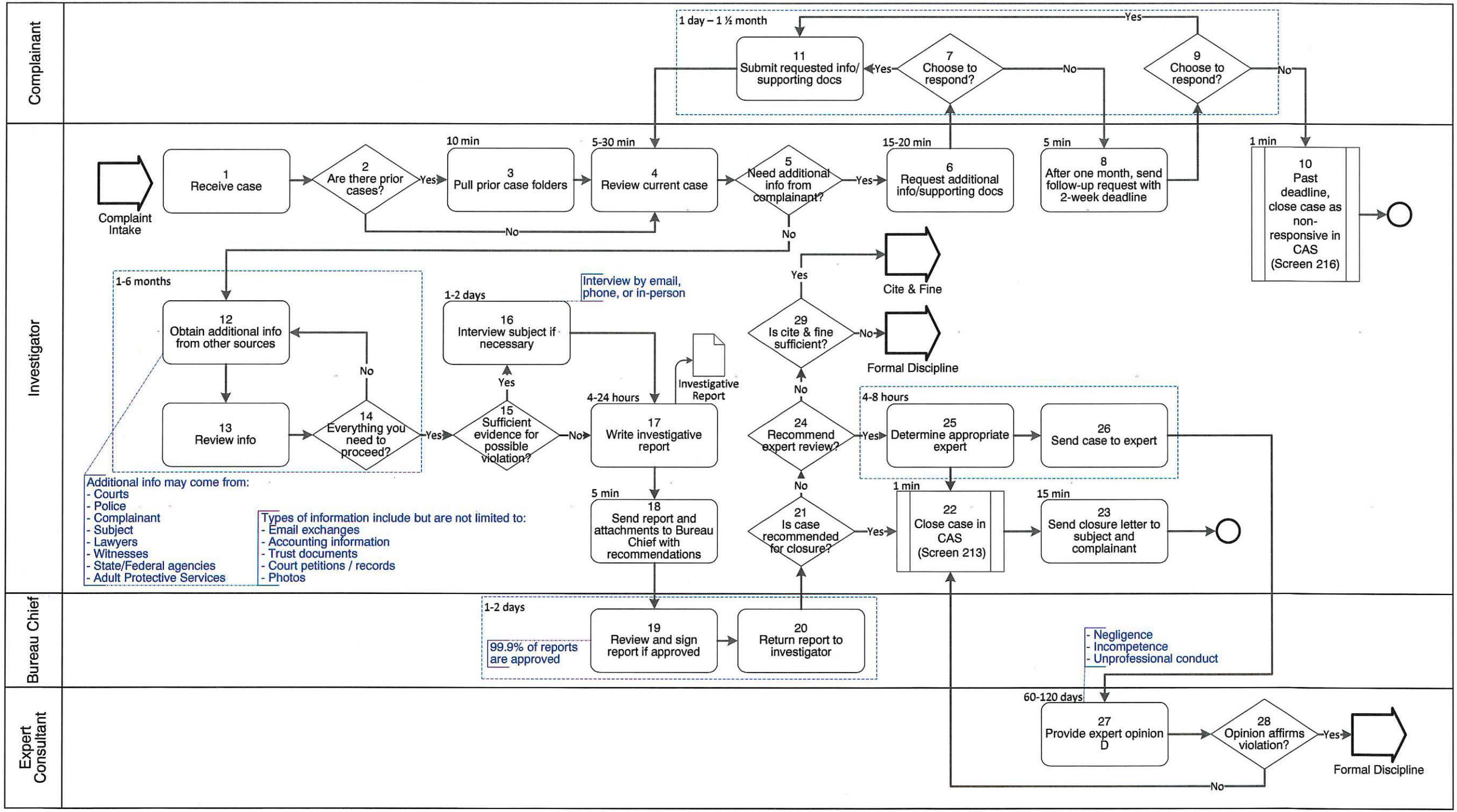
- License Number
- Subject info
- Complaint details

Process Improvement Opportunities *(including applicable automation recommendations)*

- None at this time

Authority Cited

- Business and Professions Code § 6530, 6531, and 6580
- Probate Code § 60.1



SOLID OCM	As-Is Investigation	PFB 17 | Professional Fiduciaries Bureau	3/27/2017
	Approved on: 4-6-17 By: (Tracy Montez)		FINAL

Narrative Description of Business Process

Legend:
min – minutes d – days
h – hours mo – months
y - years

Trigger: Investigator receives a case from ***Complaint Intake*** process.

