



Modified Citation Order

Date: January 10, 2020

Name: Angelique Friend

Address: 232 Village Commons Blvd #13, Camarillo, CA 93012

License Number: PF-368

Case Number: PF-2018-62

I, Rebecca May, hereby issue this citation solely in my official capacity as Bureau Chief of the Professional Fiduciaries Bureau (Bureau) for the Department of Consumer Affairs.

License History:

The Bureau's records show that license number PF 368 was issued to you on September 3, 2009, and will expire on November 30, 2019, unless renewed.

Citation:

A citation is hereby issued to you in accordance with Sections 125.9 and 6580(b)(1) of the Business and Professions Code (BPC) for the violation described below.

Violation:

Cause exists to issue a citation in violation of BPC Section 6561(a)(5) and Division 41, Title 16, California Code of Regulations (CCR) Section 4542(a)(14) for failing to report a resignation in which a complaint has been filed on the annual statement and BPC Section 6584 (d) for dishonesty and unprofessional conduct.

BPC Section 6561(a) states, *"A licensee shall initially, and annually thereafter, file with the bureau a statement under penalty of perjury containing the following:... (5) Whether he or she has resigned or settled a matter in which a complaint has been filed, along with the case number and a statement of the issues and facts pertaining to the allegations."*

BPC Section 6584(d) states, *"A license issued under this chapter may be suspended, revoked, denied, or other disciplinary action may be imposed for one or more of the following causes:...(d) Fraud, dishonesty, corruption, willful violation of duty, gross negligence or incompetence in practice, or unprofessional conduct in, or related to, the practice of a professional fiduciary. For purposes of this section, unprofessional conduct*

includes, but is not limited to, acts contrary to professional standards concerning any provision of law substantially related to the duties of a professional fiduciary.”

Title 16, CCR Section 4542(a)(14) states, “*As provided for in the Act, each annual statement shall include the following information:... (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.*”

Cause for Violation:

On or about February 22, 2018, a petition was filed to remove you as the interim trustee of the “JCB, Sr. and DLB Living Trust” (Trust) and administrator of decedent’s estate for the “DLB” estate. On March 28, 2018, after this petition was filed, you resigned as the administrator and interim trustee.

On October 3, 2018, the Bureau received your annual statement; however, you marked “no” in response to the section which asked, “since the date of your last report to the Bureau, have you resigned as a fiduciary in a matter in which a complaint* has been filed with the court?” The annual statement notes “*a 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.” You signed the annual statement on September 9, 2018, under penalty of perjury, certifying the “truth and accuracy of all statements and answers, and representations...” made in the annual statement.

On November 8, 2018, you contacted the Bureau to inquire about the reporting requirements for resignations and removals. You were informed you are required by law to report removals for cause and breach of fiduciary duty and resignations in a matter in which a complaint has been filed against you with the court. The Bureau also sent you an email with the relevant statute related to reporting of removals and resignations the same day. Despite receiving this information, you failed to report this resignation to the Bureau.

Order of Abatement and Corrective Action:

The Bureau is authorized to issue citations containing orders of abatement and/or administrative fines pursuant to Sections 125.9 or 6580(b)(1) of the BPC against a professional fiduciary who has committed any acts or omissions which are in violation of the Professional Fiduciaries Act or the regulations contained in Division 41, Title 16, CCR.

There is no Order of Abatement for this citation.

Under the provisions of Title 16, CCR Section 4610(b), if the order of abatement is not contested or if the order is appealed and the person or entity 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 may result in disciplinary action being taken by the Bureau or other appropriate judicial relief being taken against you.

Administrative Fine Assessed:

The fine for this violation is \$750.

In accordance with the BPC Section 125.9, failure to pay a fine within thirty (30) days of the date of assessment, unless the citation is being appealed, may result in disciplinary action being taken by the Bureau.

Where a citation is not contested, and a fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee and fine.

Payment must be made payable to the Professional Fiduciaries Bureau at 1625 North Market Blvd., Suite S-209, Sacramento, CA 95834. Please indicate the citation number on the cashier's check, money order, or personal check.

Payment of the administrative fine, if any, and compliance with the Order of Abatement will be considered satisfactory resolution of the violation(s) cited.

A citation that is not contested will become a final order of the Bureau thirty (30) days after the date of issuance of the citation.

Issuance of a citation is subject to public disclosure. Notwithstanding any other provision of law, if a fine is paid to satisfy an assessment based on the finding of a violation, payment of the fine will be represented as a satisfactory resolution of the matter for purposes of public disclosure.

Signature on File
Rebecca May, Bureau Chief
Professional Fiduciaries Bureau
Department of Consumer Affairs

Date