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Performance Measures

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Professional Fiduciaries Bureau Administrative and Procedure Manual

**Attachment C**  
Professional Fiduciaries Bureau Organizational Chart  
FY 13-14

**Attachment D**  
Professional Fiduciaries Bureau Organizational Charts  
FYs 09-13
The Professional Fiduciaries Bureau (Bureau) in the Department of Consumer Affairs (DCA) is responsible for licensing and regulating 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). The Bureau currently licenses approximately 740 Professional Fiduciaries.

Professional fiduciaries provide critical services to seniors, disabled persons, and minors. They manage matters for clients including, but not limited to, daily care, housing and medical needs, and also offer financial management services ranging from basic bill paying to estate and investment management. Requirements for licensure include completing thirty (30) hours of approved education courses, passing an examination and earning fifteen (15) hours of continuing education credit each year for renewal. 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 Bureau began operation on July 1, 2007, and is charged with carrying out the following functions:

- Educating consumers about their rights and quality of service.
- Promoting legal and ethical standards of professional conduct.
- Investigating the background of applicants.
- Administering licensing examinations.
- Licensing Professional Fiduciaries.
- Investigating complaints from consumers.
- Taking disciplinary action and issuing citations against licensees whenever appropriate.

The current mission statement as stated in its Strategic Plan developed in 2010 in conjunction with the DCA Strategic Planning and Development unit is:

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

The Bureau Chief is appointed by the Governor, subject to Senate confirmation, and serves under the direction and supervision of the Director of DCA and at the pleasure of the Governor. The duty of enforcing and administering the Act is vested in the Chief, and the Act mandates that protection of the public is the highest priority for the Bureau in exercising its licensing, regulatory, and disciplinary functions.
1. **Describe the make-up and functions of each of the board’s committees (cf., Section 12, Attachment B).**

The Advisory Committee consists of seven members of whom five 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 (CLPF), two must be public members, one must be a representative of the probate courts, and one must be a member of a non-profit organization advocating on behalf of the elderly. Currently there are two vacant position. The probate court investigator and the non-profit advocate were appointed on July 31, 2013. One public member position has been vacant since January 1, 2012 and the other public member position has been vacant since September 13, 2013.

Table 1b below illustrates the current composition of the Advisory Committee.

<table>
<thead>
<tr>
<th>Table 1a. Attendance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dan Stubbs – Past member</strong></td>
</tr>
<tr>
<td>Date Appointed: 11/2008</td>
</tr>
<tr>
<td><strong>Meeting Type</strong></td>
</tr>
<tr>
<td>Advisory Committee</td>
</tr>
<tr>
<td>Advisory Committee</td>
</tr>
<tr>
<td>Advisory Committee</td>
</tr>
<tr>
<td>Workshop</td>
</tr>
<tr>
<td>Advisory Committee</td>
</tr>
</tbody>
</table>

| **Sharon O’Neill – Past member** |
| Date Appointed: 11/2008 |
| **Meeting Type** | **Meeting Date** | **Meeting Location** | **Attended?** |
| Advisory Committee | 08/23/2010 | Sacramento | Y |
| Advisory Committee | 09/27/2010 | Sacramento | Y |
| Advisory Committee | 04/21/2011 | Sacramento | Y |
| Workshop | 04/21/2011 | Sacramento | Y |
| Advisory Committee | 10/13/2011 | Sacramento | Y |

| **Lisa Berg – Past member** |
| Date Appointed: 10/2008 |
| **Meeting Type** | **Meeting Date** | **Meeting Location** | **Attended?** |
| Advisory Committee | 08/23/2010 | Sacramento | Y |
| Advisory Committee | 09/27/2010 | Sacramento | Y |
| Advisory Committee | 04/21/2011 | Sacramento | Y |
| Workshop | 04/21/2011 | Sacramento | Y |
| Advisory Committee | 10/13/2011 | Sacramento | Y |

| **Cynthia Morrow – Past member** |
| Date Appointed: 05/2008 |
| **Meeting Type** | **Meeting Date** | **Meeting Location** | **Attended?** |
| Advisory Committee | 08/23/2010 | Sacramento | N |
| Advisory Committee | 09/27/2010 | Sacramento | N |
### Clark Parker – Past member
Date Appointed: 10/2009

<table>
<thead>
<tr>
<th>Meeting Type</th>
<th>Meeting Date</th>
<th>Meeting Location</th>
<th>Attended?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advisory Committee</td>
<td>08/23/2010</td>
<td>Sacramento</td>
<td>N</td>
</tr>
<tr>
<td>Advisory Committee</td>
<td>09/27/2010</td>
<td>Sacramento</td>
<td>Y</td>
</tr>
</tbody>
</table>

### Donna Estacio – Past member
Date Appointed: 03/2011

<table>
<thead>
<tr>
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<th>Meeting Date</th>
<th>Meeting Location</th>
<th>Attended?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advisory Committee</td>
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<td>Sacramento</td>
<td>Y</td>
</tr>
<tr>
<td>Workshop</td>
<td>04/21/2011</td>
<td>Sacramento</td>
<td>Y</td>
</tr>
<tr>
<td>Advisory Committee</td>
<td>10/13/2011</td>
<td>Sacramento</td>
<td>Y</td>
</tr>
<tr>
<td>Advisory Committee</td>
<td>08/28/2012</td>
<td>Sacramento</td>
<td>Y</td>
</tr>
<tr>
<td>Advisory Committee</td>
<td>01/23/2013</td>
<td>Sacramento</td>
<td>Y</td>
</tr>
<tr>
<td>Advisory Committee</td>
<td>04/03/2013</td>
<td>Van Nuys</td>
<td>Y</td>
</tr>
<tr>
<td>Advisory Committee</td>
<td>07/31/2013</td>
<td>Sacramento</td>
<td>N</td>
</tr>
<tr>
<td>Strategic Planning Session</td>
<td>07/31/2013</td>
<td>Sacramento</td>
<td>N</td>
</tr>
<tr>
<td>Strategic Planning Session</td>
<td>08/01/2013</td>
<td>Sacramento</td>
<td>N</td>
</tr>
</tbody>
</table>

### Marguerite Lorenz – Current member
Date Appointed: 05/2012

<table>
<thead>
<tr>
<th>Meeting Type</th>
<th>Meeting Date</th>
<th>Meeting Location</th>
<th>Attended?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advisory Committee</td>
<td>08/28/2012</td>
<td>Sacramento</td>
<td>Y</td>
</tr>
<tr>
<td>Advisory Committee</td>
<td>01/23/2013</td>
<td>Sacramento</td>
<td>Y</td>
</tr>
<tr>
<td>Advisory Committee</td>
<td>04/03/2013</td>
<td>Van Nuys</td>
<td>Y</td>
</tr>
<tr>
<td>Advisory Committee</td>
<td>07/31/2013</td>
<td>Sacramento</td>
<td>Y</td>
</tr>
<tr>
<td>Strategic Planning Session</td>
<td>07/31/2013</td>
<td>Sacramento</td>
<td>Y</td>
</tr>
<tr>
<td>Strategic Planning Session</td>
<td>08/01/2013</td>
<td>Sacramento</td>
<td>Y</td>
</tr>
</tbody>
</table>

### Barbara de Vries – Current member
Date Appointed: 05/2012

<table>
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<th>Meeting Location</th>
<th>Attended?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advisory Committee</td>
<td>08/28/2012</td>
<td>Sacramento</td>
<td>Y</td>
</tr>
<tr>
<td>Advisory Committee</td>
<td>01/23/2013</td>
<td>Sacramento</td>
<td>Y</td>
</tr>
<tr>
<td>Advisory Committee</td>
<td>04/03/2013</td>
<td>Van Nuys</td>
<td>Y</td>
</tr>
<tr>
<td>Advisory Committee</td>
<td>07/31/2013</td>
<td>Sacramento</td>
<td>Y</td>
</tr>
<tr>
<td>Strategic Planning Session</td>
<td>07/31/2013</td>
<td>Sacramento</td>
<td>Y</td>
</tr>
<tr>
<td>Strategic Planning Session</td>
<td>08/01/2013</td>
<td>Sacramento</td>
<td>Y</td>
</tr>
</tbody>
</table>

### Aileen Federizo – Current member
Date Appointed: 05/2012

<table>
<thead>
<tr>
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<th>Meeting Location</th>
<th>Attended?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advisory Committee</td>
<td>08/28/2012</td>
<td>Sacramento</td>
<td>Y</td>
</tr>
<tr>
<td>Advisory Committee</td>
<td>01/23/2013</td>
<td>Sacramento</td>
<td>Y</td>
</tr>
<tr>
<td>Advisory Committee</td>
<td>04/03/2013</td>
<td>Van Nuys</td>
<td>Y</td>
</tr>
<tr>
<td>Advisory Committee</td>
<td>07/31/2013</td>
<td>Sacramento</td>
<td>Y</td>
</tr>
<tr>
<td>Strategic Planning Session</td>
<td>07/31/2013</td>
<td>Sacramento</td>
<td>Y</td>
</tr>
<tr>
<td>Strategic Planning Session</td>
<td>08/01/2013</td>
<td>Sacramento</td>
<td>Y</td>
</tr>
</tbody>
</table>
2. In the past four years, was the Bureau unable to hold any meetings due to lack of quorum? If so, please describe. Why? When? How did it impact operations?

   • Yes. The Bureau was unable to hold three of its four quarterly meetings in 2012. Two of the meetings could not be held due to a lack of quorum. One meeting could not be held due to scheduling conflicts.
   • The grace periods for the four previous Committee Members expired on January 1, 2012. This left one individual on the Bureau’s Advisory Committee. Three new members were appointed in May of 2012.

3. Describe any major changes to the Bureau since the last Sunset Review, including:

   This is the Bureau’s second sunset review. The Bureau was last reviewed in 2011. The most significant internal changes since the inception of the Bureau are the following:
   • The Governor appointed three (3) new Advisory Committee Members, all licensees.

   **Internal changes (i.e., reorganization, relocation, change in leadership, strategic planning)**

   • Julia Ansel was appointed by the Governor as Bureau Chief on June 10, 2013. Ms. Ansel has been a private professional fiduciary at Ansel Fiduciary Services since 2012. Acting Chief, Gil DeLuna has taken a position with another bureau at DCA.
• Bureau office was relocated to another suite within DCA HQ on October 26, 2012.

• The Bureau contracted with Subject Matter Experts to assist the Bureau with their most complex cases which resulted in accusations being filed with the Attorney General’s Office. Some examples of such cases are:
  1. A conflict of interest case that was filed against a licensee who utilized funds from multiple trusts to invest in a company that he established and owned shares in.
  2. A gross negligence case where a licensee failed to protect the clients’ money by giving confidential access to a non-employee who conducted transactions with the bank.
  3. A case where an accusation was filed against a licensee for incompetence, gross negligence, willful violation of duty, and unprofessional conduct who served as a conservator of the person and estate for an elderly woman.

• The Bureau has drafted a new Strategic Plan in conjunction with the Bureau’s Advisory Committee meeting on July 31st and August 1, 2013.