1. Receive case
2. Are there prior cases? (if none, proceed to step 4) — *(10 min)*
3. Pull prior case folders
4. Review current case
5. Need additional info from complainant? (if no, proceed to step 12) — *(5-30 min)*
6. Request additional info/ supporting docs — *(15-20 min)*
7. Choose to respond? — *(1d – 1½ mo)*
8. After one month, send follow-up request with 2-week deadline — *(5 min)*
9. Choose to respond?
10. Past deadline, close case as non-responsive in CAS. (Screen 216) — *(1 min)*
11. Submit requested info/supporting docs
12. Obtain additional info from other sources
13. Review info
14. Everything you need to proceed? — *(1-6 mo)*
15. Sufficient evidence for possible violation?
16. Interview subject if necessary — *(1-2 d)*
17. Write investigative report — *(4-24 h)*
18. Send report and attachments to Bureau Chief with recommendations — *(5 min)*
19. Review and sign report if approved
20. Return report to investigator — *(1-2 d)*
21. Is case recommended for closure?
22. Close case in CAS. (Screen 213) — *(1 min)*
23. Send closure letter to subject and complainant — *(1 min)*
24. Recommend expert review? — *(1 min)*
25. Determine appropriate expert
26. Send case to expert — *(1 min)*
27. Provide expert opinion D — *(60-100 d)*
28. Opinion affirms violation?
29. Is cite & fine sufficient?

End point: Case is either closed or is sent to ***Formal Discipline*** process.

Frequency: Everyday
Volume: 140 cases / year
Duration: 1 to 8 mo
Add 60-100 d if expert opinion is required

Associated Documents and Artifacts

- Email exchanges
- Accounting information
- Trust documents
- Court petitions/records
- Photos
- Subpoenas
- Investigation report

