

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.



**Professional Fiduciaries Bureau (Bureau)
Advisory Committee Meeting
Wednesday, August 14, 2019**

Meeting Minutes

Committee Members Present

Kathleen Thomson, Chair
Wendy Hatch, Vice Chair
James Moore
King Gee

Committee Members Absent

Hang Le To

Department of Consumer Affairs (DCA) Staff Present

Rebecca May, Bureau Chief
Angela Cuadra, Bureau Program Analyst
Fred Chan-You, DCA Legal Counsel

- 1) Call to Order – Ms. Thomson called the meeting to order at 10:05 a.m. and stated the meeting date and location.
- 2) Roll Call & Establishment of Quorum – Ms. Cuadra called roll. Committee members Ms. Kathleen Thomson, Ms. Wendy Hatch, Mr. King Gee, and Mr. James Moore were present at meeting location 1747 N. Market Blvd, 1st Floor Hearing Room, Sacramento, CA 95834. Ms. Hang Le To was absent. A quorum was established with four members present.
- 3) Advisory Committee, Bureau Chief, Staff and Legal Counsel Introductions – Committee Members, Bureau staff, and Legal Counsel introduced themselves.
- 4) Reading of the Professional Fiduciaries Bureau Mission Statement – Ms. May read the Bureau's mission statement.

Public Comment: None.

- 5) Discussion and Possible Approval of the Advisory Committee Meeting Minutes from May 29, 2019 – Ms. Hatch motioned to approve the minutes as written. Mr. Moore seconded the motion. A vote by roll call was made: Ms. Thomson, Ms. Hatch, Mr. Gee, and Mr. Moore were in

favor. Ms. To was absent for the vote. There was no discussion from the committee members and the motion carried with four votes.

Public Comment: None.

- 6) Update from the Director's Office – Ms. Brianna Miller, Office of Board and Bureau Services, reported on the Director's Quarterly Meeting, mandatory Sexual Harassment Prevention Training, and the Future Leadership Development Program.

Public Comment: None.

- 7) Budget Report – Mr. Paul McDermott, DCA Budget Analyst, presented the expenditure report and fund condition for the Bureau stating there were no changes since the last meeting.

Public Comment: A comment was made regarding the discrepancy between number of active licensees and the renewal fees collected according to the fund condition report. Another comment was made that more funding is needed for enforcement.

- 8) Legislative Update and Discussion – Mr. Alexander Millington, DCA Legislative Affairs Analyst, read the remaining deadline dates for the 2019 legislative year, stated there were no bills directly related to the Bureau, and read the bills and status of each bill.

Committee members asked for clarification on AB 1396, AB 1378, and SB 496.

Public Comment: A comment was made that the Bureau should educate licensees on SB 303. Additionally, the synopsis of the bill is incorrect. A comment was made that the Professional Fiduciaries Association of California takes a neutral position on SB 303.

- 9) Bureau Updates – Ms. May presented the statistics as of April 30, 2019.

- Application Licensing and Enforcement Statistics –

July 1, 2018 – June 30, 2019	
New Licenses	67
Active Licenses	756
Total Licenses Issued	1,118
New Applications Received	119
AG Cases Initiated	5
Citations Issued	14
Complaints Received	126
Complaints Closed	74
Complaints Pending	69

Average Days to Close	132
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- Outreach – Ms. May read the list of upcoming events. Ms. May asked the committee to inform the Bureau of any outreach events by email.
- E-Newsletter – Will be going out twice a year and hopefully by the next meeting. Ms. May requested topic ideas or article submissions for future newsletters.

Committee members asked for clarification on the new licenses and the number of applications received, clarification on the total number of licensees, a breakdown of how complaints were closed, and expressed interest in staff traveling to southern California for outreach.

Public Comment: A complaint was presented to the Bureau by a member of the public.

10) Proposed Rulemakings –

Ms. May reported no new updates to the pending regulations.

Public Comment: None.

11) Future Agenda Items –

- Budget discussion to increase enforcement budget.
- Clarification of when standby order terminates on AB 1396.
- Breakdown of closure reasons for complaints.

Public Comment: A member of the public asked that the committee discuss the mission statement and that agenda items requested at previous meetings be added to a future agenda.

12) Future Meeting Dates

-Wednesday, November 13, 2019

Committee members did not mention any scheduling conflicts.

Public Comment: A public member commented that meetings are no longer held in locations other than Sacramento and asked if those locations will be held in the future.