• Completed updating Policy and Procedures Manual.

• Developed a bi-annual newsletter to highlight new information and enforcement cases. The newsletter will only be published electronically on the Bureau’s website.

• New Staff Counsel, Angelique Scott, was assigned to the Bureau in March 2012. She is replacing long-time staff counsel Gary Duke.

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

• The Bureau does not sponsor legislation; however the following legislation has had an impact on the Bureau and its activities:
  
  • **AB 1339 (Maienschein, Chapter 248, Statutes of 2013)** requires a court-appointed conservator, or proposed conservator, to disclose their total fees or compensation at the time a petition to appoint a conservator is filed.
  
  • **AB 1985 (Silva, Chapter 195, Statutes of 2012)** extended existing rules regarding gifts of real property made in a will, to those made in a trust.
  
  • **AB 997 (Wagner, Chapter 323, Statutes of 2011)** clarified the definition of a “professional fiduciary” and provides limited exemptions from the Professional Fiduciaries Act for charitable trusts that meet certain requirements.
  
  • **SB 543 (Steinberg, Chapter 448, Statutes of 2011)** extended the sunset of the Bureau from January 1, 2012 to January 1, 2015. This bill also authorized the Bureau, instead of issuing an accusation or statement of issues against a licensee or applicant, to enter into a specified settlement with a licensee or applicant. Stipulated agreements have resulted in a cost savings to the Bureau due to reduced Attorney General (AG) costs.

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

• Citation and Fine – Approved by Office of Administrative Law (OAL) on May 17, 2012, effective June 16, 2012.

• Section 100 – Address Change – Approved by OAL on May 20, 2013.

The Cite and Fine Regulation and Section 100 Address Change dealt with clean-up language regarding reporting requirements for licensees and granted authority for the Bureau to issue citations.

• Developed Draft Disciplinary Guidelines. Currently in the regulation approval process.

• Developed Draft Client Notification Regulations. Currently in the regulation approval process.

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

• No major studies have been conducted since last Sunset review.
5. **List the status of all national associations to which the Bureau belongs.**

While the Bureau does not belong to any national associations, it has participated in the stakeholder meetings described below.

- **Does the Bureau’s membership include voting privileges? N/A**
- **List committees, workshops, working groups, task forces, etc., on which Bureau participates.**
  
a) UC Berkeley Extension, Advisory Committee on the development of the Professional Fiduciary Certificate Program.

  b) Elder Financial Abuse Interagency Roundtable (E-FAIR), a working group with representatives from many California state agencies that developed a one-stop website for seniors.

- **How many meetings did Bureau representative(s) attend? When and where?**

  Since the last Bureau Sunset review on March 21, 2011, Bureau representatives attended the following meetings:

  - California Association of Superior Court Investigators 5/4/2011, Santa Barbara
  - Dept. of Insurance Stakeholder Meeting – 10/12/2011, San Francisco
  - Professional Fiduciary Association of California – Northern Chapter Meetings – 3/22/2013 – Davis, CA
  - California Association of Superior Court Investigators (CASIC) – 5/5/2011- Santa Barbara, 4/24/2012- Yosemite
  - UC Berkeley Extension Advisory Board meeting – 6/22/2013 – Berkeley – The Acting Bureau Chief was invited to be part of an advisory board to develop a Professional Fiduciary Certificate
  - Senior Health Fair – 5/15/2013 - Sacramento

- **If the Bureau is using a national exam, how is the Bureau involved in its development, scoring, analysis, and administration?**

  The Bureau contracts with the Center for Guardianship Certification which develops, scores and analyzes the examination for Bureau licensure. The examination contains both the general knowledge and skill component that is given nationally, and a California specific component. The Department of Consumer Affairs, on behalf of the Bureau, contracts with a separate vendor, Psychological Services, LLC (PSI), to administer these national and CA-specific examinations using computer-based testing at sites throughout CA and across the country.

---

**Section 2 Performance Measures and Customer Satisfaction Surveys**

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

   See Attachment A

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

   The Bureau has not completed any customer satisfaction surveys to date, but plans to implement a survey in the near future.
Fiscal Issues

8. Describe the Bureau’s current reserve level, spending, and if a statutory reserve level exists.

Currently, the Bureau has 9.5 months in reserve for 2012/13. Three (3) to six (6) months of reserve funds is deemed to be fiscally responsible for large programs. Small programs like the Bureau should maintain a reserve closer to six (6) months operating expenses. Per Business and Profession (B&P) Code section 128.5 (b), the Bureau’s statutory fund limit should not exceed 2 years or 24 months in reserve.

9. 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, there are no current plans to seek to adjust/augment the schedule fees at this time.

Table 2. Fund Condition

<table>
<thead>
<tr>
<th>(Dollars in Thousands)</th>
<th>FY 2009/10</th>
<th>FY 2010/11</th>
<th>FY 2011/12</th>
<th>FY 2012/13</th>
<th>FY 2013/14 *</th>
<th>FY 2014/15 *</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Balance</td>
<td>$85</td>
<td>$140</td>
<td>$58</td>
<td>$234</td>
<td>$348</td>
<td>$484</td>
</tr>
<tr>
<td>Revenues and Transfers</td>
<td>$298</td>
<td>$183</td>
<td>$420</td>
<td>$479</td>
<td>$578</td>
<td>$670</td>
</tr>
<tr>
<td><strong>Total Resources</strong></td>
<td>$383</td>
<td>$323</td>
<td>$478</td>
<td>$713</td>
<td>$926</td>
<td>$1,154</td>
</tr>
<tr>
<td>Budget Authority</td>
<td>$357</td>
<td>$282</td>
<td>$305</td>
<td>$403</td>
<td>$442</td>
<td>$449</td>
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<tr>
<td>Expenditures</td>
<td>$237</td>
<td>$267</td>
<td>$241</td>
<td>$365</td>
<td>$442</td>
<td>$449</td>
</tr>
<tr>
<td>Loans to General Fund</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Accrued Interest, Loans to General Fund</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Loans Repaid From General Fund</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
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<tr>
<td><strong>Fund Balance</strong></td>
<td>$146</td>
<td>$56</td>
<td>$237</td>
<td>$348</td>
<td>$484</td>
<td>$705</td>
</tr>
<tr>
<td><strong>Months in Reserve</strong></td>
<td>6.6</td>
<td>2.8</td>
<td>7.0</td>
<td>9.4</td>
<td>12.9</td>
<td>18.5</td>
</tr>
</tbody>
</table>

* Projection.

10. Describe history of General Fund loans. When were the loans made? When were payments made? What is the remaining balance?

The Bureau has no history of General Fund loans.

11. 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

<table>
<thead>
<tr>
<th></th>
<th>FY 2009/10</th>
<th>FY 2010/11</th>
<th>FY 2011/12</th>
<th>FY 2012/13</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Personnel</td>
<td>OE&amp;E</td>
<td>Personnel</td>
<td>OE&amp;E</td>
</tr>
<tr>
<td></td>
<td>Services</td>
<td>Services</td>
<td>Services</td>
<td>Services</td>
</tr>
<tr>
<td>Enforcement</td>
<td>$25,078</td>
<td>$116,006</td>
<td>$41,478</td>
<td>$134,611</td>
</tr>
<tr>
<td>Examination</td>
<td>$0</td>
<td>$1,350</td>
<td>$0</td>
<td>$1,460</td>
</tr>
<tr>
<td>Licensing</td>
<td>$20,063</td>
<td>$56,539</td>
<td>$33,182</td>
<td>$38,282</td>
</tr>
<tr>
<td>Administration</td>
<td>$5,016</td>
<td>$14,135</td>
<td>$8,295</td>
<td>$9,571</td>
</tr>
<tr>
<td>DCA Pro Rata</td>
<td>$0</td>
<td>$77,901</td>
<td>$0</td>
<td>$46,975</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$50,157</td>
<td>$188,030</td>
<td>$82,955</td>
<td>$183,924</td>
</tr>
<tr>
<td><strong>Grand Totals</strong></td>
<td>$238,187</td>
<td>$266,879</td>
<td>$243,379</td>
<td>$362,382</td>
</tr>
</tbody>
</table>

12. Describe license renewal cycles and history of fee changes in the last 10 years. Give the fee authority.

Professional Fiduciary licenses are renewed annually and there has not been a fee change since the inception of the Bureau which is less than 10 years. The fee authority for each fee charged by the Bureau is as follows: Application – B&P §6533(k), Initial License - B&P §134 and §6592(b), Renewal - B&P §6592(c), Delinquent - B&P §163.5, and Duplicate License - B&P §122.

Table 4. Fee Schedule and Revenue FY 2012/13

<table>
<thead>
<tr>
<th>Fee</th>
<th>Current Fee Amount</th>
<th>Statutory Limit</th>
<th>FY 2009/10 Revenue</th>
<th>FY 2010/11 Revenue</th>
<th>FY 2011/12 Revenue</th>
<th>FY 2012/13 Revenue</th>
<th>% of Total Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application</td>
<td>$400.00</td>
<td>Actual cost</td>
<td>$50,000</td>
<td>$42,000</td>
<td>$42,000</td>
<td>$42,400</td>
<td>11%</td>
</tr>
<tr>
<td>Initial License</td>
<td>$600.00 + proration</td>
<td>Actual cost</td>
<td>$86,700</td>
<td>$92,845</td>
<td>$69,875</td>
<td>$73,441</td>
<td>20%</td>
</tr>
<tr>
<td>Renewal</td>
<td>$700.00</td>
<td>Actual cost</td>
<td>$160,300</td>
<td>$258,300</td>
<td>$305,900</td>
<td>$352,800</td>
<td>68%</td>
</tr>
<tr>
<td>Delinquent Renewal</td>
<td>$150.00</td>
<td>$150.00</td>
<td>$1,050</td>
<td>$2,100</td>
<td>$1,050</td>
<td>$2,100</td>
<td>.40%</td>
</tr>
<tr>
<td>Duplicate/Replacement License</td>
<td>$25.00</td>
<td>$25.00</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Dishonored Check</td>
<td>$25.00</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>$25</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>$298,050</td>
<td>$395,245</td>
<td>$418,850</td>
<td>$470,742</td>
<td>100%</td>
<td></td>
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</tr>
</tbody>
</table>

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

Since the last sunset review, the Bureau has submitted BCPs for FY 2012-13 and FY 2013-14 to request funding for enforcement. The two BCPs were not successful through the administration as they did not meet the policy direction.
Staffing Issues

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

The Bureau was originally budgeted 4.0 positions to support the estimated workload identified in SB 1550, Chapter 491, Statutes of 2006. However, since initial licensee population estimates did not materialize, in FY 2009/2010 the Bureau’s personnel were reduced to a 0.7 Bureau Chief and a 1.0 Staff Services Analyst.

The Bureau’s main staffing concern is the inadequate allocation of resources to support its enforcement activities. Currently, the Bureau has filled the 0.7 Bureau Chief position and will not have any vacancy savings to redirect for its additional enforcement expenditures.

15. Describe the Bureau’s staff development efforts and how much is spent annually on staff development (cf., Section 12, Attachment D).

