



**Professional Fiduciaries Bureau (Bureau)
Advisory Committee Meeting
Wednesday, March 9, 2022**

Meeting Minutes

Committee Members Present

Chi Elder, Chair
Bertha Sanchez Hayden, Vice Chair
Wendy Hatch
Elizabeth Ichikawa
James Moore
Denise Nelesen

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. Elder called the meeting to order at 10:01 a.m. and stated the meeting was being held via WebEx with no physical public locations pursuant to Government Code section 11133 and Executive Order N-1-22.
- 2) Roll Call & Establishment of Quorum – Ms. Cuadra called roll. Committee members: Ms. Elder, Ms. Sanchez Hayden, Ms. Hatch, Ms. Ichikawa, Mr. Moore, and Ms. Nelesen were present via WebEx. A quorum was established with six members present.
- 3) Advisory Committee, Bureau Chief, Staff and Legal Counsel Introductions – Committee members, Bureau staff, and legal counsel introduced themselves.
- 4) Public Comment on Items Not on the Agenda –
Public Comment: None.
- 5) Reading of the Professional Fiduciaries Bureau Mission Statement –
Ms. May read the Bureau's mission statement.
Public Comment: None.
- 6) Discussion and Possible Approval of the Advisory Committee Meeting Minutes from

December 8, 2021 –

Ms. Hatch requested the date on the minutes be corrected to Wednesday, December 8, 2021. Ms. Hatch motioned to approve the minutes with the proposed amendment. Ms. Nelesen seconded the motion. A vote by roll call was made: Ms. Elder, Ms. Sanchez Hayden, Ms. Hatch, Ms. Ichikawa, Mr. Moore, and Ms. Nelesen were in favor. There was no discussion from the committee members and the motion carried with six votes. Ms. Cuadra stated the minutes would be posted to the website as amended.

Public Comment: None.

7) Update from the Director's Office –

Mr. Brian Clifford, DCA Executive Office, thanked members for serving the Bureau during the pandemic. Mr. Clifford reported regarding the Department's Covid-19 safety measures and remote meetings. Mr. Clifford reported AB 1733 was introduced to allow meetings to continue to be held remotely. If the bill does not pass, committee members should be prepared for an in-person meeting by providing vaccination status or submitting to testing prior to in person meetings. Mr. Clifford also stated that members' terms will be expiring on January 1, 2023, and members may reapply if they would like to continue serving on the Advisory Committee. Mr. Clifford provided an update on the DCA Enlightened Licensing Project with the purpose of standardizing licensing procedures across boards and bureaus. Finally, all members are required to file a form 700 each year.

Ms. Nelesen stated she understood members of the Advisory Committee do not have to complete a form 700. Ms. May stated that she would verify and report back. Ms. May verified later in the meeting that Professional Fiduciary Bureau Advisory Committee Members are not required to file a form 700.

Public Comment: A member of the public asked if public attendees would have to provide proof of vaccination or be tested, and Mr. Clifford replied that this requirement applies to only Advisory Committee members and Bureau staff.

8) Budget Report –

Ms. Harmony DeFilippo, Budget Analyst, presented the budget projection report and fund condition for the Bureau.

Ms. Hatch expressed concerns about the Bureau's potential insolvency, asked what the solution would be, and if the insolvency is due to requirements placed on the Bureau by AB 1194. Ms. May referred to the fund condition which reflects a Budget Change Proposal (BCP) in this year's proposed Governor's Budget. The BCP requests additional spending authority for expenditures directly related to complying with AB 1194, including additional staff, and funding Attorney General and Subject Matter Expert costs. Ms. Hatch

asked if continuing meetings remotely would cover the costs. Ms. May replied that it would not be enough and the Bureau is required to follow the Open Meetings Act, regardless. Ms. Hatch also asked if this would cause a fee increase, and Ms. May replied that it would and stated that although the costs to run the Bureau have increased each year, the fees for applicants and licensees have never gone up since the Bureau's inception. Ms. May stated these documents are only projections, and the Bureau is not currently spending money to implement AB 1194. The BCP, however, would give the Bureau authority to do so. She also stated that the Bureau would have to go through the rulemaking process to raise fees.

