

THE

# PFB UPDATE



STATE OF CALIFORNIA  
**dca**  
DEPARTMENT OF CONSUMER AFFAIRS



PROFESSIONAL FIDUCIARIES BUREAU

SPRING 2021

## MESSAGE FROM THE BUREAU CHIEF

### ***Hello friends of the Professional Fiduciaries Bureau!***

I hope that this newsletter finds you in good health and spirits. After a chaotic 2020 and a slow start to 2021, it finally feels like we are collectively turning a corner on the pandemic. It may be naïve, but I'm allowing hope to remain in the driver's seat this year. However, despite feeling good about the future, I am continuing to physically distance and wear a mask to do my part.

*The PFB Bulletin* is full of useful information, whether you are a consumer (check out "How to File a Complaint" on page 5), or a licensee (read our "Legislative and Regulatory

Updates" on pages 3 and 4, and "How to File an Annual Statement" on page 6). I also hope everyone will check out the segment on our new Advisory Committee Chair Chi K. Elder on page 2.

If you have questions or suggestions regarding *The PFB Bulletin* or the Bureau in general, please do not hesitate to reach out to us at [fiduciary@dca.ca.gov](mailto:fiduciary@dca.ca.gov). I look forward to hearing from you.

Sincerely,

Rebecca May, Bureau Chief



DEPARTMENT OF CONSUMER AFFAIRS



PROFESSIONAL FIDUCIARIES BUREAU

### IN THIS ISSUE

Message from the Bureau Chief	1
Get to Know Our Advisory Committee Member Chi K. Elder	2
2021 Legislative Update	3
Regulatory Update	4
Filing a Complaint Against a Professional Fiduciary	5

Continuing Education Waivers	6
Annual Statement	6
Send Us Your Feedback	7
Vision and Mission Statements	7
Bureau Actions Explanation of Language	7
2020/2021 Enforcement Actions	8
COVID-19 Safety Tips	9

Important Bureau Updates and How to Receive Them	10
Office Closures	10
Advisory Committee 2021 Meeting Dates	10
Advisory Committee Members	10
PFB Staff	10
Location/Contact	10

## GET TO KNOW OUR ADVISORY COMMITTEE MEMBER CHI K. ELDER

*Chair Chi K. Elder has served as a public member to the Professional Fiduciaries Bureau's Advisory Committee since 2020. She was elected chair in December 2020.*

### TELL US A LITTLE ABOUT YOURSELF

My ability to build trust and genuine relationships with people from diverse backgrounds is a result of growing as a first-generation Asian American. Our family came to the U.S. in 1975 as political refugees from Vietnam. My parents, a seamstress and a machinist, taught me strong work ethics, resiliency, and to give forward to help others. I was the first in my family to go to college and achieve a master's degree. I have always strived to channel my passion and determination to addressing issues that matter to me like drive, inclusion, and equity.

As a seasoned community development professional with over 20 years of experience, I've had the privilege of working with amazing nonprofit organizations and I continue to be inspired and amazed by their ingenuity and impact. During my early career, I managed the Economic Development Division of the Union of Pan Asian Communities, a San Diego-based nonprofit that provides health and human services focused on improving the overall well-being of underserved diverse populations. This is when I met our California Senate President Pro Tempore Toni Atkins, who at the time was serving as councilmember for District 3. I had volunteered with the former councilmember on various housing, community and economic development initiatives. Senate President Pro Tempore Atkins' passion for creating real results for residents and finding solutions to complex issues helped to shape how I think about addressing seemingly difficult community issues. In 2004, I was invited by Citi's local community relations team to a community needs discussion about San Diego County. After providing advice on community programs and solutions to existing and emerging issues, I was invited to apply for the Southern California community relations position. I was not

initially interested until I learned the role engaged nonprofits and local leaders regionwide to drive societal impact for vulnerable and low-income individuals and families. Nearly 18 years later as Citi's vice president for community relations—West, and starting and raising a family, my commitment to empowering underserved communities is stronger than ever. In late 2019, Sen. Atkins nominated me to serve on the PFB Advisory Committee. A year later, I was elected by the committee to chair in 2021. It is an honor to serve in this capacity and represent the California State Senate Rules Committee.