The Bureau’s staff training has been focused in the areas of regulations and contracts. This training has been given by DCA training staff and has not resulted in any costs to the Bureau. October 21-25, 2013, Bureau Chief Julia Ansel attended the mandatory Basic Supervision course at a cost of $600.

Section 4 Licensing Program

16. What are the Bureau’s performance targets/expectations for its licensing program?

<table>
<thead>
<tr>
<th>1110 – Department of Consumer Affairs Regulatory Bureau</th>
<th>Licensing Performance Targets (FY 2013-14)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program</td>
<td>Average Number of Days to Application Approval for Complete Applications</td>
</tr>
<tr>
<td>89 Professional Fiduciaries Bureau</td>
<td>2012 Avg</td>
</tr>
<tr>
<td></td>
<td>23</td>
</tr>
</tbody>
</table>

Is the Bureau meeting those expectations? Yes. If not, what is the Bureau doing to improve performance? N/A

17. Describe any increase or decrease in average time to process applications, administer exams and/or issue licenses. There has not been an increase or decrease in processing times.

Have pending applications grown at a rate that exceeds completed applications? No. If so, what has been done to address them? N/A.

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?

Section 4424 of the California Code of Regulations allows the Bureau 90 days from receipt of an application for licensure to inform the applicant if the application is complete and accepted for filing. The Bureau continuously exceeds this goal and there are no licensing barriers at this time.

---

1 The term “license” in this document includes a license certificate or registration.
2 10% represents a target percentage reduction in the number of days to approval for an application in FY 2013-2014. It is the number the Bureau is striving for in FY 2013-2014.
18. How many licenses or registrations does the Bureau issue each year? Approximately 100.

How many renewals does the Bureau issue each year? There were 504 renewals issued in Fiscal Year 2012-13.

**Table 6. Licensee Population**

<table>
<thead>
<tr>
<th></th>
<th>PF</th>
<th></th>
<th>FY 2009/10</th>
<th>FY 2010/11</th>
<th>FY 2011/12</th>
<th>FY 2012/13</th>
</tr>
</thead>
<tbody>
<tr>
<td>Active</td>
<td></td>
<td></td>
<td>443</td>
<td>510</td>
<td>575</td>
<td>614</td>
</tr>
<tr>
<td>Out-of-State</td>
<td></td>
<td></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Out-of-Country</td>
<td></td>
<td></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Delinquent</td>
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<td>7</td>
<td>26</td>
<td>55</td>
<td>*102</td>
</tr>
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* Optional. List if tracked by the Bureau.

**Table 7a. Licensing Data by Type**

<table>
<thead>
<tr>
<th>Application Type</th>
<th>FY 2010/11</th>
<th></th>
<th>FY 2011/12</th>
<th></th>
<th>FY 2012/13</th>
<th></th>
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<tbody>
<tr>
<td></td>
<td>Received</td>
<td>Approved</td>
<td>Issued</td>
<td>Pending Applications</td>
<td>Cycle Times</td>
<td></td>
</tr>
<tr>
<td>FY 2010/11</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Exam)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>(License)</td>
<td>105</td>
<td>12</td>
<td>98</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>(Renewal)</td>
<td>369</td>
<td>N/A</td>
<td>369</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>FY 2011/12</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Exam)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>(License)</td>
<td>105</td>
<td>18</td>
<td>94</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>(Renewal)</td>
<td>437</td>
<td>N/A</td>
<td>437</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>FY 2012/13</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Exam)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>(License)</td>
<td>106</td>
<td>15</td>
<td>77</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>(Renewal)</td>
<td>504</td>
<td>N/A</td>
<td>504</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

**Table 7b. Total Licensing Data**

<table>
<thead>
<tr>
<th>Initial Licensing Data:</th>
<th>FY 2010/11</th>
<th>FY 2011/12</th>
<th>FY 2012/13</th>
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</thead>
<tbody>
<tr>
<td>Initial License/Initial Exam Applications Received</td>
<td>105</td>
<td>105</td>
<td>106</td>
</tr>
<tr>
<td>License Issued</td>
<td>98</td>
<td>94</td>
<td>78</td>
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</tbody>
</table>

**License Renewal Data:**

<table>
<thead>
<tr>
<th>License Renewed</th>
<th>FY 2010/11</th>
<th>FY 2011/12</th>
<th>FY 2012/13</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>369</td>
<td>437</td>
<td>504</td>
</tr>
</tbody>
</table>

* Optional. List if tracked by the Bureau.

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

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

Each applicant is required to be live scan fingerprinted prior to review of the application. If there is a criminal history returned by the DOJ or FBI, the records are obtained and reviewed by the Bureau Chief. If the applicant lists other licenses or certificates they hold, the Bureau contacts the appropriate licensing agency 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? No. Does the Bureau check the national databank prior to issuing a license? N/A Renewing a license? N/A
e. Does the Bureau require primary source documentation? Yes.

20. Describe the Bureau’s legal requirement and process for out-of-state and out-of-country applicants to obtain licensure. The process is the same as for in-state applicants.

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

Examinations

Table 8. Examination Data

<table>
<thead>
<tr>
<th>License Type</th>
<th>Professional Fiduciary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exam Title</td>
<td>State Portion</td>
</tr>
<tr>
<td>FY 2009/10</td>
<td></td>
</tr>
<tr>
<td># of 1st Time Candidates</td>
<td>98</td>
</tr>
<tr>
<td>Pass %</td>
<td>70%</td>
</tr>
<tr>
<td>FY 2010/11</td>
<td></td>
</tr>
<tr>
<td># of 1st Time Candidates</td>
<td>108</td>
</tr>
<tr>
<td>Pass %</td>
<td>70.59%</td>
</tr>
<tr>
<td>FY 2011/12</td>
<td></td>
</tr>
<tr>
<td># of 1st Time Candidates</td>
<td>75</td>
</tr>
<tr>
<td>Pass %</td>
<td>77.32%</td>
</tr>
<tr>
<td>FY 2012/13</td>
<td></td>
</tr>
<tr>
<td># of 1st Time Candidates</td>
<td>87</td>
</tr>
<tr>
<td>Pass %</td>
<td>63.97%</td>
</tr>
<tr>
<td>Date of Last OA</td>
<td>2012</td>
</tr>
<tr>
<td>Name of OA Developer</td>
<td>Center for Guardianship Certification</td>
</tr>
<tr>
<td>Target OA Date</td>
<td>2017</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>License Type</th>
<th>Professional Fiduciary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exam Title</td>
<td>National Portion</td>
</tr>
<tr>
<td>FY 2009/10</td>
<td></td>
</tr>
<tr>
<td># of 1st Time Candidates</td>
<td>103</td>
</tr>
<tr>
<td>Pass %</td>
<td>93.64%</td>
</tr>
<tr>
<td>FY 2010/11</td>
<td></td>
</tr>
<tr>
<td># of 1st Time Candidates</td>
<td>110</td>
</tr>
<tr>
<td>Pass %</td>
<td>94.83%</td>
</tr>
<tr>
<td>FY 2011/12</td>
<td></td>
</tr>
<tr>
<td># of 1st Time Candidates</td>
<td>77</td>
</tr>
<tr>
<td>Pass %</td>
<td>92.77%</td>
</tr>
<tr>
<td>FY 2012/13</td>
<td></td>
</tr>
<tr>
<td># of 1st Time Candidates</td>
<td>86</td>
</tr>
<tr>
<td>Pass %</td>
<td>72.88%</td>
</tr>
<tr>
<td>Date of Last OA</td>
<td>2012</td>
</tr>
<tr>
<td>Name of OA Developer</td>
<td>Center for Guardianship Certification</td>
</tr>
<tr>
<td>Target OA Date</td>
<td>2017</td>
</tr>
</tbody>
</table>
22. Describe the examinations required for licensure.

There is one computer based exam, multiple choice which consists of a national and state portion.

Is a national examination used? Yes. Is a California specific examination required? Yes.

23. What are pass rates for first time vs. retakes in the past 4 fiscal years? This information is not tracked by the Bureau.

24. 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?

- Yes – national and state portions.
- The exam is a multiple choice exam.
- There are 17 sites in California: Anaheim, Atascadero, Bakersfield, Carson, El Monte, Fresno, Hayward, Redding, Riverside, Sacramento, San Diego, San Francisco, Santa Clara, Santa Rosa, Ventura, Visalia, and Walnut Creek.
- The test is administered on a daily basis Monday through Saturday, excluding holidays.

25. Are there existing statutes that hinder the efficient and effective processing of applications and/or examinations? If so, please describe. No.

School approvals

26. Describe legal requirements regarding school approval. B&P §6540 – Individuals, entities, agencies, and associations that propose to offer educational programs qualifying for the pre-licensing educational or continuing educational requirements of this chapter shall apply for and obtain the approval of the Bureau.

Who approves your schools? Schools and providers are approved by the Bureau. The criteria for approval are listed in California Code of Regulations Title 16, Division 41, Article 3, Section 4446. A regulatory change is needed to add or remove a school or provider from the approved provider list.

What role does BPPE have in approving schools? None.

How does the Bureau work with BPPE in the school approval process? N/A

27. How many schools are approved by the Bureau? How often are schools reviewed?

- There are two schools and 22 providers approved.
- The Bureau has not reviewed the schools, but a sub-committee has been created to review the current quality of education standards and report back to the Advisory Committee with suggestions.

28. What are the Bureau’s legal requirements regarding approval of international schools?

The Bureau does not approve international schools.

Continuing Education/Competency Requirements

29. 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. Two hours must be in ethics for fiduciaries.
a. **How does the Bureau verify CE or other competency requirements?** The licensee self-certifies the hours have been completed.

b. **Does the Bureau conduct CE audits on its licensees? Describe the Bureau’s policy on CE audits.** No.

c. **What are consequences for failing a CE audit?** N/A

d. **How many CE audits were conducted in the past four fiscal years? How many fails?** None.

e. **What is the Bureau’s course approval policy?** The Bureau may request documentation of approved education courses for prelicensing and continuing education credit, including records of attendance or independent study.

f. **Who approves CE providers? Who approves CE courses? If the Bureau approves them, what is the Bureau application review process?** The Bureau approves CE providers. The approved providers are listed in California Code of Regulations Title 16, Division 41, Article 3, Section 4446. CE course requirements are developed by the Bureau and identified in CCR Section 4444. Qualifying courses are approved by the providers listed in Section 4446. The Bureau has created an education subcommittee to assist in identifying criteria for approving additional providers and courses.

g. **How many applications for CE providers and CE courses were received?** None. **Since the previous sunset review, how many were approved?** None since the previous sunset review.

h. **Does the Bureau audit CE providers? If so, describe the Bureau’s policy and process.** No.

i. **Describe the Bureau’s effort, if any, to review its CE policy for purpose of moving toward performance based assessments of the licensees’ continuing competence.** A sub-committee was created at the Bureau’s Advisory Committee Meeting on April 3, 2013. The sub-committee will review and discuss the current education regulations and possible changes and improvements.