13) Public Comment on Items Not on the Agenda –

Ms. Thomson explained the purpose of the public comment on items not on the agenda and that there will be a two-minute limit for each commenter.

The following comments were made by the public:

-Complaints are not being acknowledged by the Bureau and the commenter submitted a complaint.

14)Adjournment – The meeting was adjourned at 11:07 a.m.

BUDGET REPORT
Expenditure Projection
2019-20 - FM 09

Object Description	FY 2017-18	FY 2018-19	FY 2019-20				Unencumbered Balance
	Preliminary EXPENDITURES Month 13	Preliminary EXPENDITURES Month 12	Budget Allotment 2019-20	Current Year 4.22.2020	Percent Spent	Projections to Year End	
PERSONNEL SERVICES							
Salary & Wages (Staff)	117,407	127,157	125,000	103,135	83%	138,195	(13,195)
Statutory Exempt	93,600	93,522	77,000	75,564	98%	100,752	(23,752)
Temp Help (Seasonal)	28,759	0	22,000	0	0%	0	22,000
Committee Members	2,000	1,400	0	400	0%	400	(400)
Staff Benefits	97,703	102,921	132,000	90,461	69%	120,960	11,040
TOTALS, PERSONNEL SVCS	339,469	325,000	356,000	269,560	76%	360,307	(4,307)
OPERATING EXPENSE AND EQUIPMENT							
General Expense	153	546	5,000	326	7%	550	4,450
Fingerprint Reports	0	49	0	164	0%	165	(165)
Printing	1,775	0	1,000	1,761	176%	1,765	(765)
Communication	431	1,842	1,000	268	27%	400	600
Postage	2,191	949	2,000	0	0%	500	1,500
Insurance	885	1,045	0	7	0%	30	(30)
Travel In State	2,683	1,186	4,000	46	1%	70	3,930
Training	0	235	1,000	0	0%	0	1,000
Facilities Operations	40,114	39,795	32,000	31,167	97%	39,810	(7,810)
C&P Services Interdept.	7,542	13	3,000	13	0%	13	2,987
C&P Services - External	0	965	0	4,225	0%	5,633	(5,633)
DEPARTMENTAL SERVICES							
Office of Information Services Pro Rata	35,000	39,000	31,000	23,250	75%	31,000	0
Administration Pro Rata	41,000	44,000	50,000	37,500	75%	50,000	0
Interagency Services with OPES	4,000	4,000	4,000	3,000	75%	4,000	0
DOI - Special Ops Unit Pro Rata	1,000	1,000	1,000	750	75%	1,000	0
Communication Prorata	209	2,029	2,000	1,529	76%	2,000	0
Public Policy Review Division Pro Rata	22,000	20,000	26,000	19,500	75%	26,000	0
INTERAGENCY SERVICES:							
Consolidated Data Center	1,090	1,090	0	930	0%	1,000	(930)
Information Technology	0	67	1,000	150	15%	200	800
ENFORCEMENT:							
Attorney General	25,934	26,594	74,000	55,166	75%	56,000	18,000
Office of Admin. Hearings	6,245	70	0	675	0%	1,000	(1,000)
Major Equipment	0	0	11,000	712	0%	750	10,250
TOTALS, OE&E	192,370	184,594	249,000	181,139	73%	221,886	27,184
TOTAL EXPENSES	531,839	509,594	605,000	450,699	74%	582,193	22,877
Scheduled/Unsch Reimbursements	(1,000)	(1,000)	(1,000)			(1,000)	0
NET APPROPRIATION	530,839	508,594	604,000	450,699	75%	581,193	22,877
Surplus/(Deficit):							4%

3108 - Professional Fiduciary Fund Analysis of Fund Condition

Prepared 4.3.2020

(Dollars in Thousands)

