

THE

PFB UPDATE



STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS



PROFESSIONAL FIDUCIARIES BUREAU

FALL 2020

MESSAGE FROM THE BUREAU CHIEF

Hello friends of the Professional Fiduciaries Bureau!

2020 has been quite the year, hasn't it? Given that time travel (to 2021) isn't possible yet, I'm allowing all the uncertainty to be the growth opportunity I didn't know I needed (or wanted).

I find that my best coping mechanism for calming anxious nerves is to control the "controllable." Have you considered how to increase your preparedness before trouble strikes? It's not just ensuring you are stocked up on toilet paper (though that's rather important), but planning for how to weather the shutdowns, care for our elders and loved ones, and to consider what happens when you are unable to be the caretaker? Would my husband know where I've stashed the extra sippy cups for our toddler son? Would my work colleagues be able to identify what projects I am working on and where I left off?

Speaking of being prepared, are you considering hiring a professional fiduciary to manage your affairs when you are no longer able to do so? If so, I highly encourage you to interview several candidates, ask for and check references, and **most importantly**, ensure the person you are thinking of hiring is actively licensed by the Bureau. You can go to <https://search.dca.ca.gov> or call our office at (916) 574-7340 to check the status of a license.

For our licensees, remember it is ALWAYS your responsibility to know the requirements surrounding your license. Complete and accurate annual statements are due **60 days prior to the expiration of your license**. This requirement is in law (**Business and Professions Code (BPC) section 6562**) and allows the Bureau enough time to process your renewal. Working with an expired license is a violation of **BPC section 6531**.

The Bureau is not alone in dealing with new challenges, but we press forward as always. We remain open to the public, to serve our consumers and our licensees.

If you have any questions or comments, please contact us via email at fiduciary@dca.ca.gov.

Sincerely,

Rebecca May
Bureau Chief

P.S. In case you missed it, what was once *The Guardian* is now *The PFB Update*. It's not fancy or flashy, but its simplicity suggests that you will find what you need to know inside, whether you or a loved one are the client of a professional fiduciary or you are a licensee yourself. I hope you love the change as much as I do.

DEPARTMENT OF CONSUMER AFFAIRS



PROFESSIONAL FIDUCIARIES BUREAU

IN THIS ISSUE

Message from the Bureau Chief	1	Send Us Your Feedback	5	Advisory Committee Members	8
Ask Angie	2	Bureau Actions Explanation of Language	5	PFB Staff	8
2020 Legislative Update	4	2019/2020 Enforcement Actions	6	Advisory Committee 2020 Meeting Date	8
Vision and Mission Statements	4	Important Bureau Updates and How to Receive Them	8	Contact Information	8

ASK ANGIE

Angela Cuadra is the Professional Fiduciaries Bureau's resident expert when it comes to the Bureau's functions. If you have a question regarding applications, licensing, licensing renewals, complaints, enforcement, or any other questions related to the Bureau, please email fiduciary@dca.ca.gov with the phrase ASK ANGIE in the subject line. Questions will be answered directly and if the question is popular, the answer will be published in our next e-newsletter. Please note that we cannot provide legal advice. Below are some commonly asked questions.

Consumers

Q How can I find out if an individual is licensed as a professional fiduciary?

A You can verify a license online by clicking "**License Verification**" on the Bureau's **website** or by calling our office at (916) 574-7340.

Q How do I file a complaint against a licensed professional fiduciary?

A To file a complaint against a licensed California professional fiduciary, you may go to the Bureau's website (https://fiduciary.ca.gov/consumers/file_complaint.shtml) to file a complaint online or print the form to mail, email, or fax to the Bureau.

Applicants

Q Can you explain the license application process?

A There are three main steps to the licensure process. There is an application and background check by the Bureau, an application and background process by the Center for Guardianship Certification, and a registration and appointment process with Psychological Services Incorporated (PSI), which administers the examination. The examination is offered throughout California at PSI testing centers. Applicants that meet experience and/or education requirements, pass a background check, pass the examination, and pay fees, will receive a professional fiduciary license.

Q Why is my initial license fee prorated?

A Pursuant to California Code of Regulations (CCR) section 4428, an initial license shall expire at midnight on the last day of the licensee's birth month. No license shall be issued for less than 12 months or more than 24 months. Prorated fees are calculated pursuant to CCR 4580, subdivision (b).

Q How long is my license valid?

A Your license is valid for one year and expires on the last day of your birth month (except an initial license, which may be up to 24 months). Licenses are renewed annually.

Q What are the requirements for a professional fiduciary once licensed?

