

**BEFORE THE DIRECTOR
DEPARTMENT OF CONSUMER AFFAIRS
PROFESSIONAL FIDUCIARIES BUREAU
STATE OF CALIFORNIA**

In the Matter of the First Amended Statement of Issues Against:

MARCUS GORDON ISSOGLIO

Professional Fiduciary License Applicant

Case No. PF 2024-174

OAH No. 2025100301

Respondent.

DECISION AND ORDER

The attached Proposed Decision of the Administrative Law Judge is hereby accepted and adopted by the Director of the Department of Consumer Affairs as the Decision in the above-entitled matter.

This Decision shall become effective on March 14, 2026.

It is so ORDERED February 12, 2026.

SIGNATURE ON FILE

GRACE ARUPO RODRIGUEZ
ASSISTANT DEPUTY DIRECTOR
LEGAL AFFAIRS DIVISION
DEPARTMENT OF CONSUMER AFFAIRS

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FACTUAL FINDINGS

Jurisdictional Matters

1. On February 23, 2025, respondent signed a Professional Fiduciary Licensing Application seeking a professional fiduciary license to act as a conservator, guardian, trustee, and agent under durable power of attorney and submitted it to the Bureau. He indicated he has the experience required for licensure by selecting the following narrative statement:

Experience of not less than five years working as a professional fiduciary or working with substantive fiduciary responsibilities for a professional fiduciary, public agency, or financial institution acting as a conservator, guardian, trustee, personal representative, or agent under a power of attorney.

2. On June 11, 2025, complainant signed a letter advising respondent his application was denied pursuant to Business and Professions Code section 6533, subdivision (f)(3). She explained:

The work experience you provided does not meet the requirement stated in BPC section 6533(f)(3) which requires the applicant to possess five years of substantive work experience in performing fiduciary responsibilities. Pursuant to BPC section 6537 you have a right to appeal this denial upon receipt of this notification.

3. Respondent timely appealed the denial of his application. On August 20, 2025, complainant signed the Statement of Issues solely in her official capacity. The Statement of Issues alleged cause to deny respondent's application pursuant to Business and Professions Code sections 6533, subdivision (f), and 6536, subdivision (a), because he

[D]oes not meet the experience requirements of not less than five years working as a professional fiduciary or working with substantive fiduciary responsibilities for a professional fiduciary, public agency, or financial institution acting as a conservator, guardian, trustee, personal representative, or agent under a power of attorney.

4. At hearing, complainant was granted leave to file the First Amended Statement of Issues. The amended pleading alleged the same legal grounds for denial as the original pleading, but alleged respondent lacked the requisite experience "serving as" a conservator, guardian, trustee, agent under a durable power of attorney, or financial representative.¹

¹ During hearing, Case Center assigned Exhibit 2 Bate's stamp A67 through A82. After complainant uploaded the First Amended Statement of Issues to Case Center, Exhibit 2 was renumbered Bate's stamp A80 through A95. Therefore, the references during hearing to Bate's stamp A67 through A71 and A72 through A82 refer to those pages now Bate's stamp A80-A84 and A85-A95, respectively.

Father's Advance Health Care Directive

5. On June 17, 2010, respondent's father signed an Advance Health Care Directive and had his signature notarized. The Advance Health Care Directive included a power of attorney for health care designating respondent the person "to make health care decisions for [his father] if [he] become[s] incapable of making [his] own decisions." Respondent was granted "full authority on all matters relating to [his father's] health care, including full power to give or refuse consent to all medical, surgical, hospital, and related health care."

6. The power of attorney for health care provided the following regarding the effective date of respondent's appointment as his father's agent for health care decisions:

The authority of my agent is effective when my primary physician determines I am incapable of making informed decisions regarding my health care. However, when this document is signed, each individual identified as my agent is, in accordance with the Health Insurance Portability and Accountability Act, my personal representative for all purposes related to any assessment of my capacity to make informed decisions regarding my health care.

Additional Evidence

7. Respondent described his parents' marriage as "a typical early sixties [*sic*] marriage – my dad worked, and my mother raised the family and managed the home." They were married 43 years before his mother passed away unexpectedly in May 2009. At the time, respondent did not realize the extent to which his father "had become

completely reliant on my mother to manage the household: the shopping, bill paying, the coordination of medical appointments – everything.”