### What perspective do you hope to bring to the Advisory Committee?

The unique perspective I hope to bring is from first-hand experience with cultivating the power of public/private partnerships; the importance of listening deeply to stakeholders and to try new approaches, even if they fail; to adopt a data-driven approach to what we do and understand the value of transparency. Above all, the need to be intentional about inclusion and being inclusive, and to harness and embrace different perspectives to achieve a shared mission and agenda for change.

### Why is consumer protection important to you?

I grew up with humble beginnings. My siblings and I were very young when we first arrived in the U.S. My parents, who had limited English proficiency, needed to secure jobs, housing, and other daily living necessities. However, they had to navigate a system that was—in the most literal sense—foreign to them. The available services provided little support that met their language and cultural needs. Consequently, our family was victim to various financial fraud and scams, often losing money they had worked incredibly hard to save. Although I was not old enough to fully understand and advocate on their behalf, I knew something was not right. My parents taught us to stay focused on what we can affect to improve our situation, become self-sufficient and help others throughout the journey. These experiences have shaped who I am and how I serve and support others. I believe it is important to help others prevent financial fraud and scams, and my personal value is well aligned with the Department of Consumer Affairs and the PFB's essential work to protect vulnerable populations.



## LEGISLATIVE UPDATE

The following bills are pending passage by the California Legislature and may be of interest to our licensees and consumers. If passed by the Legislature and signed by the governor, these bills will become effective January 1, 2022, unless otherwise noted. Additional information regarding these bills, including full text and policy committee analyses, can be found at [www.leginfo.legislature.ca.gov](http://www.leginfo.legislature.ca.gov).

### **AB 260 (Stone) Guardianships**

This bill would require the court to have good cause to waive a local child welfare services agency investigation and would prohibit the guardianship proceedings from being completed until the investigation is completed and a report is provided to the juvenile court. Second, this bill would require the state-funded Kinship Guardianship Assistance Payment Program (Kin-GAP) aid to be provided on behalf of any child under 18 years of age and to any eligible youth under 21 years of age who has kinship guardianship established. This bill would also eliminate existing law requirements to receive Kin-GAP aid.

**Status: Pending Assembly Floor**

### **AB 465 (Nazarian) Professional Fiduciaries: Prelicensing and Renewal or Restoration: Education**

This bill, beginning January 1, 2023, would require the prelicensing education courses to include at least one hour of instruction in cultural competency. This bill would also require, by January 1, 2023, a licensee to complete at least one hour of instruction in cultural competency every three years as a condition of license renewal or restoration.

**Status: Pending Senate Rules Committee**

### **AB 574 (Chen) Guardians Ad Litem: Mental Illness**

This bill would establish an additional procedure for the appointment of a guardian ad litem for a person who lacks the capacity to make rational informed decisions regarding medical care, mental health care, safety, hygiene, shelter, food or clothing. This bill would authorize certain persons to petition the court for the

appointment of a guardian ad litem and would establish the procedures that would govern the filing of the petition, notice procedures, and court procedures.

**Status: Pending Assembly Health Committee**

### **AB 596 (Nguyen) Appointed Legal Counsel**

This bill would require an attorney, who determines the conservatee or proposed conservatee is unable to communicate, to report this inability to the court. The court will then make a determination regarding this allegation based on evidence, in a procedure as determined by the court. This bill would specifically require an attorney, who is appointed under these provisions to represent a conservatee, proposed conservatee, or person alleged to lack legal capacity to act as an advocate for the client, and would prohibit the attorney from substituting their own judgment for that of the client's expressed interests.

**Status: Pending Assembly Judiciary Committee**

### **AB 1062 (Mathis) Conservators and Guardians: Disposition of Property**

This bill would authorize a guardian or conservator of the estate to dispose or abandon valueless property only after providing all persons who received notice of the guardianship or conservatorship with 15 days written notice containing a broad, general description of the property and reasonable access to the property. This bill would also authorize a person who receives notice pursuant to this bill to petition the court to resolve a dispute related to the property. Lastly, this bill would subject the estate of a conservatee or ward to the continuing jurisdiction of the court, if a guardian of the estate or the conservator of the estate becomes a successor trustee while the ward or conservatee is alive, unless the court finds it is not in the ward's or conservatee's best interest to be under court supervision with the appropriate accounting required by the court.

