



**Professional Fiduciaries Bureau
Advisory Committee Meeting
Tuesday, March 19, 2024**

Committee Members Present

Bertha Hayden Sanchez, Chair (attending remotely)
Elizabeth Ichikawa, Vice Chair (attending remotely)
Joyce Anthony
James Moore (attending remotely)
Linda Ng (attending remotely)

Staff Present

Rebecca May, Bureau Chief, Professional Fiduciaries Bureau
Helen Geoffroy, Legal Counsel, Department of Consumer Affairs

AGENDA

- 1) Call to Order – Bertha Sanchez Hayden, Chair

Ms. Sanchez Hayden called the meeting to order at 10:03 a.m.

- 2) Roll Call and Establishment of Quorum – Rebecca May, Bureau Chief

Ms. May called roll. Committee members Ms. Sanchez Hayden, Ms. Ichikawa, Ms. Anthony, Mr. Moore, and Ms. Ng were present. A quorum was established with five members present.

- 3) Advisory Committee Members, Bureau Chief, Staff and Legal Counsel Introductions

Committee members, Bureau staff, and legal counsel introduced themselves. Ms. Sanchez Hayden noted that Ms. Anthony, licensee, was appointed to the Advisory Committee the previous week.

- 4) Public Comment on Items Not on the Agenda

Ms. Sanchez Hayden explained this agenda item is intended for the public to comment on items not included on today's agenda.

Public Comment: Jodee Sussman stated that the Bureau's mission is to protect consumers, but consumers have not been protected. She further

stated that fiduciaries commit crimes against the elderly and special needs children for their own enrichment with the assistance of their attorneys. She notes professional fiduciaries commit fraud against the courts by filing false documents and with the assistance of judges overturn preexisting trust documents, advanced healthcare directives, wills, and power of attorneys; suppress the value of properties with fraudulent appraisals; force the sale of multigenerational properties with claims of the conservatee's need for 24/7 care and the cost of the conservatorship administration; and, evict family living with the conservatee. Ms. Sussman states the conservatee's care is of no concern, they ensure payment of their abusive inflated fees, and their crony vendors and attorneys. She asked for an update regarding the hiring of additional enforcement staff by the Bureau and asked the Bureau to follow through with investigations and complaints.

Farnaz R. – Ms. R. stated that she agrees with previous speaker.

- 5) Reading of the Professional Fiduciaries Bureau Mission Statement – Rebecca May, Bureau Chief

Ms. May read the Bureau's mission statement.

There were no comments from the committee members.

Public Comment: Farnaz R. asked how to obtain a licensee's non-public record and how a court order to provide those documents is processed.

Ms. Geoffroy responded that the commenter can call the Bureau and make a Public Records request. She noted that if the items requested are not publicly available, the Bureau will not be able to produce the items requested. She further noted that a specific response to her question would not be able to be answered during this agenda item or at this meeting.

Jodee Sussman stated that consumers are disheartened that professional fiduciaries and their cronies are keynote speakers at the Bureau's conventions. She noted that realtors, attorneys, judges, appraisers, and medical professionals that provide fraudulent diagnosis are all intertwined and work against families with no regard for human suffering. She stated that some have claimed that there is no conflict of interest between them, yet the fiduciaries share offices with their realtors and attorneys and vacation with judges. She asked how many decades of complaints must be made before there is any accountability.

Farnaz R. stated that according to the Bureau's website, non-public

documents must be requested through a subpoena, and can be provided if court ordered.

6) Discussion and Approval of the Advisory Committee Meeting Minutes from December 13, 2023 – Bertha Sanchez Hayden, Chair

No members suggested edits to the minutes. Linda Ng motioned to approve the meeting minutes and to allow Bureau staff to make non-substantive edits as needed. James Moore seconded the motion. There was no discussion from the committee members.

Public Comment: None.

A roll call vote was held. Ms. Sanchez Hayden, Ms. Ichikawa, Mr. Moore, and Ms. Ng voted to approve the motion. Ms. Anthony abstained. The motion carried with four votes. Ms. May noted that the minutes will be posted to the Bureau's website.

7) Update from the Director's Office – DCA Executive Staff

Melissa Gear, Deputy Director, Board and Bureau Relations, provided an update on behalf of the Department of Consumer Affairs (DCA). Ms. Gear congratulated and welcomed Ms. Anthony to the Advisory Committee. She noted the Business, Consumer Services and Housing Agency welcomed Tomiquia Moss, the new agency secretary. She stated the Department of Finance has directed all state agencies to reduce current year expenditures with few exceptions. She thanked DCA boards and bureaus for reducing expenses and finding cost savings. She provided an update regarding DCA's Diversity, Equity and Inclusion (DEI) Steering Committee and stated DEI training continues to be a priority for DCA. She noted that DCA's SOLID trainers underwent a DEI certification training program and have developed 11 new courses. Ms. Gear stated that DCA Director Kimberly Kirchmeyer testified before the Senate Business and Professions Committee regarding interstate licensure compacts and urged the Legislature to consider the prioritization of consumer protection and licensing standards. She also announced that DCA's Division of Investigations updated the complaint prioritization guidelines for healing arts programs. Ms. Gear reminded Advisory Committee members of the requirement to attend a Board Member Orientation Training (BMOT) within one year of appointment and noted BMOT will be offered on June 18 and October 22. She also noted that all the Advisory Committee members have completed Sexual Harassment Prevention Training (SHPT). Lastly, she noted that future SHPT will be two hours.