### Section 5
**Enforcement Program**

30. **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’s target for intake is five days and 365 days for intake and investigation.
- The Bureau has worked hard to meet or exceed their performance targets as indicated in the quarterly reports for 2013 (see Attachment A). The Bureau is currently going through the annual budgetary process to request additional resources to increase its enforcement efforts. In addition, more emphasis will be placed on decreasing the days to complete a case.

31. **Explain trends in enforcement data and the Bureau’s efforts to address any increase in volume, timeframes, ratio of closure to pending, 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 data would seem to suggest the Bureau is not seeing an increase in the volume of complaints received. It has held steady over the past three FYs.
- The challenge the Bureau faces is lack of sufficient resources to hire additional staff to handle complaints and investigations.
- The Bureau is currently going through the annual budgetary process to request additional resources for its staffing and enforcement issues.
Table 9a. Enforcement Statistics

<table>
<thead>
<tr>
<th></th>
<th>FY 2010/11</th>
<th>FY 2011/12</th>
<th>FY 2012/13</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>COMPLAINT</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intake (Use CAS Report EM 10)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Received</td>
<td>82</td>
<td>104</td>
<td>98</td>
</tr>
<tr>
<td>Closed</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Referred to INV</td>
<td>87</td>
<td>102</td>
<td>99</td>
</tr>
<tr>
<td>Average Time to Close</td>
<td>35</td>
<td>12</td>
<td>8</td>
</tr>
<tr>
<td>Pending (close of FY)</td>
<td>1</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Source of Complaint (Use CAS Report 091)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public</td>
<td>78</td>
<td>101</td>
<td>93</td>
</tr>
<tr>
<td>Licensee/Professional Groups</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Governmental Agencies</td>
<td>1</td>
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<tr>
<td>Other</td>
<td>3</td>
<td>2</td>
<td>2</td>
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<tr>
<td>Conviction / Arrest (Use CAS Report EM 10)</td>
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<td></td>
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</tr>
<tr>
<td>CONV Received</td>
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<tr>
<td>CONV Closed</td>
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<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Average Time to Close</td>
<td>0</td>
<td>0</td>
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<td>CONV Pending (close of FY)</td>
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<td>0</td>
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<tr>
<td><strong>LICENSE DENIAL</strong> (Use CAS Reports EM 10 and 095)</td>
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</tr>
<tr>
<td>License Applications Denied</td>
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<td>SOIs Filed</td>
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<td>SOIs Dismissed</td>
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<tr>
<td>SOIs Declined</td>
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<td>0</td>
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<tr>
<td>Average Days SOI</td>
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<td>N/A</td>
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<td><strong>ACCUSATION</strong> (Use CAS Report EM 10)</td>
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<td>Accusations Filed</td>
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<td>Accusations Withdrawn</td>
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<td>Accusations Declined</td>
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<td>Average Days Accusations</td>
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<tr>
<td>Pending (close of FY)</td>
<td>2</td>
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<td>1</td>
</tr>
<tr>
<td></td>
<td>FY 2010/11</td>
<td>FY 2011/12</td>
<td>FY 2012/13</td>
</tr>
<tr>
<td>-----------------------</td>
<td>------------</td>
<td>------------</td>
<td>------------</td>
</tr>
<tr>
<td><strong>DISCIPLINE</strong></td>
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<tr>
<td>Disciplinary Actions (Use CAS Report EM 10)</td>
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<tr>
<td>Proposed/Default Decisions</td>
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<td>Stipulations</td>
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<td>3</td>
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<tr>
<td>Average Days to Complete</td>
<td>N/A</td>
<td>360</td>
<td>226</td>
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<td>AG Cases Initiated</td>
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<td>6</td>
<td>3</td>
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<td>AG Cases Pending (close of FY)</td>
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<td>2</td>
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<td>Disciplinary Outcomes (Use CAS Report 096)</td>
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<td>Revocation</td>
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<tr>
<td>Voluntary Surrender</td>
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<td>0</td>
<td>1</td>
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<td>Suspension</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Probation with Suspension</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Probation</td>
<td>2</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Probationary License Issued</td>
<td>2</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Other</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>PROBATION</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>New Probationers</td>
<td>2</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Probations Successfully Completed</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Probationers (close of FY)</td>
<td>2</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>Petitions to Revoke Probation</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Probations Revoked</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<td>Probationers Subject to Drug Testing</td>
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<tr>
<td>Drug Tests Ordered</td>
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<tr>
<td>Positive Drug Tests</td>
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<td>Petition for Reinstatement Granted</td>
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<td><strong>DIVERSION</strong></td>
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<td>New Participants</td>
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<td>N/A</td>
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<td>Successful Completions</td>
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<td>Participants (close of FY)</td>
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<td>N/A</td>
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<td>Terminations</td>
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<td>Terminations for Public Threat</td>
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<td>N/A</td>
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<td>Drug Tests Ordered</td>
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<td>N/A</td>
<td>N/A</td>
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<tr>
<td>Positive Drug Tests</td>
<td>N/A</td>
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### Table 9c. Enforcement Statistics (continued)

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<thead>
<tr>
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<th>FY 2010/11</th>
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<tr>
<td><strong>INVESTIGATION</strong></td>
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<tr>
<td></td>
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<td></td>
</tr>
<tr>
<td>All Investigations (Use CAS Report EM 10)</td>
<td></td>
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<tr>
<td>First Assigned</td>
<td>88</td>
<td>106</td>
<td>99</td>
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<tr>
<td>Closed</td>
<td>92</td>
<td>97</td>
<td>122</td>
</tr>
<tr>
<td>Average days to close</td>
<td>227</td>
<td>133</td>
<td>184</td>
</tr>
<tr>
<td>Pending (close of FY)</td>
<td>42</td>
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<td>27</td>
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<td>Desk Investigations (Use CAS Report EM 10)</td>
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<tr>
<td>Closed</td>
<td>74</td>
<td>79</td>
<td>83</td>
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<tr>
<td>Average days to close</td>
<td>203</td>
<td>69</td>
<td>84</td>
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<tr>
<td>Pending (close of FY)</td>
<td>19</td>
<td>22</td>
<td>16</td>
</tr>
<tr>
<td>Non-Sworn Investigation (Use CAS Report EM 10)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Closed</td>
<td>18</td>
<td>16</td>
<td>37</td>
</tr>
<tr>
<td>Average days to close</td>
<td>330</td>
<td>438</td>
<td>385</td>
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<tr>
<td>Pending (close of FY)</td>
<td>21</td>
<td>26</td>
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<td>Sworn Investigation</td>
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<tr>
<td>Closed (Use CAS Report EM 10)</td>
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<tr>
<td>Average days to close</td>
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<td>240</td>
<td>611</td>
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<td>Pending (close of FY)</td>
<td>2</td>
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<td><strong>COMPLIANCE ACTION</strong> (Use CAS Report 096)</td>
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<tr>
<td>ISO &amp; TRO Issued</td>
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<td>0</td>
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<td>PC 23 Orders Requested</td>
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<td>0</td>
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<tr>
<td>Other Suspension Orders</td>
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<td>0</td>
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<td>Public Letter of Reprimand</td>
<td>0</td>
<td>0</td>
<td>1</td>
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<tr>
<td>Cease &amp; Desist/Warning</td>
<td>6</td>
<td>3</td>
<td>0</td>
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<tr>
<td>Referred for Diversion</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Compel Examination</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>CITATION AND FINE</strong> (Use CAS Report EM 10 and 095)</td>
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<td></td>
<td></td>
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<tr>
<td>Citations Issued</td>
<td>N/A</td>
<td>N/A</td>
<td>11</td>
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<tr>
<td>Average Days to Complete</td>
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<td>N/A</td>
<td>309</td>
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<tr>
<td>Amount of Fines Assessed</td>
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<td>N/A</td>
<td>$13,500</td>
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<td>Reduced, Withdrawn, Dismissed</td>
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<td>N/A</td>
<td>0</td>
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<td>Amount Collected</td>
<td>N/A</td>
<td>N/A</td>
<td>$8,000</td>
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<td><strong>CRIMINAL ACTION</strong></td>
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<td>Referred for Criminal Prosecution</td>
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### Table 10. Enforcement Aging

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<th></th>
<th>FY 2009/10</th>
<th>FY 2010/11</th>
<th>FY 2011/12</th>
<th>FY 2012/13</th>
<th>Cases Closed</th>
<th>Average %</th>
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<tr>
<td><strong>Attorney General Cases (Average %)</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Closed Within:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Year</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>67%</td>
</tr>
<tr>
<td>2 Years</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>33%</td>
</tr>
<tr>
<td>3 Years</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Years</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Over 4 Years</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Cases Closed</td>
<td>0</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>100%</td>
</tr>
<tr>
<td><strong>Investigations (Average %)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Closed Within:</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>90 Days</td>
<td>7</td>
<td>38</td>
<td>65</td>
<td>54</td>
<td>164</td>
<td>49%</td>
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<tr>
<td>180 Days</td>
<td>0</td>
<td>12</td>
<td>15</td>
<td>31</td>
<td>58</td>
<td>17%</td>
</tr>
<tr>
<td>1 Year</td>
<td>9</td>
<td>16</td>
<td>7</td>
<td>17</td>
<td>49</td>
<td>14%</td>
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<tr>
<td>2 Years</td>
<td>12</td>
<td>23</td>
<td>7</td>
<td>15</td>
<td>57</td>
<td>17%</td>
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<td>3 Years</td>
<td>0</td>
<td>3</td>
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<td>3</td>
<td>8</td>
<td>2%</td>
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<tr>
<td>Over 3 Years</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>1%</td>
</tr>
<tr>
<td>Total Cases Closed</td>
<td>28</td>
<td>92</td>
<td>97</td>
<td>122</td>
<td>339</td>
<td>100%</td>
</tr>
</tbody>
</table>

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

The Bureau has experienced an increase in disciplinary activity over the past three years. During this time, the regulations were amended to utilize the Bureau’s authority to issue citations and fines. As a result, disciplinary actions have increased, as the Bureau is now able to act on complaints that do not meet the level of an accusation by issuing a citation and/or fine.

33. **How are cases prioritized? What is the Bureau’s complaint 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 (B&P section 6516).
- In prioritizing complaints, the Bureau gives the highest priority to those complaints where there is the potential for immediate harm to the public by the licensee.
- This is similar to DCA’s Complaint Prioritization Guidelines for Health Care Agencies.

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

- The Department of Justice (DOJ) provides the Bureau with subsequent arrest notifications on licensees.
- The Bureau is not aware of any problems receiving this report.
35. Does the Bureau operate with a statute of limitations? If so, please describe and provide citation. If so, how many cases were 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.
- The Bureau does not have a policy on statute of limitations.

36. Describe the Bureau’s efforts to address unlicensed activity and the underground economy.

- Included cite and fine authority in regulations for fines up to $5,000.
- Speaking engagements to industry and consumer groups.
- Worked with Contra Costa DA on a case involving unlicensed activity. One individual was charged criminally.
- Three citations issued for unlicensed activity or working with an expired license.