**Status: Pending Assembly Floor**

### **AB 1194 (Low): Conservatorship**

This bill would require the Bureau to revoke a professional fiduciary's if the court finds the client abused or breached a fiduciary duty to a ward or conservatee in their care. The bill would also make a licensee liable for a civil penalty up to \$5,000 payable

*(continued on page 4)*

(continued from page 3)

to the conservatee's estate if the licensee is found by the court to have abused a conservatee and requires the court to notify the Bureau if it determines that a licensee has abused a conservatee. Additionally, this bill would authorize any person to petition the court to investigate an allegation of abuse of a conservatee and would require the court to investigate those allegations. Lastly, this bill would require a professional fiduciary with a website to post a schedule of fees.

**Status: Pending Assembly Appropriations Committee**

**SB 602 (Laird): Review of Conservatorships**

This bill would require a conservator to submit a care plan regarding his or her conservatee within 30 days of appointment or within 30 days before a hearing to determine the continuation or termination of an existing conservatorship. This bill would allow the court to impose civil penalties for failure to do so, and if the conservator is a professional fiduciary, this bill allows the court to impose administrative penalties, suspension or revocation of a license.

**Status: Pending Senate Appropriations Committee**

## REGULATORY UPDATE

The Bureau is pleased to announce that the Office of Administrative Law (OAL) approved the Bureau's regulatory change establishing substantial criteria for the denial of a license, pursuant to AB 2138 (Chapter 995, Statutes of 2018). The text of the new regulation may be found on the Bureau's website by clicking on [Laws/Regs](#).

Additionally, the OAL approved the Bureau's regulatory change, without regulatory effect, establishing expedited licensure for asylees, pursuant to Business and Professions Code sections 115.4, 115.5, and 135.4. The text of the new regulation may be found on the Bureau's website by clicking on [Laws/Regs](#).

The Bureau is currently promulgating regulations to establish standards by which licensees notify their clients that they are licensed by the Bureau. The proposed text and supporting documentation establishing why this regulatory change is needed can also be found on the Bureau's [website](#) under "What's Happening."



## FILING A COMPLAINT AGAINST A PROFESSIONAL FIDUCIARY

The Bureau is authorized to investigate the actions of any professional fiduciary for violations of the licensing laws under the Professional Fiduciaries Act [Business and Professions Code (BPC) section 6500 et seq.] and its regulations, or of any of the statutes, rules, or regulations pertaining to duties or functions of a professional fiduciary.

Here is some important information to consider **prior** to submitting your complaint:

- When filing a complaint with the Bureau, please provide as much detailed information as possible, including supporting documents to assist with the investigation. Please be advised that the **Bureau will not return records that you provide**. It is highly recommended that you only submit copies of records to the Bureau.
  - Each investigation is unique and there is no specific timeframe for the Bureau to conclude its investigations. The Bureau will contact you if more information is needed or at the conclusion of its investigation. Please note that information relating to the Bureau's investigatory process and the Bureau's investigative files and documents are considered privileged information and will not be disclosed.
  - The Bureau **does not conduct criminal investigations nor can the Bureau determine whether criminal violations have occurred**. Complaints involving alleged criminal conduct should be filed with the appropriate law enforcement agency.
  - Possible sanctions that may result from a Bureau investigation are a citation, fine, suspension, or revocation. The Bureau does not have the authority to compel a licensee to perform or refrain from doing certain actions in respect to their respective client(s).
- The following matters fall outside of the Bureau's authority and may require court involvement (you may need to seek legal advice to determine what legal remedies are available to you):
    - Amending, interpreting, or enforcing the terms of a conservatorship, guardianship, trust, durable power of attorney, or will.
    - Determining appropriate placement, treatment, or visitation.
    - Enforcing, overturning, or determining violations of a court order.
    - Removing a licensee from serving in his or her duly appointed capacity or appointing a licensee as conservator, trustee, guardian, agent under a durable power of attorney, or personal representative of a decedent's estate.
    - Determining or compelling repayment of funds for mismanagement/misuse of assets.
    - Determining and directing payments or distributions from estate/trust assets.
    - Compelling someone to release documents and information to other individuals and/or entities.
  - The Bureau's enforcement **jurisdiction applies only to professional fiduciaries subject to licensing**. If your complaint involves matters outside of the Bureau's jurisdiction, the Bureau will notify you and may refer you to another government agency, if appropriate.
  - The Bureau does not oversee the Probate Courts and cannot overturn court decisions or investigate complaints against the Probate Court.