2020-21 Governor's Budget with CY Revised Revenue

	PY 2018-19	CY 2019-20	Governor's Budget BY 2020-21	BY+1 2021-22
BEGINNING BALANCE	\$ 212	\$ 260	\$ 201	\$ 190
Prior Year Adjustment	\$ 9	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 221	\$ 260	\$ 201	\$ 190
REVENUES AND TRANSFERS				
Revenues:				
4121200 Delinquent fees	\$ 2	\$ 2	\$ 2	\$ 2
4127400 Renewal fees	\$ 433	\$ 443	\$ 501	\$ 501
4129200 Other regulatory fees	\$ 17	\$ 25	\$ 17	\$ 17
4129400 Other regulatory licenses and permits	\$ 102	\$ 105	\$ 117	\$ 117
4163000 Income from surplus money investments	\$ 6	\$ 8	\$ 3	\$ 2
Totals, Revenues	\$ 560	\$ 583	\$ 640	\$ 639
Totals, Revenues and Transfers	\$ 560	\$ 583	\$ 640	\$ 639
Totals, Resources	\$ 781	\$ 843	\$ 841	\$ 829
EXPENDITURES				
Disbursements:				
1111 Department of Consumer Affairs Program Expenditures (State Operations)	\$ 497	\$ 604	\$ 607	\$ 625
8880 Financial Information System for California (State Operations)	\$ -	\$ -	\$ -	\$ -
9892 Supplemental Pension Payments (State Operations)	\$ 9	\$ 12	\$ 12	\$ 12
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 15	\$ 26	\$ 32	\$ 26
Total Disbursements	\$ 521	\$ 642	\$ 651	\$ 663
FUND BALANCE				
Reserve for economic uncertainties	\$ 260	\$ 201	\$ 190	\$ 166
Months in Reserve	4.9	3.7	3.4	3.0

**Professional Fiduciaries Bureau
June 17, 2020 Legislative Update**

Important Legislative Dates – Spring 2020

- **June 5** – Last day for fiscal committees to hear bills (Assembly only)
- **June 15** – Budget Bill must be passed by midnight
- **June 19** – Assembly begins Summer Recess
- **June 19** – Last day for fiscal committees to hear bills (Senate only)
- **July 2** – Senate begins Summer Recess
- **July 13** – Legislature reconvenes from Summer Recess

Please note, the Senate and the Assembly calendars will be synchronized once the Legislature returns from Summer Recess on July 13, 2020.

2020 Legislation Related to the Bureau

AB 1263 (Low) Contracts: consumer services: consumer complaints

This bill would prohibit contracting for, or to propose to contract for, an agreement to not file a complaint with a licensing board or to participate in a license board's investigation into a licensee for a consumer service.

May 2020 Status: In Senate, pending committee referral

AB 1396 (Obernolte) Protective orders: elder and dependent adults

This bill authorizes a court to order a restrained party who abused an elder or dependent adult to attend clinical counseling or anger management courses.

May 2020 Status: This bill was chaptered on October 8, 2019.

AB 1616 (Low) Department of Consumer Affairs: boards: expunged convictions

This bill would require programs under the Department of Consumer Affairs (Department) that post information on their website regarding an individual's license being revoked due to a criminal conviction, to post notification of the expungement order for current licensees, or remove information about the revoked license within six months of the program receiving an expungement order related to the conviction for individuals that are not currently licensed.

May 2020 Status: In Senate, pending committee referral

AB 2430 (Nazarian) Professional fiduciaries: prelicensing and renewal or restoration: education

This bill would require professional fiduciaries licensees to have one hour of instruction in lesbian, gay, bisexual and transgender (LGBT+) cultural competency beginning January 1, 2022.

May 2020 Status: Held, per the Assembly Appropriations Committee.

AB 2657 (Maienschein) Financial abuse of elder or dependent adults

This bill would allow Adult Protective Services to share relevant information with a federal law enforcement agency investigating a known, or suspected, case of elder or dependent adult abuse. The bill would also permit Adult Protective Services to share relevant information with a local

code enforcement agency investigating a property where the health and safety of an elder, or dependent adult resident, is at risk.

May 2020 Status: Pending in the Assembly Committee on Aging and Long-Term Care

SB 303 (Wieckowski) Guardians and conservators: compensation: residence of conservatee

This bill imposes a higher standard for the sale of a conservatee's personal residence and limits the amount of compensation that may be paid to a guardian, conservator, or attorney from a ward's or conservatee's government benefits.

May 2020 Status: This bill was chaptered on October 12, 2019.

SB 338 (Hueso) Senior and disability victimization: law enforcement policies

This bill establishes the "Senior and Disability Justice Act" which requires a local law enforcement agency that adopts or amends its policy regarding senior and disability victimization after April 13, 2021, to include information and training on elder and dependent adult abuse.

May 2020 Status: This bill was chaptered on October 8, 2019.

