

1 27. On April 18, 2014, the court rendered a tentative decision expressing an intention to
2 surcharge Respondent the sum of \$93,036.75 and suspended Respondent as Trustee. On April
3 28, 2014, Respondent submitted a Request for Statement of Decision.

4 28. On June 23, 2014, the court entered a Statement of Decision finding that
5 Respondent's accounting is approved, that Respondent had abused her discretionary authority,
6 and had breached her duties as a Trustee. The court imposed a surcharge on Respondent in the
7 following amounts:

- 8 1. \$1,250 paid for family rent
- 9 2. \$34,229.55 paid for trustee fees
- 10 3. \$17,577.85 of the "living expense" total set forth on page 4 of Schedule C
4. \$15,574.85 "final distribution"
5. \$24,404.50 vehicle expenses

11 The court ordered Respondent to reimburse the SNT in the amount of \$93,036.75 and continued
12 Respondent's suspension as Trustee. The court found Respondent had breached her fiduciary
13 duty by failing to notify the court of her unlicensed status from 2008 to 2010.

14 **FIRST CAUSE FOR DISCIPLINE**

15 (Incompetence)

16 29. Respondent is subject to disciplinary action under Code section 6584(d) in that she
17 was incompetent when she demonstrated a lack of knowledge or ability to perform her
18 professional obligations to the Beneficiary. The circumstances are set forth in detail in
19 paragraphs 19 through 28, above, and are incorporated herein as though fully set forth, and as
20 follows:

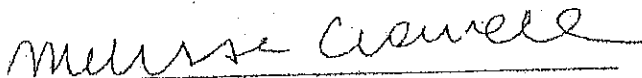
- 21 a. Respondent failed to read the SNT instrument and failed to refer to the SNT's
22 terms prior to taking actions as Trustee.
- 23 b. Respondent failed to refer to pertinent Probate Code sections and took numerous
24 actions which were contrary to the specific terms of the trust instrument as well as the laws
25 of the State of California.
- 26 c. Respondent failed to follow the terms of the SNT and the laws of the State of
27 California which resulted in a loss to the Beneficiary for whom the SNT was established.
- 28 d. Respondent failed to administer the SNT pursuant to its terms.

7. VIOLATION OF PROBATION: If respondent violates the conditions of her probation, the bureau, after giving respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed revocation of respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the bureau.

8. COMPLETION OF PROBATION: Upon successful completion of probation, respondent's license shall be fully restored.

DATED: January 29, 2010



MELISSA G. CROWELL

Administrative Law Judge

Office of Administrative Hearings