Additional information on filing a complaint can be found at our [website](#).



# CONTINUING EDUCATION WAIVERS

Exercising authority under Governor Gavin Newsom's Executive Orders N-40-20 and N-75-20, the director of the Department of Consumer Affairs has temporarily waived continuing education (CE) requirements for licensing programs under Division 3 of the Business and Professions Code, including the Professional Fiduciaries Bureau. The current waiver (dated March 30, 2021) is specifically for licenses that expire between

March 31, 2020, and May 31, 2021, and allows those licensees an additional six months beyond the date of the order to complete their CE requirements. Additional information about the CE waiver, and any future updates to the CE waiver, can be found on the Bureau's website [here](#).

Licensees are required to complete 15 hours of CE as part of their annual renewal cycle, including two hours in ethics. Licensees can find approved education courses at on the Bureau's website [here](#).



# ANNUAL STATEMENT

Every year like clockwork, licensees are required to submit their **Annual Statement** at least 60 days prior to the expiration date of their license. This important requirement is a condition of licensure pursuant to **Business and Professions Code section 6562**.

Licenses will not be renewed unless an updated and complete Annual Statement is on file. Further, licensees who do not send in their Annual Statement on time risk practicing with an expired license and may be subject to administrative or enforcement actions.

Need help filling out your Annual Statement? Visit our website at [www.fiduciary.ca.gov](http://www.fiduciary.ca.gov) for a helpful tutorial video. You are also welcome to call us at (916) 574-7340 or email us at [fiduciary@dca.ca.gov](mailto:fiduciary@dca.ca.gov).



## 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](mailto:fiduciary@dca.ca.gov). Click [here](#) to find online copies of *The PFB Update*.

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. Click [here](#) to subscribe.



## 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.

## 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.

### Writ

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

## 2020 ENFORCEMENT ACTIONS

LICENSEE/APPLICANTS	LICENSE NUMBER	ACTION TAKEN	EFFECTIVE DATE
Angelique Friend	368	<a href="#">Citation</a> Status: Order Satisfied	1/10/2020
Dawn Mills	377	<a href="#">Citation</a> Status: Order Satisfied	1/21/2020
Christie Gough	277	<a href="#">Citation</a> Status: Order Satisfied	1/21/2020
Varee Wycoff	386	<a href="#">Citation</a> Status: Citation Satisfied	1/21/2020
Patricia Atwood	454	<a href="#">Citation</a> Status: Order Satisfied	1/22/2020
Mary Chapot	654	<a href="#">Citation</a> Status: Order Satisfied	1/22/2020
Karin Smith	821	<a href="#">Citation</a> Status: Citation Satisfied	1/22/2020
Michael Patrick Cunningham	428	<a href="#">Accusation</a>	2/3/2020
Deirdre Nesbit-Combs	309	<a href="#">Citation</a> Status: Citation Satisfied	2/14/2020
Margarita Maceda	381	<a href="#">Citation</a> Status: Citation Satisfied	2/18/2020
Denise Rooke	344	<a href="#">Citation</a> Status: Citation Satisfied	2/18/2020
David Stapleton	963	<a href="#">Citation</a> Status: Citation Satisfied	2/18/2020
Christie Davidson	109	<a href="#">Stipulated Settlement</a>	3/9/2020
Rita D. Michael	217	<a href="#">Citation</a> Status: Citation Satisfied	3/9/2020
Sally Cicerone	164	<a href="#">Amended Accusation</a>	3/24/2020
Dawn Elizabeth Akel	138	<a href="#">Accusation</a>	4/9/2020
Faisal Chowdhury	505	<a href="#">Citation</a> Status: Citation Satisfied	5/14/2020
Debra Rose	796	<a href="#">Accusation</a>	5/22/2020
Donna Bogdanovich	572	<a href="#">Citation</a>	10/23/2020
Maggie Bohlman	169	<a href="#">Citation</a>	10/23/2020
James Cadman	225	<a href="#">Citation</a>	10/23/2020
Dawn Elizabeth Akel	138	<a href="#">Surrender</a>	10/27/2020
Donna Bogdanovich	572	<a href="#">Accusation</a>	10/30/2020
Kevin Singer	1062	<a href="#">Citation</a> Status: Citation Satisfied	11/13/2020