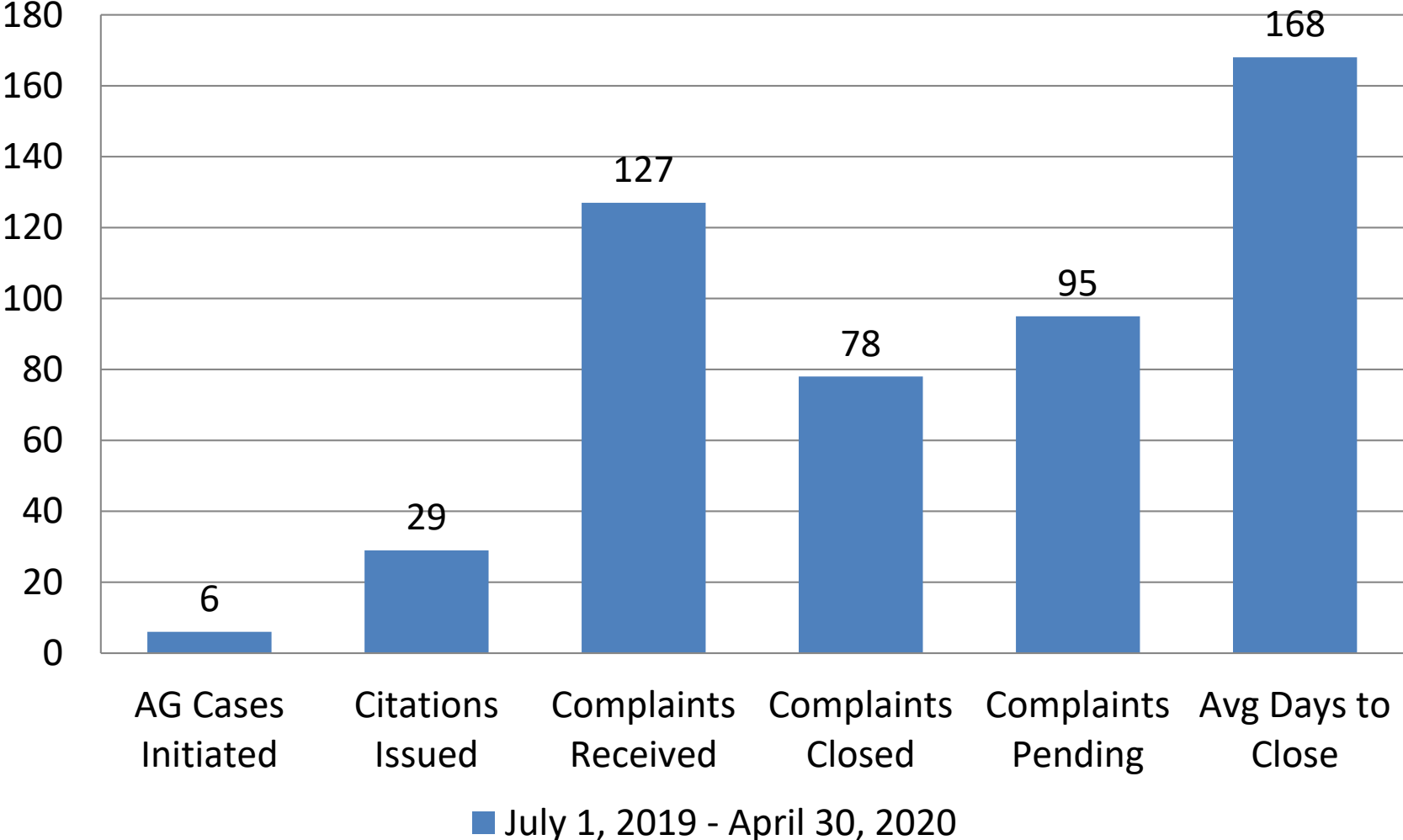
SB 496 (Moorlach) Financial abuse of elder or dependent adults

This bill adds broker-dealers and investment advisors to the categories of persons who are mandated reporters of suspected abuse of an elder or dependent adult; allows mandated reporters who report suspected abuse to notify a trusted contact person previously designated by the elder or dependent adult for that purpose, as specified; and allows mandated reporters to temporarily delay requested account transactions and disbursements of elder or dependent adults, as specified.

May 2020 Status: This bill was chaptered on September 6, 2019.