Critical Information Inputs

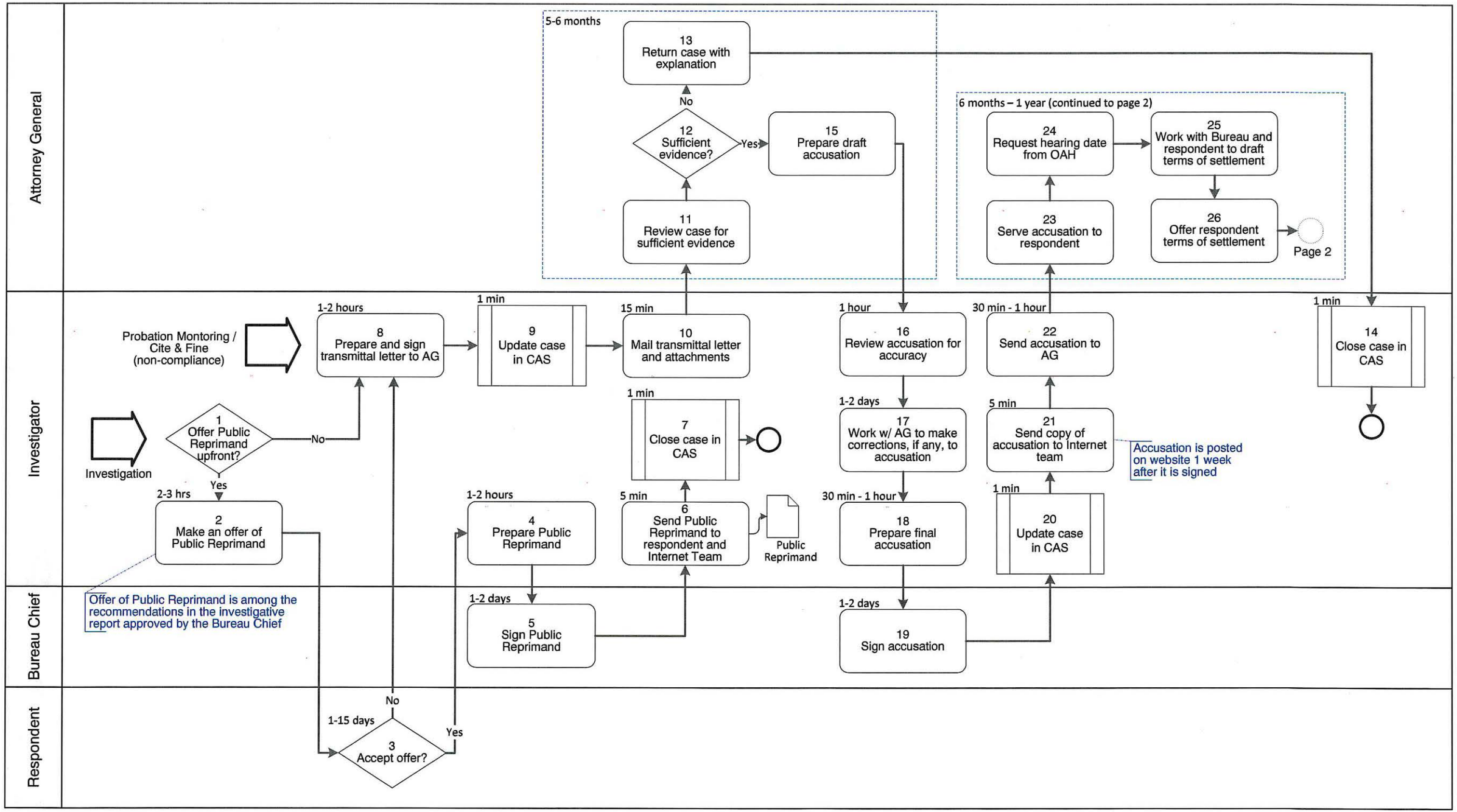
- Case Number

Process Improvement Opportunities *(including applicable automation recommendations)*

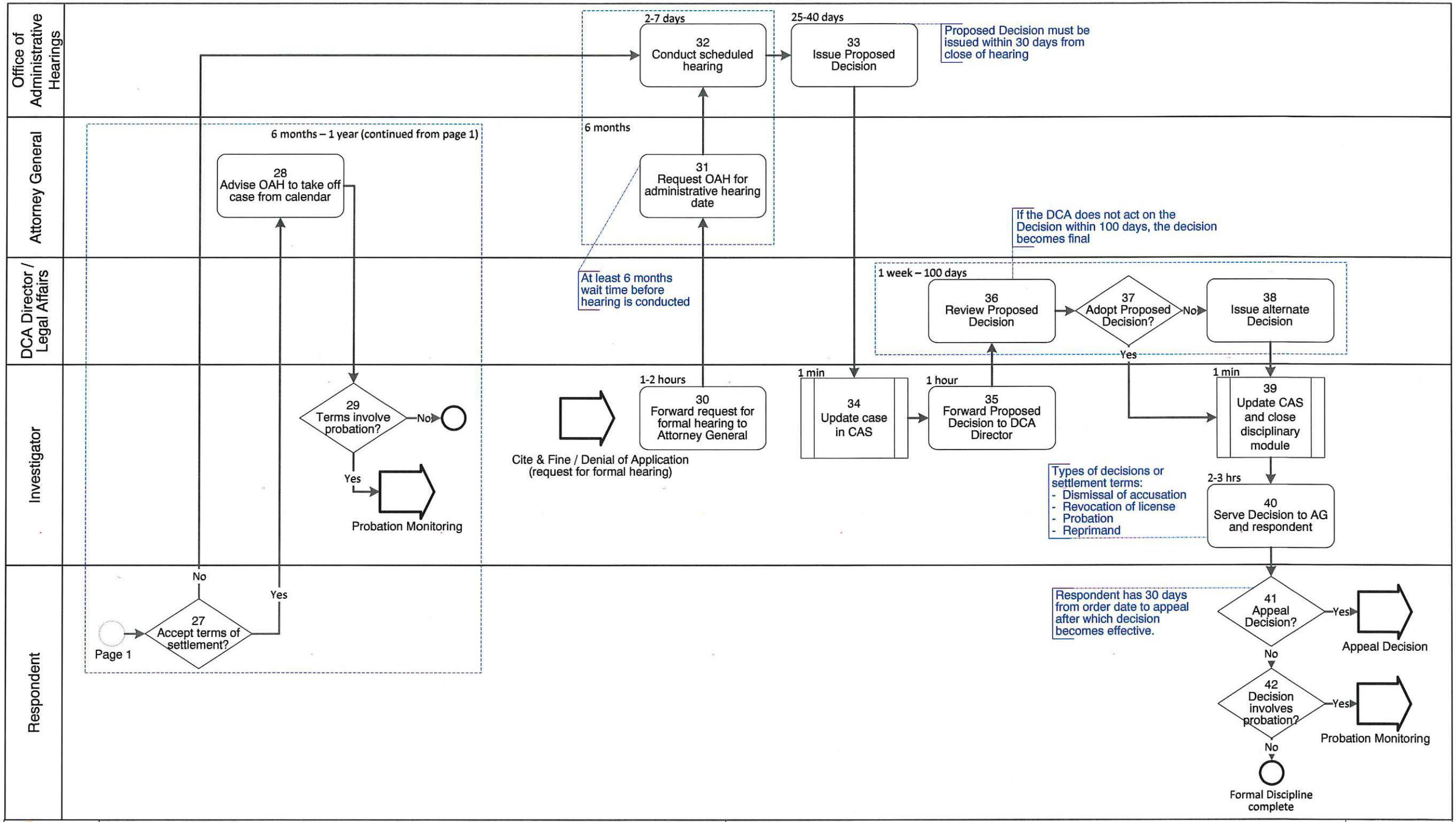
- A system to track the time spent on the investigation for purposes of cost recovery