A Licensed professional fiduciaries must abide by the Professional Fiduciary Act, California Code of Regulations, and other laws governing the profession. Some of the requirements include:

- Keep complete and accurate records of client accounts and shall make those records available for audit by the Bureau.
- File an **Initial Annual Statement** with the Bureau within 60 days of a license being issued.
- File an **Annual Statement** at least 60 days prior to the expiration of the license as a condition of license renewal each year.
- Complete 15 hours of approved continuing education courses each year.

(continued from page 2)

Licensees

Q What is the process for renewing my license?

A Licenses are renewed on an annual basis. To renew your license, you must submit a complete Annual Statement **60 days prior** to the date your license expires, pay the license renewal fee, and verify completion of continuing **education** requirements. A license renewal notice will be mailed to you approximately 60 days prior to the expiration of your license. This form should be completed and returned with your renewal payment. Postmarking your renewal payment on or before the date your license expires only means you avoid having to pay the delinquent fee (\$150); however, your license will expire if renewal items are not received and processed prior to the license expiration date.

Q Which client cases should I report to the Bureau when renewing my license?

A When submitting your Annual Statement for renewal, report only the cases you opened or closed since the date of your LAST Annual Statement. This includes ALL court-appointed and private-party conservatorship, guardianship, trust, durable power of attorney, and personal representative cases.

Q What do I do if I do not receive a license renewal notice?

A If you do not receive the license renewal notice, please contact the Bureau. The Annual Statement, which is due 60 days prior to your expiration, is a separate form and will not be mailed to you.

Q How long does it take the Bureau to process my renewal once it is received?

A It takes approximately four to six weeks from the date of receipt to process your renewal package, **provided it is complete**. It is important that you mail in your Annual Statement, your license renewal notice with payment, and verification of completion of the required continuing education, at least 60 days prior to your expiration date to ensure that your renewal can be processed prior

to the date your license expires. Renewals are processed in the order they are received. If any part of the renewal documents are not received on time, your license may not be renewed prior to its expiration date.

Q How many hours of continuing education do I need for renewal, and where do I find continuing education providers?

A Pursuant to CCR section **4442**, licensees must complete a minimum of 15 hours of continuing **education**, including two hours in ethics during the annual renewal period. You can find approved education providers and courses on our website by clicking "**Education**" at the top right of the homepage.

Q What happens if I am short on continuing education hours for my annual renewal?

A Your license will not be renewed until all requirements, including continuing education, pursuant in Business and Professions Code (BPC) section 6541 are completed.

Q How long do I need to keep proof/documentation of my completed continuing education?

A According to CCR section 4452, subdivision (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." The Bureau conducts periodic continuing education audits.

Q What happens if the Bureau selects me for a continuing education audit?

A According to CCR section 4452, subdivision (c), "Each licensee shall provide any information requested by the Bureau within 10 business days of the request to determine compliance with the continuing education requirements for license renewal."

(continued on page 4)

(continued from page 3)

Q Why is the Bureau investigating a complaint against me? It is meritless and frivolous.

A The Bureau is required by law to investigate all complaints. BPC section 6580, subdivision (a) states, "The Bureau may upon its own, and shall, upon the receipt of a complaint from any person, investigate the actions of any professional fiduciary ... The Bureau shall review a professional fiduciary's alleged violation of statute, regulation, or the Professional Fiduciaries Code of Ethics and any other complaint referred to it by the public, a public agency, or the department, and may impose sanctions upon a finding of a violation or a breach of fiduciary duty."

Q Can I have a copy of the complaint that was filed against me?

A No. Complaint and investigative records conducted by state agencies are exempt from disclosure under the California Public Records Act, pursuant to Government Code section 6254, subdivision (f).

Q I've moved. Do I need to let the Bureau know?

A Yes. Licensees are required to notify the Bureau of any change to address or phone number within 15 business days, pursuant to CCR section 4544. The Bureau has a **form** to do so.



2020 LEGISLATIVE UPDATE

Few bills unrelated to COVID-19 passed through the Legislature this year. However, the following bill was signed into law recently and may be of interest to our licensees. Unless otherwise stated in the body of the bill's language, this law's provisions take effect January 1, 2021.

**Senate Bill 1474 (Committee on Business, Professions and Economic Development).
Business and Professions Code.**

This bill extends and adjusts the sunset dates for several Department of Consumer Affairs boards and bureaus, and prohibits contracting for, or proposing to contract for, an agreement to not file a complaint with a licensing board/bureau or to participate in a board/bureau investigation into a licensee for a consumer service.

Status: Signed into law, Chapter 312, Statutes of 2020.