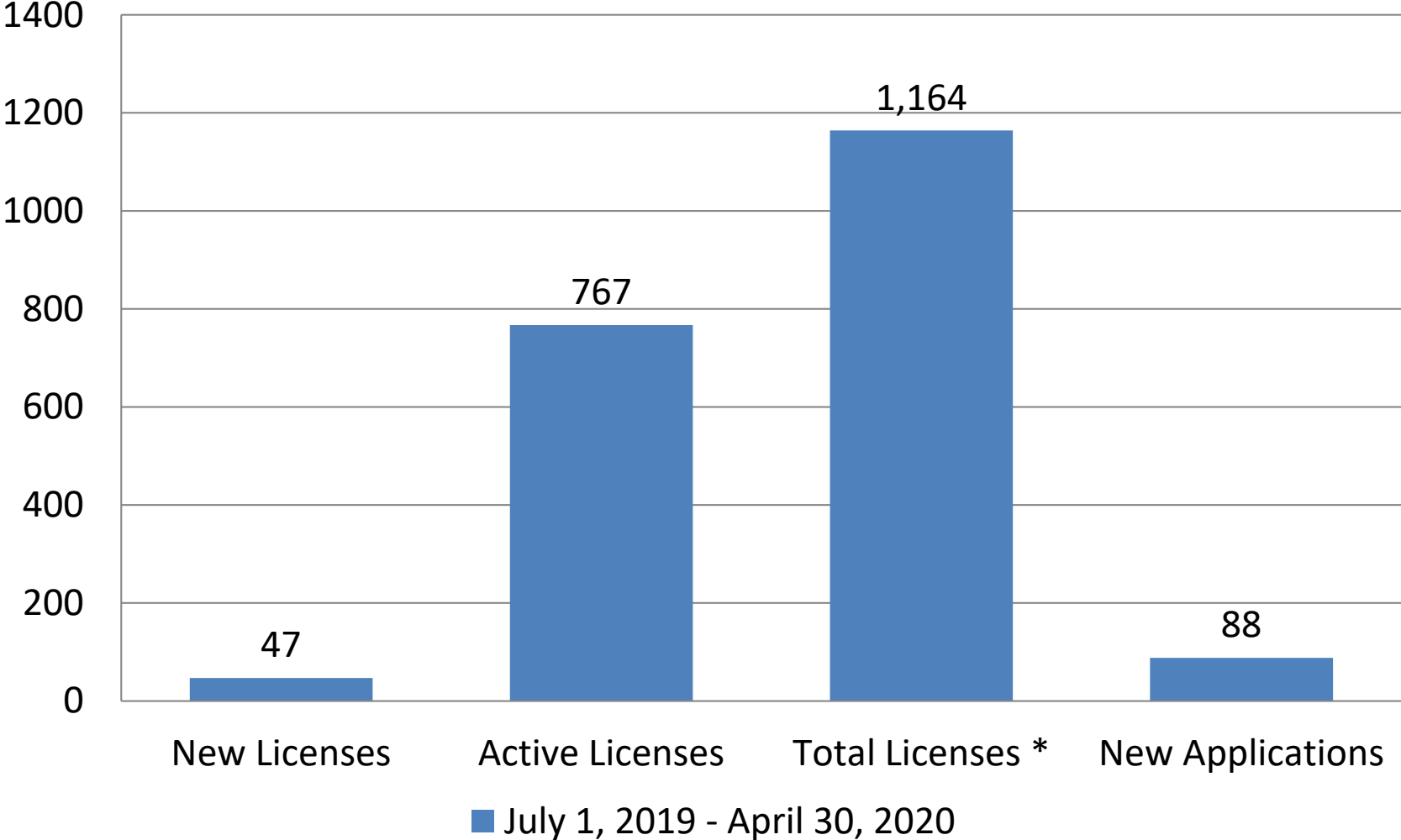
Complaint Statistics

July 1, 2019 – April 30, 2020



Licensing Statistics

July 1, 2019 – April 30, 2020



* Total licenses issued since July 1, 2008

OUTREACH EVENTS

Since the last Advisory meeting

- 2019 Yolo County Senior Resource & Crime Prevention Fair, October 16, 2019 in Davis.
- 2019 Dixon Senior Resource Fair, October 19, 2019 in Dixon.
- Ken Cooley Resource Fair, December 3, 2019 in Carmichael.
- Davis Senior Center, February 20, 2020 in Davis.
- Shasta County 5th Annual Senior & veteran Fraud Prevention Fair, March 4, 2020 in Redding.
- Kiwanis Club of Davis, May 28, 2020 via WebEx.

Upcoming Events

- None.