Authority Cited

- Business and Professions Code § 6530, 6531, and 6580
- Probate Code § 60.1



SOLID OCM	As-Is Formal Discipline (page 1)	PFB 18 | Professional Fiduciaries Bureau	3/27/2017
	Approved on: 4-6-17 By: (Tracy Montez)		FINAL



SOLID OCM	As-Is Formal Discipline (page 2)	PFB 18 | Professional Fiduciaries Bureau	3/27/2017
	Approved on: 4-17-17 By: Tracy Montez (Tracy Montez)		FINAL

Narrative Description of Business Process

Legend:
min – minutes d – days
h – hours mo – months
y - years

Trigger: Links from ***Investigation*** process.

1. Offer Public Reprimand upfront?
2. Make an offer of Public Reprimand — *(2-3 h)*
3. Accept offer? — *(1-15 d)*
4. Prepare Public Reprimand — *(1-2 h)*
5. Sign Public Reprimand — *(1-2 d)*
6. Send Public Reprimand to respondent and Internet Team — *(5 min)*
7. Close case in CAS — *(1 min)*
8. Prepare and sign transmittal letter to AG — *(1-2 h)*
9. Update case in CAS — *(1 min)*
10. Mail transmittal letter and attachments — *(15 min)*
11. Review case for sufficient evidence
12. Sufficient evidence?
13. Return case with explanation — *(5-6 mo)*
14. Close case in CAS — *(1 min)*
15. Prepare draft accusation
16. Review accusation for accuracy — *(1 h)*
17. Work w/ AG to make corrections, if any, to accusation — *(1-2 d)*
18. Prepare final accusation — *(30 min - 1 h)*
19. Sign accusation — *(1-2 d)*
20. Update case in CAS — *(1 min)*
21. Send copy of accusation to Internet team — *(5 min)*
22. Send accusation to AG — *(30 min - 1 h)*
23. Serve accusation to respondent
24. Request hearing date from OAH — *(6 mo - 1 y)*
25. Work with Bureau and respondent to draft terms of settlement
26. Offer respondent terms of settlement
27. Accept terms of settlement?
28. Advise OAH to take off case from calendar
29. Terms involve probation?
30. Forward request for formal hearing to Attorney General — *(1-2 h)*
31. Request OAH for administrative hearing date — *(6 mo)*
32. Conduct scheduled hearing — *(2-7 d)*
33. Issue Proposed Decision — *(25-40 d)*

Narrative Description of Business Process (cont'd)

34. Update case in CAS — *(1 min)*
35. Forward Proposed Decision to DCA Director — *(1 h)*
36. Review Proposed Decision
37. Adopt Proposed Decision? — *(1 wk - 100 d)*
38. Issue alternate Decision
39. Update CAS and close disciplinary module — *(1 min)*
40. Serve Decision to AG and respondent — *(1 min)*
41. Appeal Decision?
42. Decision involves probation?