VISION AND MISSION STATEMENTS

OUR VISION

Safeguarding the well-being of consumers who receive professional fiduciary services.

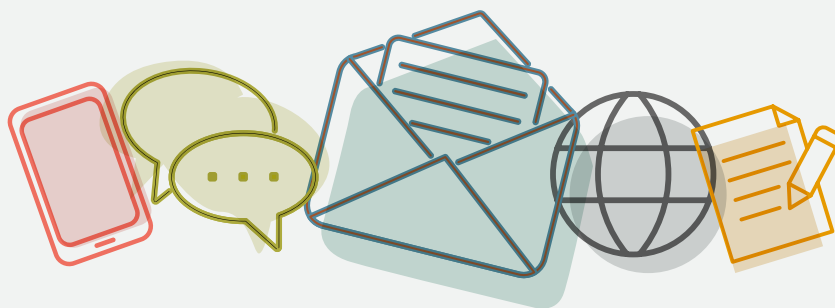
OUR MISSION

To protect consumers through licensing, education, and enforcement of the Professional Fiduciaries Act by promoting and upholding competency and ethical standards across the profession.

SEND US YOUR FEEDBACK

We hope you find *The PFB Update* useful. The Bureau welcomes your comments and suggestions for future issues. You can contact us by phone at (916) 574-7340 or by email at fiduciary@dca.ca.gov. Online copies of *The PFB Update* are available at www.fiduciary.ca.gov/forms_pubs/newsletter.shtml.

Please share this newsletter with your staff and let them know they can sign up to receive a copy by joining the Bureau's interested party list at www.fiduciary.ca.gov/webapps/subscribe.php.



BUREAU ACTIONS EXPLANATION OF LANGUAGE

Accusation

A formal, written statement of charges filed against a licensee.

Citation and Fine

Licensee is issued a citation and required to pay a fine commensurate with the violation committed.

Default Decision

Licensee fails to respond to an accusation by filing a notice of defense or fails to appear at an administrative hearing.

Effective Decision Date

The date the disciplinary decision/order goes into operation.

Letter of Public Reprimand

A formal reprimand issued by the Bureau, which could be in lieu of filing a formal accusation.

Revoked

The license is voided and the right to practice has ended.

Revoked, Stayed, Probation

"Stayed" means the revocation is postponed, put off. Professional practice may continue as long as the licensee complies with specified probationary terms and conditions. Violation of probation may result in the revocation that was postponed by the stay.

Statement of Issues

Charges filed against an applicant to deny licensure due to alleged violations of the Professional Fiduciaries Act.

Stipulated Settlement

The case is negotiated and settled prior to hearing.

Surrender of License

While charges are still pending, the licensee agrees to turn in the license—subject to acceptance by PFB.

Suspension

The licensee is prohibited from practicing for a specified period.

Writ

An appeal filed by the licensee in Superior Court asking the court to overturn PFB's decision.

2019 ENFORCEMENT ACTIONS

LICENSEE/APPLICANTS	LICENSE NUMBER	ACTION TAKEN	EFFECTIVE DATE
Nancy L. Norris	224	Citation Status: Order Satisfied	1/11/2019
Theresa Hawkins	59	Citation Status: Order Satisfied	2/7/2019
Fessha Taye	201	Surrender	3/6/2019
Robin Toor	959	Citation Status: Order Satisfied	3/26/2019
Stephen Craig	425	Citation Status: Order Satisfied	3/25/2019
Michelle Moore	348	Citation	3/26/2019
Tina Senteno	543	Citation Status: Order Satisfied	3/26/2019
Andrei Andreev	685	Citation Status: Order Satisfied	3/26/2019
Lauren Butterfield	622	Citation Status: Order Satisfied	3/29/2019
Debra Dolch	43	Citation Status: Order Satisfied	4/12/2019
Christie Davidson	109	Accusation	4/19/2019
Debra Trout	90	Citation Status: Order Satisfied	4/29/2019
Juan Guzman	674	Accusation	5/7/2019
Debra Trout	90	Citation Status: Order Satisfied	7/11/2019
Juan Guzman	674	Revocation	7/17/2019
Sally Cicerone	164	Accusation	8/6/2019
Daniel DiCarlo	517	Citation	8/8/2019
Debra Rose	796	Citation	10/9/2019
Kathryn Spyrka	844	Citation Status: Order Satisfied	10/9/2019
Linda Maxwell	76	Citation Status: Order Satisfied	10/9/2019
Donna Bogdanovich	572	Citation	10/9/2019
Daniel DiCarlo	517	Citation	10/14/2019
Michelle Moore	348	Citation	10/14/2019
Donna Bogdanovich	572	Citation	10/23/2019
Christi Lyn Fried	526	Citation Status: Order Satisfied	11/5/2019
Sally Cicerone	164	Citation Status: Citation Satisfied	11/4/2019
Michele Tiernan	548	Citation Status: Order Satisfied	11/4/2019
Barbara de Vries	130	Citation Status: Order Satisfied	11/13/2019
Veronica Lanuza	246	Citation Status: Citation Satisfied	12/20/2019
Lois Leflar	307	Citation	12/20/2019
Margo Richardson	57	Citation Status: Order Satisfied	12/20/2019