8. Respondent visited his father a few months after his mother passed away and found him sitting in his home in the dark. Respondent’s father had not attended to his personal hygiene “in days and appeared somewhat confused.” When respondent asked what was wrong, his father told him he did not know how to pay any of the monthly bills and had not paid any since his wife’s funeral. The power company turned off the electricity due to nonpayment.

9. Respondent immediately helped his father organize his finances, created a budget, and reviewed his medical issues. His father executed a general power of attorney and an Advance Health Care Directive designating respondent his agent for both.

10. Respondent began “reassembling” his father’s life, negotiating payment plans with creditors, and making payments to creditors. He “coordinated medical appointments, reviewed medical bills and insurance claims, and ensured [his father] received appropriate medical care.” He “worked closely with healthcare providers to advocate for his [father’s] needs and facilitated communication between doctors and specialists.”

11. Respondent explained he took some college courses but not enough to earn a bachelor’s or associate degree. He has never worked for a professional fiduciary, public agency, or financial institution as a conservator, guardian, trustee, agent under a durable power of attorney, or personal representative. However, he believes he qualifies for licensure based on his experience serving as his father’s agent under the durable power of attorney for health care for more than five years. Although

no physician ever declared respondent's father incapable of making informed decisions about his health care, respondent explained that did not prevent healthcare providers from discussing his father's treatment or otherwise interacting with respondent as if he was his father's agent.

12. Complainant did not introduce any evidence contradicting respondent's. Instead, she argued that respondent never served as his father's agent pursuant to the power of attorney for health care because his father was never determined incapable of making his own decisions.

Analysis

13. The Bureau denied respondent's Professional Fiduciary Licensing Application because he does not have the requisite five years' experience performing fiduciary responsibilities. The sole issue on appeal is whether he obtained such experience while serving as his father's agent for health care decisions under the durable power of attorney for health care. Respondent has the burden of establishing by a preponderance of the evidence that he has the requisite experience.

14. The relevant facts were not disputed. Respondent's father signed an Advance Health Care Directive that included a power of attorney for health care designating respondent as agent for health care decisions. The agency did not become effective unless and until the father's physician determined the father was "incapable of making informed decisions regarding [his] health care." It was undisputed that such determination was never made.

15. It was also undisputed that the father's healthcare providers interacted with respondent for more than five years as if he was his father's agent for health care decisions. The parties argued extensively at hearing whether this qualified as

respondent "serving as" his father's agent. But that argument overlooks the critical language of the applicable statute. Regardless of how the applicant obtains the requisite experience, either "serving as" or "working for," such experience must include "experience with . . . substantive fiduciary responsibilities." (Bus. & Prof. Code, § 6533, subd. (f)(3).)

16. The compelling evidence established that respondent faithfully and lovingly helped his father with health care decisions for more than five years. However, respondent was under no fiduciary obligation to do so. Although an agent under a power of attorney for health care undoubtedly serves as his principal's fiduciary, respondent never became his father's agent because the father was never determined incapable of making his own health care decisions. Therefore, respondent did not perform any "substantive fiduciary responsibilities" when interacting with his father's healthcare providers. Unfortunately, he did not produce persuasive evidence that he has the requisite experience for licensure.

LEGAL CONCLUSIONS

Applicable Burden/Standard of Proof

1. Respondent has the burden of proving he qualifies for a professional fiduciary license by a preponderance of the evidence. (*Coffin v. Alcoholic Beverage Control Appeals Bd.* (2006) 139 Cal.App.4th 471, 476 [the party against whom a statement of issues is filed bears the burden of proof regarding the issues raised in the pleading]; see Evid. Code, § 115 ["Except as otherwise provided by law, the burden of proof requires proof by a preponderance of the evidence"].) This evidentiary standard requires respondent to produce evidence of such weight that, when balanced against

evidence to the contrary, is more persuasive. (*People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567.) In other words, respondent need only prove it is more likely than not that he qualifies for licensure. (*Lillian F. v. Super. Ct.* (1984) 160 Cal.App.3d 314, 320.)

Applicable Law

QUALIFICATIONS FOR LICENSURE

2. Business and Professions Code section 6533 outlines the 10 criteria a person must satisfy for licensure as a professional fiduciary. The sole criterion relevant here is having the requisite education, experience, or combination of education and experience. (*Id.* at subd. (f).) An applicant satisfies that criterion with one of the following:

(1) A baccalaureate degree of arts or sciences from a college or university accredited by a nationally recognized accrediting body of colleges and universities or a higher level of education.