End point: Decision becomes effective from 30 days date of order. Process may continue on to ***Appeal Decision*** or to ***Probation Monitoring***.

Frequency: As needed
Volume: 2 or 3 times a year
Duration: 4 to18 days – Issuance of Public Reprimand
6 months – Case where AG finds insufficient evidence
1 to 1 ½ years – Case where AG finds sufficient evidence and serves an accusation that respondent accepts; add 5 weeks to 5 months if respondent appeals accusation

Associated Documents and Artifacts

- Public reprimand
- Transmittal letter and attachments
- Proposed and final decision
- Draft and final accusation

Critical Information Inputs

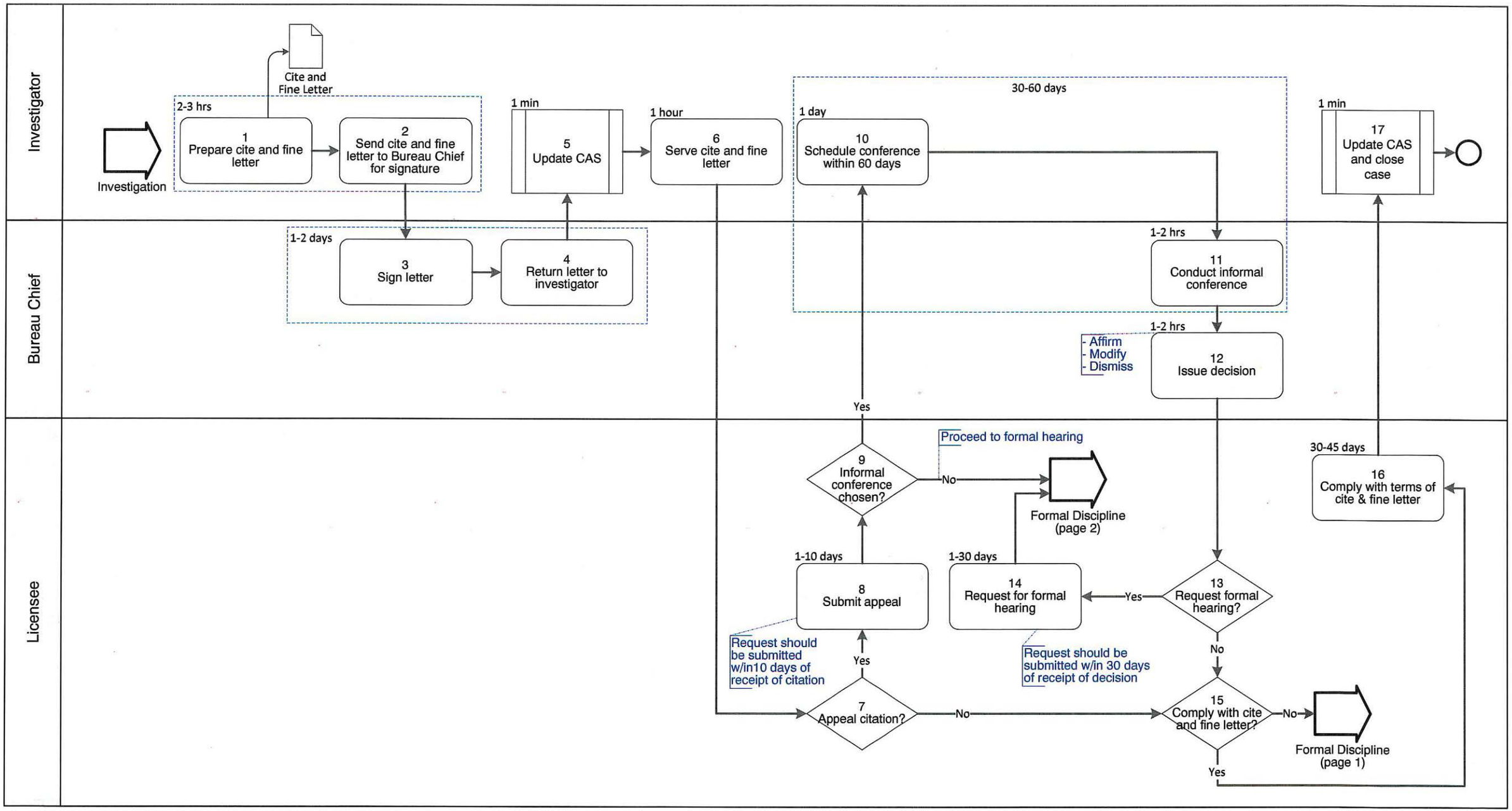
- Case number

Process Improvement Opportunities *(including applicable automation recommendations)*