**Cite and Fine**

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

- The Bureau has used its cite and fine authority to address problems related to unlicensed activity and working with an expired license. Also, the Bureau has issued citations to licensees who have charged client accounts for time spent responding to complaints to the Bureau.
- There have been no changes since the last review as the regulation giving the Bureau cite and fine authority was just approved in 2012.

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

See answer to #37. In addition, the Bureau has issued citations to licensees for their failure to timely report matters to the Probate Court and/or the Bureau.

39. How many informal office conferences, Disciplinary Review Committee reviews and/or Administrative Procedure Act appeals in the last four fiscal years?

The Bureau had four informal citation hearings since last Sunset Review.

40. What are the five most common violations for which citations are issued?

Unlicensed practice, reporting violations, and unprofessional conduct. To date, the Bureau has not issued citations for any other violations.

41. What is average fine pre and post appeal?

Pre appeal - $750, Post appeal - $750

42. Describe the Bureau’s use of Franchise Tax Board intercepts to collect outstanding fines.

To date the Bureau has not used the services of the FTB to collect cost recovery.
Cost Recovery and Restitution

43. Describe the Bureau’s efforts to obtain cost recovery. Discuss any changes from the last review.
   • In each case where an accusation is filed there is a payer for cost recovery.
   • There have been no changes from the last review.

44. How many and how much is ordered for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.
   • The Bureau has one case where there was a surrender of license with cost recovery ordered if/when the respondent applies for a new or reinstated license.
   • The amount ordered is $25,622.00. It is unlikely the Bureau will collect as we do not expect the licensee to seek a new or reinstated license due to health issues.

45. Are there cases for which the Bureau does not seek cost recovery? Why?
   Just one case involving a default decision where no Notice of Defense was filed. The former licensee is serving time in federal prison.

46. Describe the Bureau’s use of Franchise Tax Board intercepts to collect cost recovery.
   To date, the Bureau has not used the services of the FTB to collect cost recovery. Cost recovery has been paid when ordered, except in the case of answer #44.

47. 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.
   • Professional Fiduciaries typically bill an hourly rate for their services. The Bureau does not have the statutory authority to order or seek restitution for clients of fiduciaries. Clients can seek relief in Probate Court for charges they believe are not warranted by filing a Surcharge Petition. In court appointed cases, the court retains jurisdiction to approve or disapprove charges by a fiduciary.
   • In a few cases, the Bureau has issued administrative citations and fines to fiduciaries for charging client accounts when responding to complaints filed by the clients with the Bureau. In all cases, the fiduciaries have reversed the charges.

<table>
<thead>
<tr>
<th></th>
<th>FY 2009/10</th>
<th>FY 2010/11</th>
<th>FY 2011/12</th>
<th>FY 2012/13</th>
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</thead>
<tbody>
<tr>
<td>Total Enforcement Expenditures</td>
<td>$20,723</td>
<td>$23,218</td>
<td>$21,174</td>
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<td>Potential Cases for Recovery *</td>
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<tr>
<td>Cases Recovery Ordered</td>
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<tr>
<td>Amount of Cost Recovery Ordered</td>
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<td>$0</td>
<td>$3,500</td>
<td>$25,622</td>
</tr>
<tr>
<td>Amount Collected</td>
<td>$0</td>
<td>$0</td>
<td>$3,500</td>
<td>$0</td>
</tr>
</tbody>
</table>

* “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

<table>
<thead>
<tr>
<th></th>
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<th>FY 2011/12</th>
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<tr>
<td>Amount Ordered</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Amount Collected</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

Section 6
Public Information Policies

48. 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 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, announcements and changes to the website are posted and a notice is sent to the interested parties list.
- Yes, the Bureau posts meeting materials online.
- Notice and the agenda are posted at least 10 days prior to the meeting. All other materials are posted as soon as completed and prior to the meeting.
- The materials remain on the website indefinitely at this time.
- Final minutes are posted after they have been approved at the next meeting.
- Final minutes remain on the website indefinitely at this time.
- The Bureau does not post draft minutes online.

49. Does the Bureau webcast its meetings? Yes, if webcast is available at the meeting site. What is the Bureau’s plan to webcast future Bureau and committee meetings?

The Bureau will post all meetings if webcast is available at the site the meeting is being held.

50. Does the Bureau establish an annual meeting calendar, and post it on the Bureau’s web site? No.

51. 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)?

Yes, the Bureau follows the policy of DCA in regard to Consumer Complaint Disclosure. The Bureau posts on its website Accusation and Disciplinary Actions as well as Citations and Fines issued to licensees.

52. 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 following information is posted on the Bureau’s license verification page on the website: license number, issue and expiration dates, address of record, disciplinary actions, citations, public record documents, total clients assets under the licensee’s management, reported bankruptcy in the last 10 years, and case removals by the court.
53. **What methods are used by the Bureau to provide consumer outreach and education?**

Due to the Governor’s Executive Order on April 26, 2011, banning non-essential travel, outreach and education was restricted to local venues. The Bureau provides consumer and licensee information on their website and through their Listserv. The consumer and licensee brochures were updated in 2011. In 2013, the Bureau published its first biannual newsletter published online. The newsletter publishes enforcement actions and contains information for both licensees and consumers. The Bureau is also part of a task force comprised of several state agencies that developed the California Senior Gateway website, www.seniors.ca.gov. The Senior Gateway is a one-stop website intended to provide seniors, their families, and caregivers with helpful resources.

The Bureau has also attended local outreach events for the elderly.

54. **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 licensee as we do not believe there is a need to do so at this time. 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. These activities not amenable to being performed on the Internet.

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

The Bureau Chief participated on an Advisory Board for the University of California, Extension Program in developing a Professional Fiduciary Certificate Program that will assist new students in obtaining a license.

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

N/A

57. **Describe the Bureau’s efforts to work with schools to inform potential licensees of the licensing requirements and licensing process.**

N/A

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

   a. **Workforce shortages:** N/A
   b. **Successful training programs:** N/A
59. What is the status of the Bureau’s implementation of the Uniform Standards for Substance Abusing Licensees?

The Bureau was not included in this initiative as it is not a healing arts program.

60. 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 bureau, the regulatory changes mandated by CPEI do not apply to the Bureau. However, the Bureau strives to meet DCA’s enforcement goals of 12-18 months.

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

Since the last Sunset Review, Bureau staff attended working sessions to create requirements for licensing and enforcement portions with the BreEZe team and vendor. We have also been working on “clean-up” of the Bureau’s data so a smooth transition can be made from the Application Tracking System and Consumer Affairs System to BreEZe. Staff also worked with the Change Control Board on two system issues that would affect the Bureau’s workflow.

Section 10
Bureau Action and Response to Prior Sunset Issues

Include the following:

1. Background information concerning the issue as it pertains to the Bureau.

2. Short discussion of recommendations made by the Committee/Joint Committee during prior sunset review.

As part of the oversight hearings held on March 21, 2011, by the Senate Business, Professions, and Economic Development Committee (Senate BP&ED), the staff of the Committee developed a report titled Background Paper For Professional Fiduciaries Bureau. The background paper identified issues related to the Bureau, providing background and recommendations on how to move forward. Below is the list of issues identified, background summary, Senate BP&ED staff recommendations, and the Bureau’s response.

ISSUE # 1: Consolidation of the Professional Fiduciaries Bureau with another regulatory board such as the California Board of Accountancy.

Background: In May 2010, a revision of the 2009/10 Budget, former Governor Arnold Schwarzenegger in a proposal titled “Reorganization, Consolidations and Capitalizing on State Assets — Continuing the Work of the California Performance Review,” suggested consolidating the Bureau under the California Board of Accountancy (Board). This consolidation was recommended because the Bureau struggled for viability, having a scarcity of licensees and minimal revenues. The Senate Rules Committee instructed various policy Committees to hold hearings on the Governor’s consolidation proposals and report their findings to the Budget Conference Committee. In June 2009, the Senate held hearings on the Governor’s proposal, including the proposal to consolidate the Bureau under the Board at the Senate BP&ED CBA. At that hearing the Committee approved the following motion on a 6-2 vote: “Do not consolidate the Bureau with the Board. Professional fiduciaries should continue to be licensed and regulated by a Bureau under the Department of Consumer Affairs.”

Senate BP&ED Staff Recommendation: The Bureau should not be consolidated within the Board.
ISSUE # 2: Has the Bureau adopted regulations regarding the disclosure of license identification numbers?

**Background:** Section 138 of the Business & Professions Code (B&P Code) provides that every Board and Bureau under the jurisdiction of the Department shall initiate the process of adopting regulations to require its licensees to provide notice to clients or customers that the practitioner is licensed by the State. Notifying consumers that a professional is licensed by the State is a basic element of consumer protection. Knowing they can turn to an agency for questions or to file a complaint about the practitioner proves good customer service.

**Senate BP&ED Staff Recommendation:** The Bureau should update the Senate BP&ED Committee on its plans to establish regulations requiring its licensees to notify clients or consumers that they are licensed by the Bureau.

ISSUE # 3: Enrolled Agent exemption

**Background:** When the Legislature enacted SB 1550 (Figueroa, 2006) the law created a limited exemption for a person who is enrolled as an agent to practice before the Internal Revenue Service (IRS) acting within the scope of practice as an enrolled agent (EA).

Enrolled agents are certified to represent taxpayers before the Internal Revenue Service. Under Section 10.2 of Subpart A, Rules Governing Authority to Practice, of Part 10 of Title 31 of the Code of Federal Regulations, the following defines the scope of practice for an EA:

Practice before the IRS comprehends all matters connected with a presentation to the IRS or any of its officers or employees relating to a taxpayer's rights, privileges, or liabilities under laws or regulations administered by the IRS. Such presentations include, but are not limited to, preparing and filing documents, corresponding and communicating with the IRS, rendering written advice with respect to any entity, transaction, plan or arrangement, or other plan or arrangement having a potential for tax avoidance or evasion, and representing a client at conferences, hearings and meetings.

The Bureau's interpretation of the exemption is that, “If an EA is performing activities as a conservator, guardian, trustee, or agent under durable power of attorney for health care or finances within the definition of a professional fiduciary pursuant to the Professional Fiduciaries Act (Act) (Chapter 6, commencing with Section 6500) of Division 3 of B&P Code) that are not within the scope of practice described in Part 10 of Title 31 of the Code of Federal Regulations, they must obtain a license from the Bureau to comply with the law.”

The California Society of Enrolled Agents (CSEA) has expressed concern with the Bureau's interpretation of the exemption. CSEA suggests an EA who holds himself out as a professional fiduciary or solicits fiduciary or conservatory assignments through the courts, and provides specific fiduciary services separate from tax planning, should be required to become licensed under the Act. Most EAs rarely offer fiduciary services often, when they have been asked by existing clients to act as trustees. Professional relationships have been built upon the private and confidential materials previously shared.

To clarify the exemption, CSEA recommends amending Section 6530 (d) to read:

This section does not apply to a person enrolled as an agent to practice before the IRS who is providing ancillary fiduciary services to clients at their request. Notwithstanding this section, EAs who are soliciting clients for fiduciary services or holding themselves out as fiduciaries are required to obtain a professional fiduciary license in accordance with the Act.