(2) An associate of arts or sciences degree from a college or university accredited by a nationally recognized accrediting body of colleges and universities, and at least three years of experience with either of the following substantive fiduciary responsibilities:

(A) Serving as a conservator of a person, estate, or person and estate, a guardian of a person, estate, or person and estate, a trustee, an agent under a durable power of

attorney for health care, an agent under a durable power of attorney for finances, or a personal representative of a decedent's estate, as specified in Section 6501.

(B) Working for a professional fiduciary, a public agency, or a financial institution acting as a conservator of a person, estate, or person and estate, a guardian of a person, estate, or person and estate, a trustee, an agent under a durable power of attorney for health care, an agent under a durable power of attorney for finances, or a personal representative of a decedent's estate, as specified in Section 6501.

(3) At least five years of experience with either of the following substantive fiduciary responsibilities:

(A) Serving as a conservator of a person, estate, or person and estate, a guardian of a person, estate, or person and estate, a trustee, an agent under a durable power of attorney for health care, an agent under a durable power of attorney for finances, or a personal representative of a decedent's estate, as specified in Section 6501.

(B) Working for a professional fiduciary, a public agency, or a financial institution acting as a conservator of a person, estate, or person and estate, a guardian of a person, estate, or person and estate, a trustee, an agent under a durable power of attorney for health care, an agent under a durable

power of attorney for finances, or a personal representative of a decedent's estate, as specified in Section 6501.

(Bus. & Prof. Code, § 6533, subd. (f).)

GROUND FOR APPROVING OR DENYING APPLICATION

3. An application for licensure must be granted if the applicant satisfies the criteria for licensure. (Bus. & Prof. Code, § 6536.) However, an application must be denied if the applicant "does not meet the qualifications for licensure under this chapter." (*Id.* at subd. (a).)

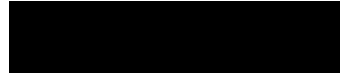
Conclusion

4. The plain language of Business and Professions Code section 6533, subdivision (f)(3)(A), requires respondent to have obtained "experience with . . . substantive fiduciary responsibilities" while serving as his father's agent for health care decisions. Unfortunately, it is irrelevant that his father's healthcare providers may have treated respondent as his father's agent when interacting with him, because respondent did not obtain "experience with . . . substantive fiduciary responsibilities" during those interactions. His father was never determined "incapable of making informed decisions regarding [his] health care," the power of attorney for health care never took effect, and respondent never became his father's fiduciary. Regrettably, Business and Professions Code section 6536, subdivision (a), provides the Bureau with no discretion to take any action other than deny respondent's Professional Fiduciary Licensing Application.

ORDER

Respondent Marcus Gordon Issoglio's Professional Fiduciary Licensing Application dated February 23, 2025, is DENIED.

DATE: February 2, 2026



SIGNATURE ON FILE

Coren D. Wong (Feb 2, 2026 10:37:43 PST)

COREN D. WONG

Administrative Law Judge

Office of Administrative Hearings

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10 **BEFORE THE**
11 **PROFESSIONAL FIDUCIARIES BUREAU**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14
15 In the Matter of the First Amended Statement
of Issues Against:

16 **MARCUS GORDON ISSOGLIO**

17 **Professional Fiduciary License Applicant**

18 Respondent.

Case No. PF 2024-174

19 **FIRST AMENDED STATEMENT OF**
20 **ISSUES**

21 **PARTIES**

22 1. Cynthia Antar (Complainant) brings this First Amended Statement of Issues solely in
23 her official capacity as a Program Manager at the Professional Fiduciaries Bureau (Bureau),
24 Department of Consumer Affairs.

25 2. On or about February 26, 2025, the Bureau received an application for a Professional
26 Fiduciary License from Marcus Gordon Issoglio (Respondent). On or about February 23, 2025,
27 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and
28 representations in the application. The Bureau denied the application on June 11, 2025.

1 **JURISDICTION**

2 3. This First Amended Statement of Issues is brought before the Director of the
3 Department of Consumer Affairs under the authority of the following laws. All section
4 references are to the Business and Professions Code (Code) unless otherwise indicated.

5 4. Section 22 of the Code states:

6 "Board" as used in any provisions of this code, refers to the board in which the
7 administration of the provision is vested, and unless otherwise expressly provided,
8 "examining committee," "program," and "agency."