- CAS is cumbersome to use and requires a steep learning curve

Authority Cited

- Administrative Procedure Act as part of the Government Code §§ 11415.10 – 11415.60
- Business and Professions Code §§ 118, 125.3, 125.9, 480, 495, 6580, 6582, 6582.2, 6582.5, 6583, and 6584
- California Code Regulations §§ 4442, 4444, 4452, 4470, 4472, 4474, 4476, 4478, 4480, 4482, 4484, 4600, 4620, and 4622



SOLID OCM	As-Is Cite and Fine	PFB 19 | Professional Fiduciaries Bureau	3/27/2017
	Approved on: 4-4-17 By: Tracy Montez (Tracy Montez)		FINAL

Narrative Description of Business Process

Trigger: **From the Investigation process**, the investigator prepares the cite and fine letter.

1. Prepare cite and fine letter
2. Send cite and fine letter to Bureau Chief for signature — *(2-3 hours)*
3. Sign letter
4. Return letter to investigator — *(1-2 days)*
5. Update CAS — *(1 minute)*
6. Serve cite and fine letter — *(1 hour)*
7. Appeal citation? (if no, proceed to step 15)
8. Submit appeal — *(1-10 days)*
9. Informal conference path? (if no, proceed to step 14)
10. Schedule conference within 60 days — *(1 day)*
11. Conduct informal conference — *(1-2 hours)* — *(30-60 days)*
12. Issue decision — *(1-2 hours)*
13. Request formal hearing? (if no, proceed to step 15)
14. Request for formal hearing. — *(1-30 days)*
    (Proceed to ***Formal Discipline***, page 2)
15. Comply with cite and fine letter?
    (if no, proceed to ***Formal Discipline***, page 1)
16. Comply with terms of cite & fine letter — *(30-45 days)*
17. Update CAS and close case — *(1 minute)*

End point: If licensee complies with cite and fine letter, process ends. Else, ***Formal Discipline*** process is triggered.

Frequency: As needed
Volume: One citation processed per month
Duration: 2-3 days initial work for Bureau; add 30-45 days for compliance by licensee; process proceeds to ***Formal Discipline*** (page 1) if licensee does not comply with citation
Add 31-70 days if informal hearing is chosen; duration of formal hearing is taken up in page 2 of ***Formal Discipline*** process
Add 1- 30 days for licensee to submit request for formal hearing
Total of 63-118 days for entire process (including period for compliance but exclusive of formal hearing)