Senate BP&ED Committee staff notes that the Bureau’s interpretation is consistent with the existing exemption, and it does not necessarily follow that an EA who is trained and educated in tax issues would be qualified or able to safely represent a tax client as a conservator of the person or guardian of the person, or to act as a durable power of attorney for health care, making health care decisions on behalf of a client, or decisions about where the client will live and treatment options for a client’s mental, emotional or physical health. However, the Senate BP&ED Committee staff acknowledges that it may be appropriate to make a clarifying amendment to somewhat broaden the existing exemption in the Act.

**Senate BP&ED Staff Recommendation:** It would seem reasonable to make a narrowly crafted clarification to the existing exemption in B&P Code Section 6530(d) of the Act relating to EAs. However, the term “ancillary fiduciary services” is not precise and should be clearly defined, and the services should only apply to those clients with whom the EA already has an existing professional relationship.
ISSUE # 4: Enforcement Issues

**Background:** As a newly created regulatory program, the Bureau was only able to report very few enforcement actions. In its first full year of existence in FY 2008/09, the Bureau reported having 60 complaints and closed 28 of those complaints. In FY 2009/10, the Bureau received 47 new complaints and closed 50 complaints. During the same period of time, the Bureau referred 4 cases to the Attorney General’s (AG) office and did not revoke any licenses. The report states that the Bureau continues to work to build an effective enforcement program. This effort has been significantly restricted by the underestimated licensee population and the repayment of substantial startup loans to the Bureau of Automotive Repair. The Bureau has limited staff that primarily focuses on licensing and other administrative duties. The Bureau has one part-time investigator and one borrowed staff position to review and manage consumer complaints and a part-time Acting Bureau Chief.

Since the Sunset Report was submitted, on February 11, 2010, the Bureau was extensively involved with an investigation with the U.S. Attorney’s Office in a civil complaint against a licensee who was siphoning large sums of money from clients to feed a near-daily gambling habit at a casino. On February 18, the professional fiduciary pleaded guilty in federal court to wire fraud and money laundering, admitting to taking $191,500 over a three-month period, and laundering some $18,000 in funds through business and personal bank accounts. The fraud charge carries a maximum of 20 years in prison, and money laundering charge carries a maximum of 10 years. The Bureau’s online license verification system shows the status of the license as “Suspended, Federal Temporary Restraining Order.” The Bureau is also working with the AG’s office to file an accusation in this case.

Although the Bureau has a number of limitations because of its size and loan repayment constraints, the Bureau efficiently performed its responsibilities in working with federal prosecutors in this enforcement matter. On January 31, 2011, the Bureau also filed an accusation against another licensee for unprofessional conduct and dishonesty.

**Senate BP&ED Staff Recommendation:** Although the Acting Chief may be limited in what he may be able to say about this case on the public record, he should update the Committee on this case and relay any initial conclusions that he may have reached about how to most effectively carry out the Bureau’s enforcement responsibilities.

Issue # 5: Adoption of regulations establishing a system for issuing citations and fines.

**Background:** B&P Code Section 6583 requires the Bureau to establish a system of administrative citations and fines under B&P Code Section 125.9 for violations of the Act, the Professional Fiduciaries Code of Ethics, or any regulation adopted under the Act. The Bureau is in the process of developing a regulation package to enhance its enforcement program by implementing a cite and fine program for those that are either practicing illegally or are found to have violated the Act.

Without a citation and fine provision, if the Bureau identifies a violation by a licensee in order to take action, the Bureau would have to initiate a formal disciplinary action against the licensee, which can consume a significant amount of time and resources for enforcement and legal staff. Such formal action may not always be warranted, especially in cases where there are lesser violations of the Act, or on occasions where it is appropriate to take immediate action to assure compliance with the law rather than pursuing formal disciplinary action against a licensee.

In such cases, the ability to issue an administrative citation and fine can be an effective disciplinary tool for lesser violations. Licensees do not lose the ability to appeal an administrative citation and fine, but are given the right to request a hearing before an Administrative Law Judge. Promulgating citation and fine regulations will help both consumers and licensees, by allowing the Bureau to more quickly address violations with licensees, and by directing licensees to quickly correct those items found to be in violation.

**Senate BP&ED Staff Recommendation:** The Bureau should inform the Committee of the status of its citation and fine regulations, giving an estimated timeframe for the final adoption of the regulatory package.
ISSUE # 6: Should the Bureau be given authority to enter into stipulated settlements without filing an accusation against a licensee?

**Background:** The Administrative Procedures Act (APA) requires an agency to file an accusation or statement of issues against a licensee before the regulatory agency can reach a stipulated settlement with the licensee. While many licensees will not agree to a stipulated settlement without the pressure of a formal accusation having been filed, it is the experience of a number of regulatory boards that there are instances in which a licensee is willing to agree to a stipulated settlement earlier on in the investigation stage of the enforcement process. Licensees may be willing to do this in order to minimize the cost of an administrative hearing, or in order to expedite the resolution of a disciplinary matter. In such cases in which a licensee may be agreeable to the Bureau’s disciplinary action, the ability to directly enter into a stipulated settlement would save time and money for both the licensee and the Bureau.

The provision to enter into a stipulated settlement should require the settlement to include language identifying the factual basis for the action taken and a list of the statutes or regulations violated. In addition, the provision should also allow a licensee to file a petition to modify the terms of the settlement or petition for early termination of probation if probation is part of the settlement.

**Senate BP&ED Staff Recommendation:** The Bureau should be authorized to enter into a settlement agreement with a licensee or applicant prior to the Bureau’s issuance of an accusation or statement of issues against the licensee.

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ISSUE # 7: In light of the smaller than expected licensing population, and the resulting budget limitations, is the Bureau sustainable as a viable regulatory agency?

**Background:** The initial projections of the Department had placed the approximate number of licensees at 1,300. Currently there are only 507 professional fiduciaries licensed by the Bureau.

As a special fund agency, the Bureau operates solely off of licensing fees. SB 1550 (Figueroa, 2005/06) did not establish any statutory fee levels; instead it required the Bureau to set the fees through regulation at a level necessary to meet the program’s operational costs. As a consequence, the licensing fees are large; $700 each year for license renewal. Revenues for the current year FY 2010/11 are projected to be $398,000, and expenditures are projected to be $293,000. Additionally, the Bureau expects to pay off the final loan of $215,000 which was necessary for the Bureau startup costs in FY 2010/11. The Bureau states that once the loan is repaid, fund reserves are anticipated to increase to appropriate levels. This will also free up resources that will be directed towards enforcement.

A top goal of the Bureau, as stated in its report, is increasing the Bureau’s licensee population. An increase in the number of licensees would provide more revenue for the Bureau that could help add additional staff, streamline office operations and enhance the enforcement program. The number of California’s population 65 years of age or older is expected to grow from 3.6 million people in the year 2000, to 6.2 million people in the year 2020, an increase of 72 percent. As the population of California continues to grow and age, an increasing number of people in the State are unable to manage their personal needs, manage their financial resources, resist fraud or undue influence, as well as fiscal, emotional, and physical harm. The establishment of the Bureau is partially based on the premise that the number of people in California who are going to need fiduciary services is going to increase significantly in the coming decade. This increase could also result in more people wanting to become professional fiduciaries, thereby expanding the licensee base.

**Staff Recommendation:** The Bureau should discuss with the Committee its projections for increasing its revenue base, including its plans for expanding enforcement capabilities after all startup loans have been repaid. The Bureau should also discuss the viability of its revenue stream into the foreseeable future.
ISSUE # 8: Should the “reverse sunset” on the Bureau be eliminated, thereby indefinitely continuing the regulatory agency as a Bureau? Should the licensing and regulation of professional fiduciaries continue to be regulated by the current Bureau?

Background: The Bureau’s practice act contains what might be called a “reverse sunset provision.” Under the Department, each regulatory board has a statutorily established date upon which that board is made inoperative and is repealed. As enacted in the original bill which established the Sunset Review process in California SB 2036 (McCorquodale, Chapter 908, Statutes of 1994) when the code sections authorizing the existence of the regulatory board became inoperative and repealed, that board would be abolished and the regulatory functions would be carried out as a Bureau under the Department. In 1996, when the Legislature enacted SB 1550 (Figueroa, Chapter 491, Statutes of 2006), creating the Bureau, the legislation provided that if the Bureau sunsets and is abolished, as provided in law, the Bureau’s Advisory Committee shall succeed and be vested with all the duties, powers, purposes, responsibilities, and jurisdiction of the Bureau. The law additionally provides that the Advisory Committee would further be established as the Professional Fiduciaries Committee in the Department with the authority and function of a board under the Department.

In signing SB 1550 in September 2006, former Governor Schwarzenegger issued a signing message indicating that he believed the bill is important to protect California’s vulnerable population from the financial abuse of unscrupulous professional fiduciaries that seek to do intentional harm. The former Governor further noted:

“However, clean-up legislation will be necessary in the next legislative session because of the way the author structured the bill. This bill establishes an unnecessary and complicated mechanism of transferring the responsibilities and jurisdiction of the newly created Bureau to a newly created Advisory Committee, which would then be established as a board within the Department after July 1, 2011. The creation of this arrangement is not justified and will leave consumers and the general public more confused by this regulatory scheme. Moreover, there is no rational, analytical justification to assume that in five years the Bureau would even need to be reconstituted as a full board.”

Committee staff notes that in the more than four years since the bill was signed, this Committee has not received any phone calls from consumers, licensees, the Bureau’s staff, or the general public indicating any confusion over this provision.

In its Sunset Report, the Bureau recommends that the next sunset review be established three 3 years from now. The Bureau believes this should provide sufficient time to demonstrate the continued increase in the number of licensees, the sustainability of the Bureau’s budget and the value of the consumer protection that is provided.

**Senate BP&ED Staff Recommendation:** Recommend that the profession should continue to be regulated by the current Bureau in order to protect the interests of the public and be reviewed once again in three years.

3. What action the Bureau took in response to the recommendation or findings made under prior Sunset Review.

As a result of the recommendations made by the Committee, the following actions were taken:

Issue #1 – The Bureau did not consolidate with the California Board of Accountancy.

Issue #2 – Regulations for the Client Notification has been drafted and is currently under the DCA review process before final submission for approval.

Issue #3 – No exemption was granted to Enrolled Agents.

Issue #4 – Enforcement Issues – Enforcement actions have increased, partly due to the passage of SB 543, granting the Bureau authority to enter in to an agreement for licensees and applicants prior to filing a formal accusation or statement of issues with the Attorney General’s Office.
Issue #5 – The Bureau’s cite and fine regulations were approved by the Office of Administrative Law in May 17, 2012 and effective June 16, 2012.

Issue #6 - See Issue #4.

Issue #7 – Revenue for the Bureau has increased, but spending authority remains the same. BCPs were submitted the last two fiscal years requesting additional PY’s and Attorney General costs and both were not successful through the administration as they did not meet the policy direction.

Issue #8 – The Bureau is in agreement with the BP&ED staff recommendation that the Bureau continues to regulate the fiduciary profession.