9 5. Section 6515 of the Code states:

10 The duty of administering and enforcing this chapter is vested in the bureau and
11 the chief. In the performance of this duty, the bureau and the chief have all of the
12 powers of, and are subject to all of the responsibilities vested in and imposed upon,
13 the head of a department by Chapter 2 (commencing with Section 11150) of Part 1 of
14 Division 3 of Title 2 of the Government Code.

15 6. Section 6537 of the Code states:

16 The bureau may deny a license for the reasons specified in Section 480 or 6536.
17 An applicant notified of the denial of his or her application for licensure shall have
18 the right to appeal to the bureau as specified in Chapter 2 (commencing with Section
19 480) of Division 1.5.

20 7. Section 6582 of the Code states:

21 All proceedings against a licensee for any violation of this chapter or any
22 regulations adopted by the bureau shall be conducted in accordance with the
23 Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1
24 of Division 3 of Title 2 of the Government Code), and shall be prosecuted by the
25 Attorney General's office, and the bureau shall have all the powers granted therein.

26 **STATUTORY PROVISIONS**

27 8. Section 6533 of the Code states, in pertinent part:

28 ...

(f) Have at least one of the following:

(1) A baccalaureate degree of arts or sciences from a college or university
accredited by a nationally recognized accrediting body of colleges and universities or
a higher level of education.

(2) An associate of arts or sciences degree from a college or university
accredited by a nationally recognized accrediting body of colleges and universities,
and at least three years of experience with either of the following substantive
fiduciary responsibilities:

1 (A) Serving as a conservator of a person, estate, or person and estate, a guardian
2 of a person, estate, or person and estate, a trustee, an agent under a durable power of
attorney for health care, an agent under a durable power of attorney for finances, or a
personal representative of a decedent's estate, as specified in Section 6501.

3 (B) Working for a professional fiduciary, a public agency, or a financial
4 institution acting as a conservator of a person, estate, or person and estate, a guardian
of a person, estate, or person and estate, a trustee, an agent under a durable power of
attorney for health care, an agent under a durable power of attorney for finances, or a
5 personal representative of a decedent's estate, as specified in Section 6501.

6 (3) At least five years of experience with either of the following substantive
7 fiduciary responsibilities:

8 (A) Serving as a conservator of a person, estate, or person and estate, a guardian
of a person, estate, or person and estate, a trustee, an agent under a durable power of
attorney for health care, an agent under a durable power of attorney for finances, or a
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10 (B) Working for a professional fiduciary, a public agency, or a financial
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12 personal representative of a decedent's estate, as specified in Section 6501.

13 9. Section 6536 of the Code states, in pertinent part:

14 The bureau shall review all applications for licensure and may investigate an
15 applicant's qualifications for licensure. The bureau shall approve those applications
that meet the requirements for licensure, but shall not issue a license to any applicant
16 who meets any of the following criteria:

17 (a) Does not meet the qualifications for licensure under this chapter.

18
19 **CAUSE FOR DENIAL OF APPLICATION**

20 (Failure to Meet Education/Experience Requirements)

21 10. Respondent's application is subject to denial under Code sections 6533, subdivision
22 (f) and 6536, subdivision (a), in that Respondent does not meet the qualifications for licensure.
23 Specifically, Respondent does not meet the requirements of at least five years substantive
24 fiduciary responsibilities serving as a conservator of a person, estate, or person and estate, a
25 guardian of a person, estate, or person and estate, a trustee, an agent under a durable power of
26 attorney for health care, an agent under a durable power of attorney for finances, or a personal
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director of the Department of Consumer Affairs issue a decision:

1. Denying the application of Marcus Gordon Issoglio for a Professional Fiduciary License;
2. Taking such other and further action as deemed necessary and proper.

DATED: 12/30/2025

 SIGNATURE ON FILE

CYNTHIA ANTAR
Professional Fiduciaries Bureau
Department of Consumer Affairs
State of California
Complainant

SA2025304073
Statement of Issues.docx

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Against:

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18 Respondent.

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2. Taking such other and further action as deemed necessary and proper.

DATED: 08/20/2025

SIGNATURE ON FILE

CYNTHIA ANTAR
Professional Fiduciaries Bureau
Department of Consumer Affairs
State of California
Complainant

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