Associated Documents and Artifacts

- Cite and Fine Letter
- Investigation report and attachments

Critical Information Inputs

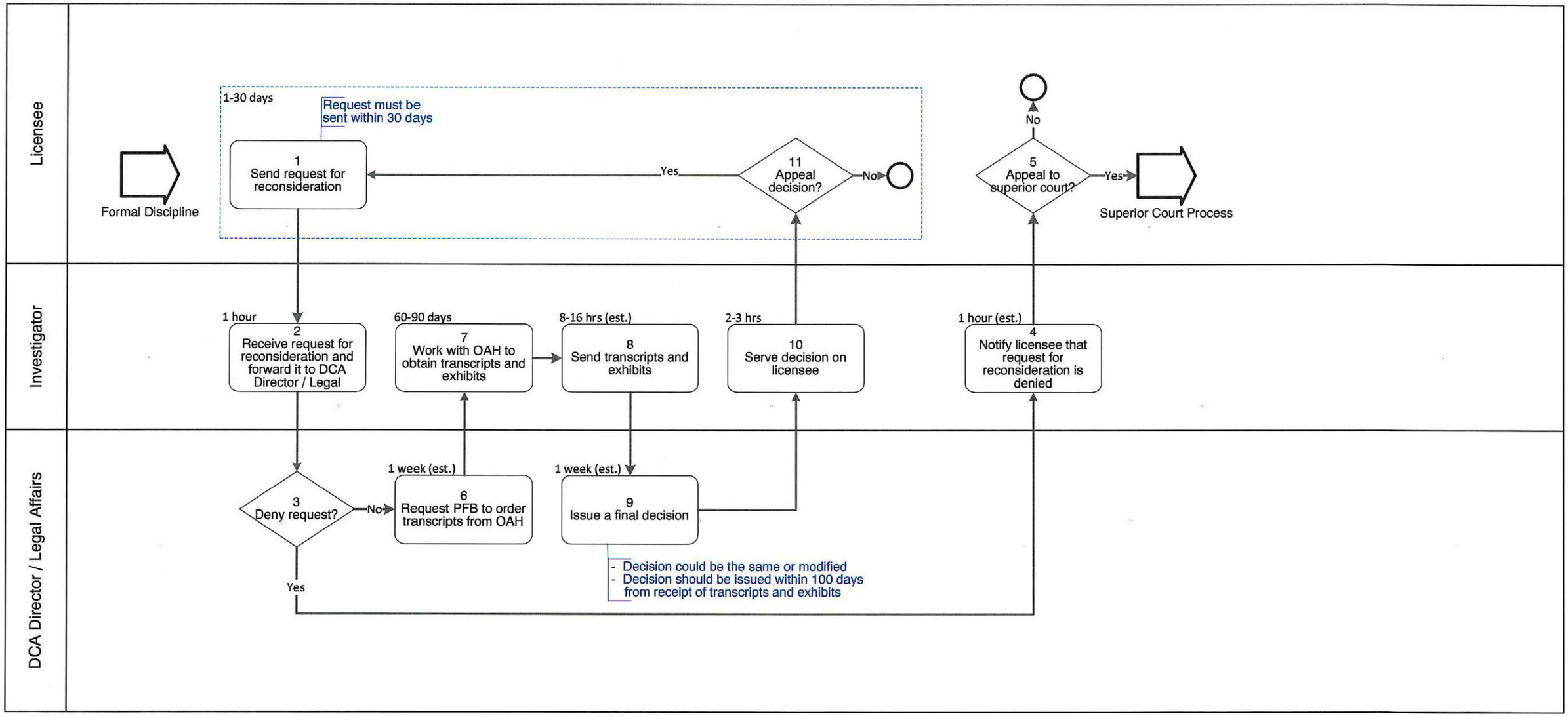
- Case number

Process Improvement Opportunities (including applicable automation recommendations)

- Edit Cite and Fine Letter to clearly identify whether the licensee is requesting an informal conference and or a formal hearing while adhering to all time limits.

Authority Cited

- Business and Professions Code § 125.9, 6560, 6580(b), and 6580(b)(1)
- Division 41, Title 16, California Code of Regulation § 4600
- Chapter 5 (commencing with § 11500) of Part 1, Division 3 of title 2 of the Government Code



SOLID OCM	As-Is Appeal Decision Process	PFB 20 | Professional Fiduciaries Bureau	3/27/2017
	Approved on: 4-6-17 By: Tracy Montez (Tracy Montez)		FINAL

Narrative Description of Business Process

Trigger: From the **Formal Discipline process**, the Licensee sends the investigator a request for reconsideration.

1. Send request for reconsideration — *(1-30 days)*
2. Receive request for reconsideration and forward it to DCA Director / Legal — *(1 hour)*
3. Deny request? (if no, proceed to step 6)
4. Notify licensee that request for reconsideration is denied — *(1 hour est.)*
5. Appeal to superior court? (if yes, proceed to ***Superior Court Process***; if no, process ends)
6. Request PFB to order transcripts from OAH — *(1 week est.)*
7. Work with OAH to obtain transcripts and exhibits — *(60-90 days)*
8. Send transcripts and exhibits — *(8-16 hours est.)*
9. Issue a final decision within 100 days — *(1 week est.)*
10. Serve decision on licensee — *(2-3 hours)*
11. Appeal decision? (if yes, return to step 1; if no, process ends)

End point: Unless appealed anew, Decision becomes effective in 30 days.