## 2021 ENFORCEMENT ACTIONS

LICENSEE/APPLICANTS	LICENSE NUMBER	ACTION TAKEN	EFFECTIVE DATE
Michael Cunningham	428	<a href="#">Surrender</a>	1/4/2021
Donna Bogdanovich	572	<a href="#">Amended Accusation</a>	1/25/2021
Gloria Garcia-Ortiz	539	<a href="#">Citation</a>	4/30/2021
John Thomas Davies	910	<a href="#">Citation</a>	4/30/2021
Sally Cicerone	164	<a href="#">Surrender</a>	7/27/2021



# YOUR ACTIONS SAVE LIVES

## COVID-19 SAFETY TIPS

Protect yourself, family, friends, and community by following these prevention measures from the **California Department of Public Health**:



**GET VACCINATED WHEN IT'S YOUR TURN.** Californians age 16 and older are eligible to make an appointment.



**WASH HANDS WITH SOAP AND WATER** for at least 20 seconds.



**KNOW THE SYMPTOMS OF COVID-19.** If you are experiencing fever, cough, shortness of breath, fatigue, muscle or body aches, call your health care provider.



**DELAY NON-ESSENTIAL TRAVEL OUTSIDE OF CALIFORNIA** until you are fully vaccinated. Follow California's **travel advisory**.



**IF YOU BELIEVE YOU HAVE BEEN EXPOSED, GET TESTED.** **Free, confidential testing** is available statewide.



**AVOID CLOSE CONTACT WITH PEOPLE WHO ARE SICK,** and stay home from work and school if you feel ill.



**KEEP GATHERINGS SMALL AND OUTDOORS** and follow state and local public health guidance.



**ADD YOUR PHONE TO THE FIGHT** by signing up for COVID-19 exposure notifications from **CA Notify**.



**WEAR A MASK** Regardless of vaccination status, face coverings are required indoors with a few exceptions. Read the latest **face covering guidance**.



**ANSWER THE CALL OR TEXT** if a **contact tracer** from the CA COVID Team or your local health department tries to connect.

Learn more about COVID-19 vaccines 

**Vaccinate ALL 58**  
Together we can end the pandemic.

## 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](https://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](https://www.dca.ca.gov/webapps/fiduciary/subscribe.php)

### OUR OFFICE WILL BE CLOSED ON THE FOLLOWING HOLIDAYS IN 2021:

Memorial Day	Monday, May 31
Independence Day (observed)	Monday, July 5
Labor Day	Monday, September 6
Veterans Day	Thursday, November 11
Thanksgiving Holiday	Thursday and Friday, November 25–26

### ADVISORY COMMITTEE 2021 MEETING DATES VIA WEBEX:

JUNE 23 | SEPTEMBER 15 | DECEMBER 18

### ADVISORY COMMITTEE MEMBERS

**Chi K. Elder**, chair, public member

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

**Wendy Hatch**, licensee

**James Moore**, licensee

**Denise Nelesen**, public member

**Elizabeth R. Ichikawa**, probate court investigator

**Vacant**, licensee

### PFB STAFF

**Rebecca May**, bureau chief

**Angela Cuadra**, program analyst

**Sue Lo**, enforcement analyst

DEPARTMENT OF CONSUMER AFFAIRS



PROFESSIONAL FIDUCIARIES BUREAU

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