Ms. Nelesen stated if fees are raised, there may be a decrease in licensees and asked if there is another way to raise funds. Ms. May explained as a licensing agency, the funds to carryout Bureau mandates are paid solely through application and licensing fees. When new laws are imposed, the Bureau is required to develop a plan to ensure the requirements are adequately funded. Ms. Elder asked the time frame for a fee increase, and Ms. May replied that the regulation process to increase fees will take approximately 18 to 24 months.

Public Comment: A member of the public commented that the inability to incorporate limits the number of persons who will apply to become licensed professional fiduciaries. Another member of the public commented if the Bureau decides to require certified public accounts (CPAs) be licensed by the Bureau, the only reason would be to collect fees as CPAs are already regulated by the Accountancy Board. Additionally, the budget handout is not able to be viewed on the internet. Finally, the fee increase will be 50-60% and the Bureau will lose licensees.

9) Legislative Update and Discussion –

Mr. Greg Pruden, DCA Legislative Manager, reviewed the legislative calendar and status of bills listed on the agenda and explained the difference between a GC-355 and the requirements of SB 602. He provided a memo which provided samples of each.

Ms. Hatch thanked Mr. Pruden for his presentation and expressed concerns that SB 602 infringes on HIPAA laws, the 30-day time frame is insufficient, the cost of follow up on the report will be borne by the conservatee, and other general privacy issues. Mr. Pruden thanked Ms. Hatch for expressing her concerns.

Ms. Sanchez Hayden also thanked Mr. Pruden for his research and noted there is no distinction for requirements between professionals and family members who act as conservators.

Public Comment: None.

10)Bureau Updates –

- Application Licensing and Enforcement Statistics –

Ms. May presented newly formatted licensing and enforcement statistics and thanked Ms. Elder for her suggestions for improving the statistical data provided by the Bureau. Ms. Ichikawa, Mr. Moore, and Ms. Hatch stated the handout was easier to follow.

- Outreach Events – Ms. May attended a SacFAST virtual outreach event with Mr. Moore on January 1, 2022. Ms. May asked the committee to inform the Bureau of any outreach events by email.
- E-Newsletter – Ms. May stated that the most recent newsletter was distributed to the interested parties list in January.
- Strategic Plan –Ms. May provided an update on the current strategic plan goals 4, 5, and 6 and announced that the Bureau will begin planning its 2023 strategic plan in the fall and explained the process of developing the new plan. A survey will be sent to the interested parties list and the committee members will be contacted to complete a phone interview.
- Website Updates – Ms. May stated there were two significant updates to the Bureau’s website since the last Advisory Committee meeting. The field for data entry of the aggregate value reported by licensees has been updated to allow larger values to appear accurately on the Bureau’s website. Additionally, the Bureau’s licensing page has been updated to include an option for licensees to submit their annual statement by email.
- Internal Consultant Update – Ms. May stated the Bureau is still reviewing this topic and this will be brought back at a future meeting.

Public Comment: None.

11)Strategic Plan Discussion of Recommendations from the Committee for Goal 3: Communication and Outreach –:

- Item 3.5 – Collaborate to identify opportunities for participation in outreach events to increase awareness of the Bureau and the fiduciary profession.

Ms. May began the discussion by asking the Advisory Committee members if they have ideas on how to enhance the Bureau’s outreach efforts. Ms. Sanchez Hayden

suggested social workers at hospitals may be a good resource. She also suggested a virtual open house may be a powerful way to build connections. Ms. Nelesen suggested adult protective services (APS) offices. Ms. Ichikwa suggested contacting family justice centers. Ms. Elder agreed with a virtual engagement with agencies who serve the elderly population.

Public Comment: None.

12) Proposed Rulemakings Update –

Ms. May reported that the Bureau withdrew the retired and inactive license type regulation from the Office of Administrative Law (OAL) to address suggested amendments by OAL. The Bureau plans to revise the proposed regulation and refile it with OAL after another public comment period.

Public Comment: None.

13) Future Agenda Items –

Ms. Cuadra noted there were no agenda items requested to be added to a future agenda.

Public Comment: None.

14) Future Meeting Dates

- Wednesday, June 22, 2022
- Wednesday, September 14, 2022
- Wednesday, December 7, 2022

Committee members did not mention any scheduling conflicts for the future dates and were asked to contact Ms. Cuadra if any conflicts arise.

Public Comment: None.

15) Adjournment – The meeting was adjourned at 11:44 a.m.