Frequency: As needed
Volume: One instance in past 7 years
Duration: 30 days for that one instance
Duration was estimated in some tasks as they have never been done before

Associated Documents and Artifacts

- Transcripts and exhibits

Critical Information Inputs

- Transcripts and exhibits

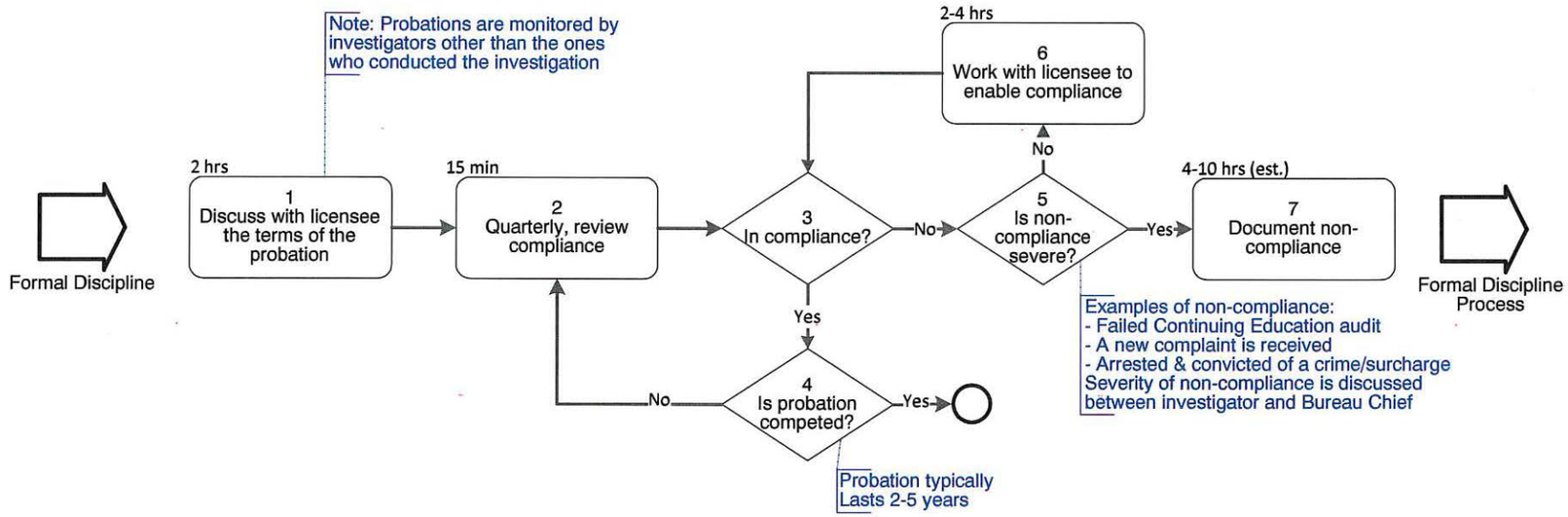
Process Improvement Opportunities *(including applicable automation recommendations)*

- None at this time

Authority Cited

- Business and Professions Code § 6580(b)

Investigator



SOLID OCM	As-Is Probation Monitoring	PFB 21 | Professional Fiduciaries Bureau	3/27/2017
	Approved on: 4-10-17 By: Tracy Montez (Tracy Montez)		FINAL

Narrative Description of Business Process

Trigger: Decision from ***Formal Discipline*** includes probation.

1. Discuss with licensee the terms of the probation *(2 hours)*
2. Quarterly, review compliance *(15 minutes)*
3. In compliance? (if no, proceed to step 5)
4. Is probation competed? (if yes, process ends; else, return to step 2)
5. Is non-compliance severe? (if yes, proceed to step 7)
6. Work with licensee to enable compliance. (Return to step 3) *(2-4 hours)*
7. Document non-compliance. (Proceed to ***Formal Discipline***) *(4-10 hours est.)*

End point: Probation is completed. Else, if non-compliant, proceed to ***Formal Discipline***.

Frequency: Quarterly over 2-5 years in each case
Volume: 2 probation cases handled per year on average
Duration: 2 hours – initial discussion of probation terms with licensee
15 min – quarterly review
Add 2-4 hours work with licensee in event of non-compliance (non-severe)
Add 4-10 hours documentation of severe non-compliance (estimated as it has never been done before)

Associated Documents and Artifacts

- None

Critical Information Inputs

- None

Process Improvement Opportunities *(including applicable automation recommendations)*

- None at this time

Authority Cited

- Business and Professions Code § 6580(b)