4. Any recommendations the Bureau has for dealing with the issue, if appropriate.

The Bureau does not have any recommendations at this time.

Section 11
New Issues

This is the opportunity for the Bureau to inform the Committee of solutions to issues identified by the Bureau and by the Committee. Provide a short discussion of each of the outstanding issues, and the Bureau’s recommendation for action that could be taken by the Bureau, by DCA or by the Legislature to resolve these issues (i.e., legislative changes, policy direction, budget changes) for each of the following:

1. Issues that were raised under prior Sunset Review that have not been addressed.

   All issues from last Sunset Review have or are currently being addressed.

2. New issues that are identified by the Bureau in this report.

   The Bureau’s fund condition is healthy but more spending authority is needed, especially for enforcement.

3. New issues not previously discussed in this report.

   The issue of excessive fees charged by fiduciaries is highlighted in a series of San Jose Mercury news articles titled “Loss of Trust” which began running in June 2012, regarding private professional fiduciaries — working as court-appointed conservators and trustees in Santa Clara County — and their attorneys that are charging eye-popping rates that threaten to force their vulnerable clients onto government assistance to survive. As a result, new legislation has been introduced in 2013 to address excessive fees charged by fiduciaries:

   • AB 1339 (Maienschein, Chapter 248, Statutes of 2013) requires a court-appointed conservator, or proposed conservator, to disclose their total fees or compensation at the time a petition to appoint a conservator is filed.

   • SB 156 (Beall, 2013) would have limited a guardian or conservator from collecting fees from a ward’s or conservatee’s estate for any costs or fees that the guardian or conservator incurred in defending the guardian or conservator’s compensation petition unless specified conditions are met.

4. New issues raised by the Committee.

   No new issues have been raised by the Committee.
Section 12
Attachments

Please provide the following attachments:

A. Bureau’s administrative manual.
   See Attachment B

B. Current organizational chart showing relationship of committees to the Bureau and membership of each committee (cf., Section 1, Question 1).
   See Attachment C

C. Major studies, if any (cf., Section 1, Question 4).
   N/A

D. Year-end organization charts for last four fiscal years. Each chart should include number of staff by classifications assigned to each major program area (licensing, enforcement, administration, etc.) (cf., Section 3, Question 15).
   See Attachment D
Performance Measures
Performance Measures
Q1 Report (July - Sept 2010)

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. In future reports, additional measures, such as consumer satisfaction and complaint efficiency, will also be added. Those additional measures are being collected internally at this time and will be released once sufficient data is available.

**Volume**
Number of complaints received.*

Q1 Total: 18
Q1 Monthly Average: 6

<table>
<thead>
<tr>
<th></th>
<th>July</th>
<th>August</th>
<th>September</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actual</td>
<td>11</td>
<td>6</td>
<td>1</td>
</tr>
</tbody>
</table>

**Intake**
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 5 Days
Q1 Average: 57 Days

<table>
<thead>
<tr>
<th></th>
<th>July</th>
<th>August</th>
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<tbody>
<tr>
<td>Target</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Actual</td>
<td>4</td>
<td>65</td>
<td>51</td>
</tr>
</tbody>
</table>

*“Complaints” in these measures include consumer complaints and complaints generated internally.
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
Q1 Average: 362 Days

Formal Discipline
Average cycle time from complaint receipt to closure, for cases sent to the Attorney General or other forms of formal discipline.
Target: 540 Days
Q1 Average: N/A

The Bureau did not submit any cases to the Attorney General this quarter.

Probation Intake
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.
Target: 10 Days
Q1 Average: N/A

The Bureau did not receive any probation monitoring cases 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  
Q1 Average: N/A 

*The Bureau did not receive any probation violations this quarter.*
Performance Measures

Q2 Report (October - December 2010)

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.

In future reports, the Department will request additional measures, such as consumer satisfaction. These additional measures are being collected internally at this time and will be released once sufficient data is available.

Volume
Number of complaints received.

Q2 Total: 12
Q2 Monthly Average: 4

<table>
<thead>
<tr>
<th></th>
<th>October</th>
<th>November</th>
<th>December</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actual</td>
<td>2</td>
<td>7</td>
<td>3</td>
</tr>
</tbody>
</table>

Intake
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 5 Days
Q2 Average: 89 Days

<table>
<thead>
<tr>
<th></th>
<th>October</th>
<th>November</th>
<th>December</th>
</tr>
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<tbody>
<tr>
<td>Target</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Actual</td>
<td>106</td>
<td>580</td>
<td>41</td>
</tr>
</tbody>
</table>
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
**Q2 Average:** 201 Days

<table>
<thead>
<tr>
<th></th>
<th>October</th>
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<tbody>
<tr>
<td><strong>Target</strong></td>
<td>365</td>
<td>365</td>
<td>365</td>
</tr>
<tr>
<td><strong>Actual</strong></td>
<td>149</td>
<td>238</td>
<td>231</td>
</tr>
</tbody>
</table>

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
**Q2 Average:** N/A

*The Bureau did not close any disciplinary cases this quarter.*

Probation Intake
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

**Target:** 10 Days
**Q2 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
Q2 Average: N/A

The Bureau did not handle any probation violations this quarter.
Performance Measures
Q3 Report (January - March 2011)

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.

In future reports, the Department will request additional measures, such as consumer satisfaction. These additional measures are being collected internally at this time and will be released once sufficient data is available.

**Volume**
Number of complaints received.

- Q3 Total: 26
- Q3 Monthly Average: 9

![Volume Chart]

**Intake**
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

- Target: 5 Days
- Q3 Average: 8 Days

![Intake Chart]
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
Q3 Average: 163 Days

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
Q3 Average: N/A

The Bureau did not close any disciplinary cases this quarter.

Probation Intake
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.
Target: 10 Days
Q3 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
Q3 Average: N/A

The Bureau did not handle any probation violations this quarter.
Performance Measures
Q4 Report (April - June 2011)

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.

In future reports, the Department will request additional measures, such as consumer satisfaction. These additional measures are being collected internally at this time and will be released once sufficient data is available.

**Volume**
Number of complaints received.

- **Q4 Total:** 25
- **Q4 Monthly Average:** 8

![Volume Chart](chart.png)

**Intake**
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

- **Target:** 5 Days
- **Q4 Average:** 7 Days

![Intake Chart](chart.png)
**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:** 177 Days

![Intake & Investigation Chart](chart.png)

**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:** N/A  

*The Bureau did not close any disciplinary cases this quarter.*

**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.
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.

This annual report represents the culmination of the first four quarters worth of data.

**Volume**

Number of complaints and convictions received.

The Bureau had an annual total of 81 this fiscal year.

![Volume Chart]

**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 Chart]
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.

The Bureau has set a target of 365 days for this measure.

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Q1 Avg.</th>
<th>Q2 Avg.</th>
<th>Q3 Avg.</th>
<th>Q4 Avg.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Days</td>
<td>362</td>
<td>201</td>
<td>163</td>
<td>177</td>
</tr>
</tbody>
</table>
Performance Measures
Q1 Report (July - September 2011)

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.

Q1 Total: 23
Q1 Monthly Average: 8

<table>
<thead>
<tr>
<th>Month</th>
<th>Actual</th>
<th>Target</th>
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<tbody>
<tr>
<td>July</td>
<td>12</td>
<td>5</td>
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<td>August</td>
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<td>5</td>
</tr>
<tr>
<td>September</td>
<td>5</td>
<td>5</td>
</tr>
</tbody>
</table>

**Intake**
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 5 Days
Q1 Average: 10 Days

<table>
<thead>
<tr>
<th>Month</th>
<th>Actual</th>
<th>Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>July</td>
<td>10</td>
<td>5</td>
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<tr>
<td>August</td>
<td>9</td>
<td>5</td>
</tr>
<tr>
<td>September</td>
<td>13</td>
<td>5</td>
</tr>
</tbody>
</table>
**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  
**Q1 Average:** 129 Days

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**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  
**Q1 Average:** 298 Days

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**Probation Intake**

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

**Target:** 10 Days  
**Q1 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
Q1 Average: N/A

The Bureau did not handle any probation violations this quarter.
Performance Measures

Q2 Report (October - December 2011)

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.

Q2 Total: 20
Q2 Monthly Average: 7

Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 5 Days
Q2 Average: 12 Days
**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  
**Q2 Average:** 174 Days

---

**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  
**Q2 Average:** N/A

The Bureau did not close any formal discipline cases this quarter.

---

**Probation Intake**
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

**Target:** 10 Days  
**Q2 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

**Q2 Average:** N/A

*The Bureau did not handle any probation violations this quarter.*
Performance Measures
Q3 Report (January - March 2012)

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.

Q3 Total: 26
Q3 Monthly Average: 9

**Intake**
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 5 Days
Q3 Average: 12 Days
**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  
**Q3 Average:** 69 Days

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<tr>
<td>Actual</td>
<td>84</td>
<td>47</td>
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</tr>
</tbody>
</table>

**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  
**Q3 Average:** N/A

*The Bureau did not close any formal discipline cases this quarter.*

**Probation Intake**

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

**Target:** 10 Days  
**Q3 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
Q3 Average: N/A

The Bureau did not handle any probation violations this quarter.
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:** 29  
**Q4 Monthly Average:** 10

**Intake**
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

**Target:** 5 Days  
**Q4 Average:** 12 Days
### 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:** 136 Days

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### 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:** 1,222 Days

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### 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.*
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.

This annual report represents the culmination of the first four quarters worth of data.

Volume
Number of complaints and convictions received.

The Bureau had an annual total of 98 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 not 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.

![Graph](image1.png)

**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 dispensation by the AG.

The Board has set a target of 540 days for this measure.

![Graph](image2.png)
Performance Measures

Q1 Report (July - September 2012)

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.

Q1 Total: 25
Q1 Monthly Average: 8

**Intake**
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 5 Days
Q1 Average: 9 Days
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
Q1 Average: 133 Days

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
Q1 Average: N/A
The Bureau did not report any cases of Formal Discipline this quarter.

Probation Intake
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.
Target: 10 Days
Q1 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
Q1 Average: N/A

The Bureau did not handle any probation violations this quarter.
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.

Q2 Total: 23
Q2 Monthly Average: 8

**Intake**
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 5 Days
Q2 Average: 15 Days
**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  
**Q2 Average:** 247 Days

---

**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  
**Q2 Average:** N/A

*The Bureau did not close any formal discipline cases this quarter.*

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**Probation Intake**
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

**Target:** 10 Days  
**Q2 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**
Q2 Average: **N/A**

*The Bureau did not handle any probation violations this quarter.*
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.

- **Q3 Total:** 20
- **Q3 Monthly Average:** 7

![Graph showing volume over time]

### Intake
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

- **Target:** 5 Days
- **Q3 Average:** 3 Days

![Graph showing intake over time]
**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  
**Q3 Average:** 69 Days

![Bar chart showing Intake & Investigation data for January, February, and March]

**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  
**Q3 Average:** N/A

*The Bureau did not close any formal discipline cases this quarter.*

**Probation Intake**

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

**Target:** 10 Days  
**Q3 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
**Q3 Average:** N/A

*The Bureau did not handle any probation violations this quarter.*
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
• 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 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).
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.