(continued from page 6)

2020 ENFORCEMENT ACTIONS

LICENSEE/APPLICANTS	LICENSE NUMBER	ACTION TAKEN	EFFECTIVE DATE
Angelique Friend	368	Citation Status: Order Satisfied	1/10/2020
Dawn Mills	377	Citation Status: Order Satisfied	1/21/2020
Christie Gough	277	Citation Status: Order Satisfied	1/21/2020
Varee Wycoff	386	Citation Status: CitationrSatisfied	1/21/2020
Patricia Atwood	454	Citation Status: Order Satisfied	1/22/2020
Mary Chapot	654	Citation Status: Order Satisfied	1/22/2020
Karin Smith	821	Citation Status: Citation Satisfied	1/22/2020
Michael Patrick Cunningham	428	Accusation	2/3/2020
Deirdre Nesbit-Combs	309	Citation	2/14/2020
Margarita Maceda	381	Citation Status: Citation Satisfied	2/18/2020
Denise Rooke	344	Citation Status: Order Satisfied	2/18/2020
David Stapleton	963	Citation Status: Order Satisfied	2/18/2020
Christie Davidson	109	Stipulated Settlement	3/9/2020
Rita D. Michael	217	Citation Status: Citation Satisfied	3/9/2020
Sally Cicerone	164	Amended Accusation	3/24/2020
Dawn Elizabeth Akel	138	Accusation	4/9/2020
Faisal Chowdhury	505	Citation Status: Citation Satisfied	5/14/2020
Debra Rose	796	Accusation	5/22/2020
Catherine Bendixen	948	Citation	10/23/2020
Donna Bogdanovich	572	Citation	10/23/2020
Maggie Bohlman	169	Citation	10/23/2020
James Cadman	225	Citation	10/23/2020
Dawn Elizabeth Akel	138	Surrender	10/27/2020
Donna Bogdanovich	572	Accusation	10/30/2020
Michael Cunningham	428	Surrender	1/4/2021

IMPORTANT BUREAU UPDATES and how to receive them

The Bureau is now on Facebook and Twitter! Follow the Bureau by clicking on the following icons or going to the specified link:



[www.facebook.com/
CaliforniaProfessionalFiduciariesBureau](http://www.facebook.com/CaliforniaProfessionalFiduciariesBureau)



<https://twitter.com/FiduciaryBureau>



Additionally, if you would like to receive notifications from the Bureau about upcoming events, new regulations, and Advisory Committee meetings, please sign up to receive email notifications from the Bureau at the following link:

[www.dca.ca.gov/webapps/
fiduciary/subscribe.php](http://www.dca.ca.gov/webapps/fiduciary/subscribe.php)

OUR OFFICE WILL BE CLOSED ON THE FOLLOWING HOLIDAYS IN 2020:

Wednesday, November 11	Veterans Day
Thursday, November 26	Thanksgiving
Friday, November 27	Day after Thanksgiving
Friday, December 25	Christmas Day

ADVISORY COMMITTEE 2020 MEETING DATES:

DATE	LOCATION
December 2	Via Webex

ADVISORY COMMITTEE MEMBERS

Wendy Hatch, vice chair, licensee

Chi K. Elder, public member

James Moore, licensee

Bertha Sanchez-Hayden, nonprofit organization advocating on behalf of the elderly

Denise Nelesen, public member

Elizabeth R. Ichikawa, probate court investigator

Vacant, licensee

The chair position is currently vacant.

PFB STAFF

Rebecca May, bureau chief

Angela Cuadra, program analyst

Sue Lo, enforcement analyst

DEPARTMENT OF CONSUMER AFFAIRS



PROFESSIONAL FIDUCIARIES BUREAU

LOCATION

1625 North Market Blvd., Suite S-209
Sacramento, CA 95834

CONTACT

Phone: (916) 574-7340

Fax: (916) 574-8645

Email: fiduciary@dca.ca.gov