



**Professional Fiduciaries Bureau (Bureau)  
Advisory Committee Meeting  
Wednesday, January 9, 2019**

**Meeting Minutes**

**Committee Members Present**

Hang Le To, Chair  
Kathleen Thomson, Vice Chair  
Wendy Hatch  
James Moore

**Committee Members Absent**

Barbara de Vries  
Aileen Federizo  
King Gee

**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. To called the meeting to order at 11:00 a.m. and stated the meeting date and location.
- 2) Roll Call & Establishment of Quorum –  
Ms. Cuadra called roll. Committee members Ms. Hang Le To, Ms. Kathleen Thomson, Ms. Wendy Hatch, and Mr. James Moore were present at meeting location 1747 N. Market Blvd, 1<sup>st</sup> Floor Hearing Room, Sacramento, CA 95834. Ms. Barbara de Vries, Ms. Aileen Federizo and Mr. King Gee were absent. A quorum was established with four members present.
- 3) Advisory Committee, Bureau Chief, Staff and Legal Counsel Introductions – Committee Members introduced themselves.

Public Comment: None.

- 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 November 7, 2018 –

Ms. Thomson motioned to approve the minutes as written. Mr. Moore seconded the motion. A vote by roll call was made: Ms. To, Ms. Thomson, Ms. Hatch, and Mr. Moore were in favor. Ms. de Vries, Ms. Federizo, and Mr. Gee were absent for the vote. There was no discussion from the committee members and the motion carried with four votes.

Public Comment: The two members who motioned to approve the minutes were not present at the last meeting.

6) Update from the Director's Office –

Ms. Karen Nelson, Assistant Deputy Director, Office of Board and Bureau Services, reported DCA held nine licensing and enforcement work groups, three substance abuse coordination workshops, four Director's quarterly meetings, and two Director's board and committee member leadership meetings. DCA's annual report is now posted on line. There is mandatory training this year for board member orientation and sexual harassment prevention.

Public Comment: None.

7) Budget Report –

Mr. Paul McDermott, DCA Budget Analyst, stated the Governor's budget would be released tomorrow. Additionally, the Bureau's budget is stable and in solid shape for this fiscal year.

Ms. Thomson asked about the line items of evidence and witness fees and exam supplies. Mr. McDermott replied the witness fees are paid if a case goes to hearing and the exam supplies depend on what is needed for the year.

Public Comment: None.

8) Legislative Update and Discussion –

Mr. Alexander Millington, DCA Legislative Affairs Analyst, presented updates, requested at the last meeting, on the following bills.

1. SB 931 (Hertzberg) Conservatorships: Custody Status – this bill does include LPS conservatorships.
2. SB 1191 (Hueso) Crimes: Elder and Dependent Adult Abuse: Investigations – this bill requires policy documents to be updated.

Public Comment: A member of the public brought to the committees' attention an article about a conservator convicted in Nevada.

9) Bureau Updates – Ms. May presented the statistics as of December 31, 2018.

- Application Licensing and Enforcement Statistics –

2018 Statistics	As of December 31, 2018
New Licenses	36
Active Licenses	745
Total Licenses Issued	1,087
New Applications Received	58
AG Cases Initiated	2
Citations Issued	5
Complaints Received	53
Complaints Closed	33
Complaints Pending	40
Average Days to Close	76

- Clarification of new licensees and total licensees from November meeting – In response to a public comment from the prior meeting, the report was through a specific point/snapshot in time.
- Outreach – There is one upcoming event on March 5, 2019, in Redding. The event is sponsored by the Shasta County District Attorney's Office and the attendees will be seniors and veterans.
- E-Newsletter – The newsletter is in the DCA legal office for review and then will be sent to the publications office prior to being posted to the website and distributed to the interested parties list. Ms. May requested topic ideas or article submissions for future newsletters.
- Complaint Process – Ms. May presented an overview of the complaint process including how complaints are received, types of complaints received, timeframe,

referral procedures, and actions that may be taken if a violation of law is found. The Bureau is in the process of updating its website to make this process clearer to licensees and consumers.

- Clarification of the DCA mediation website – In response to a public comment from the prior meeting, Ms. May explained that the Department does not have a mediation program but does have a list of local mediation programs that may be of use to consumers and are typically run by the county.

Ms. Thomson asked what the difference is in the numbers between active and new licensees since this does not total all licenses. Ms. Cuadra explained the total includes every license issued since inception and the active does not include cancelled, delinquent, or revoked. Ms. Thomson also asked if a letter of reprimand is posted on the website and Ms. May replied that it is, and it is there permanently.

Public Comment: Comment that the numbers of licensees do not add up. Additionally, the commenter stated there were 408 complaints filed since 2015 and no actions have been taken. Also, stated the Bureau is saying it will not take action on crimes. A second commenter asked how the average days closed are calculated and provided to the Bureau a handout for reference on a complaint she has filed and not received closure. Ms. May stated the Bureau is not able to discuss specific complaints and their resolution during advisory committee meetings.

#### 10) Proposed Rulemakings –

Ms. May reported no new updates to the pending regulations. These regulations are all under pre-review in the DCA legal office.

- Update regarding Inactive/Retired License Proposed Regulation – Sections 4560-4580 of Article 8 of Title 16 of the California Code of Regulations
- Update and discussion regarding Client Notification Proposed Regulation – Section 4640 of Article 12 of Title 16 of the California Code of Regulations
- Introduction and Discussion of Proposed Advertising Regulation – Section 4485 of Article 4 of Title 16 of the California Code of Regulations and Amendment to Section 4406 of Article 1 of the California Code of Regulations
- Introduction and Discussion of Proposed Amendments to Citation Sections 4600 and 4606 of Article 10 of Title 16 of the California Code of Regulations

Public Comment: A comment was made that public information should not be redacted and that a regulation package should be submitted for this item.

11) Future Agenda Items –

- Regulations to discipline licensees when their act is criminal
- Regulations to not redact public information
- Agendize regulations to protect consumers

Public Comment: Commenter stated there were items he commented on that should be agendized and these items have been added to the list above.

12) Future Meeting Dates

- Wednesday, May 29, 2019
- Wednesday, August 14, 2019
- Wednesday, November 13, 2019

Committee members did not mention any scheduling conflicts.

Public Comment: A request was made to hold meetings by teleconference.

Dr. Tracy Montez recommended the individuals who have expressed concerns to look at the statutes and present suggestions to the Bureau on items that may help with consumer protection. The Bureau does have to work within its mandates but is open to suggestions.

13) Public Comment on Items Not on the Agenda –

A commenter recommended the Bureau and committee view documentary called “The Guardians” which will be available for purchase on January 15, 2019.

14) Adjournment – The meeting was adjourned at 11:53 a.m.