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

10. Place copy of letter in applicant file and file in Pending Applications drawer.
VI. Licensee contacts CGC and registers for Exam. Refer to IV page 7.
CAS Activities

1. 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
   CONSUMER AFFAIRS SYSTEMS 12/14/10
   - Start Up Menu -

   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 = ENFORCEMENT QUERY                  0 = BAR TAS MENU
   E = ENFORCEMENT QUERY
   L = LICENSING QUERY

   Enter Selected Code 1

   QUIT  CONTACTS  ENTER OUTSIDE AGENCY NUMBER 3108
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.
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.
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.

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 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.
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, “Statement complete.”

10/28/2013
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>.
b. At the licensing screen, enter 313 to select Update Fiduciary Data, then press <Enter>.

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>.
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>.

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<th>Due Dt</th>
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Dec 14, 10  1:53 PM

SY5 PROD
F1=help,F2=retro,F3=quit,F4=add,F5=flip,F6=Go,F7=bkwd,F8=frwd,F12=main

---

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

---

- REPORT VERSIONS -

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*** End of Data ***

Dec 14, 10  2:18 PM

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10/28/2013
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.

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

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10/28/2013
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.

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.

<table>
<thead>
<tr>
<th>Fid</th>
<th>*Ac Typ</th>
<th>Case Name</th>
<th>Pid AcctID</th>
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</thead>
<tbody>
<tr>
<td>A</td>
<td></td>
<td></td>
<td>*** End of Data ***</td>
</tr>
</tbody>
</table>

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)

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10/28/2013
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, “Statement complete.”

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.
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.
      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”
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 complaint 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.
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.*
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>.

At the next screen, Enter “113” after “SEL” for “INITIATE” and press <Enter>: 
At the next screen, enter all necessary complaint information and press <Enter>

At the next screen, enter the appropriate Action Codes:
- CRCB for “Complaint Received by Bureau.”
- CCSR for “Complaint assigned to CSR.”
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>

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.
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.

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

Professional Fiduciaries Bureau Investigation and Enforcement Process Flow

Investigation Process

Complaint Referred to Investigator

CAS procedure

Outcome is determined.

No violation or Insufficient Evidence

Case is closed.

Case referred to Cite & Fine

Licensee is cited and fined.

Stipulated Settlement/Revocation/Suspension

Outcome is determined.

Hearing before Administrative Law Judge for Proposed Decision

Outcome is determined.

Adopt/Non-Adopt

Revocation/Probation/Suspension

Does licensee appeal?

No

Case is closed.

Yes

Licensee files within Statutory Time Period.

Case Referred to AG for Accusation

Case Referred to DA for Criminal Action.

Outcome is determined.

Does licensee appeal?

No

Case is closed.

Yes

Licensee is cited and fined.
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.


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.


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.


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.


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.


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.

Appendix B: Professional Fiduciaries Bureaus Regulations

California Code of Regulations
Sections 4400 - 4622

§ 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.


§ 4402. Mailing Address of Bureau.

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


§ 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.


§ 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.


Article 2. Application and Licensure

§ 4420. Place of Filing.

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


§ 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.


§ 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.


§ 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.


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.


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;


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 prelicensing 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.


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.


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.


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.

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.


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.


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.


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.


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.


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.


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.


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.


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.

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.


§ 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.


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.


§ 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.


§ 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.


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.


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.


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.


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.


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

![Complaint Intake Form](image)

### COMPLAINT INTAKE FORM

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<thead>
<tr>
<th>Field</th>
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<td></td>
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<tr>
<td>Phone:</td>
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<td>LICENSE INFORMATION (screen print)</td>
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<td>Renewal Hold:</td>
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<tr>
<td>Administration Hold:</td>
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<td>Initial Evaluation [DATE]:</td>
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<td>Initials:</td>
<td></td>
</tr>
<tr>
<td>Initials:</td>
<td></td>
</tr>
</tbody>
</table>

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85
**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:**

<table>
<thead>
<tr>
<th>Court Representative Name</th>
<th></th>
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<tbody>
<tr>
<td>(Last)</td>
<td>(First)</td>
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</tbody>
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<table>
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<th>Court Name</th>
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<table>
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<tr>
<th>Mailing Address</th>
<th>City</th>
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<tr>
<th>Zip Code</th>
<th>County</th>
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<table>
<thead>
<tr>
<th>E-mail Address</th>
<th>Telephone Number</th>
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</thead>
</table>

<table>
<thead>
<tr>
<th>Fax Number</th>
<th>State Bar Number (if applicable)</th>
<th></th>
</tr>
</thead>
</table>

**Certification:**

I, the undersign, understand that the licensee reports provided to me upon request by the Bureau to the address above contain confidential licensee information and are being submitted to me pursuant to Section 6534 of the Business and Professions Code.

<table>
<thead>
<tr>
<th>Court Representative Signature</th>
<th>Date</th>
</tr>
</thead>
</table>

6/10/2013
Deficiency Letter

June 10, 2013

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
Dear Mr./Ms. [LAST NAME]:

This letter responds to your Public Records Act request 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 within [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]
<table>
<thead>
<tr>
<th>Code Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>4470(b)</td>
<td>Comply with all laws and regulations.</td>
</tr>
<tr>
<td>4470(c)</td>
<td>Protect consumer rights.</td>
</tr>
<tr>
<td>4470(d)</td>
<td>No representing consumer outside the scope of legal authority.</td>
</tr>
<tr>
<td>4470(e)</td>
<td>Seek competent professional advice.</td>
</tr>
<tr>
<td>4472(b)</td>
<td>Allow consumer choices that they’re capable of exercising.</td>
</tr>
<tr>
<td>4472(c)</td>
<td>Make decisions in accordance with the desires of the consumer.</td>
</tr>
<tr>
<td>4472(d)</td>
<td>Make decisions that are in the best interest of the consumer.</td>
</tr>
<tr>
<td>4472(e)</td>
<td>Decisions should consider cultural values of consumer.</td>
</tr>
<tr>
<td>4474(a)</td>
<td>Guard against the disclosure of personal information.</td>
</tr>
<tr>
<td>4474(b)</td>
<td>Disclosure of information limited to what is necessary.</td>
</tr>
<tr>
<td>4476(a)</td>
<td>Engage in conflict of interest.</td>
</tr>
<tr>
<td>4476(b)</td>
<td>Engage in relationships perceived as self-serving/conflict of interest.</td>
</tr>
<tr>
<td>4476(c)</td>
<td>Protect consumer and estate from third parties.</td>
</tr>
<tr>
<td>4478(b)</td>
<td>Informed of options available for place of residence.</td>
</tr>
<tr>
<td>4478(c)</td>
<td>Make decisions for place of residence according to desires of consumer.</td>
</tr>
<tr>
<td>4478(d)</td>
<td>Select a residence which meet the needs of consumer.</td>
</tr>
<tr>
<td>4478(e)</td>
<td>Remove consumer from home or separate consumer from family.</td>
</tr>
<tr>
<td>4478(f)</td>
<td>Seek evaluations and assessments regarding placement.</td>
</tr>
<tr>
<td>4478(g)</td>
<td>Monitor placement of consumer.</td>
</tr>
<tr>
<td>4480(b)</td>
<td>Protect personal and pecuniary interest of consumer.</td>
</tr>
<tr>
<td>4480(c)</td>
<td>Make decisions for care, treatment, or services, according to desires of consumer.</td>
</tr>
<tr>
<td>4480(d)</td>
<td>Make decisions for care, treatment, and services in best interest of consumer.</td>
</tr>
<tr>
<td>4480(e)</td>
<td>Seek evaluations and assessments regarding care, treatment and services.</td>
</tr>
<tr>
<td>4480(f)</td>
<td>Monitor care, treatment and services.</td>
</tr>
<tr>
<td>4482(a)</td>
<td>Protect assets of estate.</td>
</tr>
<tr>
<td>4482(b)</td>
<td>Pursue claims when best interest of consumer or estate.</td>
</tr>
<tr>
<td>4482(c)</td>
<td>Defend against actions or claims against estate.</td>
</tr>
<tr>
<td>4482(d)</td>
<td>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.</td>
</tr>
<tr>
<td>4482(e)</td>
<td>Manage assets of estate in best interest.</td>
</tr>
<tr>
<td>4482(f)</td>
<td>Manage estate with prudence, care and judgment.</td>
</tr>
<tr>
<td>4484(a)</td>
<td>Oppose limitations on licensee’s powers, or termination of the proceeding and restoration of the conservatee’s legal capacity.</td>
</tr>
<tr>
<td>4484(b)</td>
<td>Take all steps to facilitate termination of the fiduciary relationship.</td>
</tr>
<tr>
<td>4484(c)</td>
<td>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.</td>
</tr>
<tr>
<td>4540(a)</td>
<td>File annual report within 60 days from date of issuance of license.</td>
</tr>
<tr>
<td>4540(b)</td>
<td>File annual report no later than 60 days prior to expiration of license.</td>
</tr>
<tr>
<td>4540(c)</td>
<td>Follow E-filed annual statement with a completed, signed copy mailed and received by the Bureau within timeframes.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Code Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>6502(a)</td>
<td>Those registered with Statewide Registry need to obtain licensure.</td>
</tr>
<tr>
<td>6502(b)</td>
<td>Those required to file with court need to obtain licensure.</td>
</tr>
<tr>
<td>6530(a)</td>
<td>Must be licensed as a professional fiduciary if performing fiduciary functions.</td>
</tr>
<tr>
<td>6560</td>
<td>Maintain account records and make available upon request.</td>
</tr>
</tbody>
</table>
Attachment 12-B
Relationship of Committees to the Bureau
October 7, 2013
Organizational Charts
Fiscal Years 09-13
Department of Consumer Affairs
Bureau of Professional Fiduciaries
July 31, 2013

CURRENT
FY 2013-14
Authorized Positions: 1.7

Julia Ansel, Bureau Chief

Christy Abate, C&P Analyst
Department of Consumer Affairs
Professional Fiduciaries Bureau

CURRENT
Organization Chart
January 29, 2013

Acting Bureau Chief
Gil DeLuna
610-100-4802-907
*On Loan from BAR

Professional Fiduciaries Bureau
Angela Bigelow
Staff Service Analyst
618-110-5157-001
1 PY

Jenny Turner
Staff Service Analyst
604-200-5157-003
*On Loan from CIC

Professional Fiduciaries Bureau
Dave Thornton
Retired Annuitant
618-110-5393-007
.7 PY

Donna Marshall
Program Technician II
604-100-9928-019
*On Loan from CIC

Human Resources
Date

Denise Brown, Director
Date

Gil DeLuna, Acting Bureau Chief
1-29-13
Department of Consumer Affairs
Professional Fiduciaries Bureau
CURRENT
Organization Chart
June 2010

Acting Bureau Chief
Gil DeLuna
610-100-6802-907

Professional Fiduciaries Bureau
Angela Sigelow
Staff Service Analyst
610-110-5157-001