Ms. Sanchez Hayden asked Ms. Gear to confirm the two-hour SHPT. Ms. Gear responded that DCA has increased SHPT from one hour to two

hours.

Public comment: None.

8) Budget Report – DCA Budget Analyst

Andrew Trute, Budget Analyst, Department of Consumer Affairs, provided the Bureau's budget update including the Bureau's expenditure projections and fund condition statement. Related to expenditures, Mr. Trute noted the projections are based on actual data through fiscal month seven and includes 2022-23 actual expenditures compared to the 2023-24 budgeted and projected expenditures. Mr. Trute stated the Bureau had budgeted approximately \$1.122 million and is projected to spend \$809,000 creating a reversion to the Bureau's fund of approximately \$313,000 or 27.81%. He further noted the Bureau's revenue projection document includes receipts collected through January and provides projected revenues to year end.

Mr. Trute reviewed the Bureau's fund condition statement. He noted the Bureau began fiscal year 2022-23 with a beginning balance of just over \$317,000 and collected \$657,000 in revenue, with \$78,000 from initial license fees, \$544,000 from license renewals, and \$35,000 from the issuance of citation fines, delinquent fees and other revenue. He reported the Bureau expended nearly \$720,000, which includes \$52,000 indirect draws to the fund for statewide pro-rata and pension payments. He estimated the Bureau will close fiscal year 2022-23 with \$254,000 reserve balance or 3.6 months in reserve.

Mr. Trute provided that for the current year, the Bureau projects revenues of \$779,000 which includes the new fee increase with approximately \$97,000 projected from initial license fees, \$646,000 from renewal fees and \$36,000 from the issuance of citation fines, delinquent fees and other revenues. He further provided the Bureau's fiscal year 2023-24 expenditures, based on the Budget Act, to be \$855,000 between authorized expenditures and direct draws to the fund, leaving the Bureau with a fund balance of \$178,000 or 1.8 months in reserve.

Mr. Trute stated the DCA Budget Office will continue to monitor the Bureau's revenues and expenditures and report back to the Bureau with monthly expenditure projections. He noted that the fund condition is a snapshot in time, and includes 2023-24 projected revenue including increased application, initial and renewal fees, noting the that increased renewal fee begins for licenses expiring on March 31, 2024, and after. He also noted that revenue is projected static in the out years.

He stated one of the main factors driving future expenditure increases is

personnel service adjustments including general salary increases, employee compensation, as well as retirement rate adjustments. He stated the Budget Office includes a conservative ongoing 3% increase to expenditures on the fund condition statement to account for ongoing, incremental adjustments. He noted any future legislation or unanticipated events could result in the need for additional resources which would create cost pressures on the fund.

Public comment: None.

9) Legislative Update and Discussion – DCA Legislative Analyst

Matthew Wainwright, Legislative Manager, Department of Consumer Affairs provided important upcoming 2024 legislative dates and noted this was the second year of a two-year legislative session. He provided an update regarding bills affecting the Bureau including information on the text and status of AB 2148 (Low) and SB 232 (Niello).

Ms. Sanchez Hayden requested AB 2800 be included in the next meeting's legislative update.

Public comment: Jodee Sussman stated that AB 2800 would require a preponderance of the evidence instead of clear and convincing evidence about elder abuse, and said consumers will be in more trouble, because what the attorneys use is preponderance against her and her loved ones. She asked if the Bureau was supporting the bill.

Ms. May responded that Ms. Sanchez Hayden asked to include AB 2800 on a future agenda for purposes of reviewing the legislation. She noted that the Bureau does not take positions of support or opposition to legislation, and that it is up to DCA to make a recommendation.

10) Presentation Regarding Incorporating Diversity, Equality and Inclusion (DEI) objectives in the Bureau's 2023-2026 Strategic Plan – DCA SOLID Staff

Ms. Sanchez Hayden noted that this agenda item has been tabled due to a scheduling conflict.

11) Bureau Updates – Rebecca May, Bureau Chief

- Application, Licensing and Enforcement Statistics - Ms. May presented application, licensing and enforcement statistics from July 1, 2023, through December 31, 2023. She noted that at the December meeting an applicant had commented that his experience with the processing timeline for applications did not align with what the Bureau reported. She clarified that the statistics provided reflect data that the Bureau

tracks and controls. She stated that once an application is received and approved by the Bureau, the Bureau lets the applicant and the examination provider, the Center for Guardianship Certification (CGC) know the applicant is eligible to take the examination. Ms. May noted that CGC has its own application process and background check, separate from the Bureau's, and that CGC's processing times are outside of the Bureau's control. She lastly stated that the Bureau works closely with CGC and shares feedback.

- Outreach Events - Ms. May noted she met with the Conservatorship workgroup from the California Elder & Disability Justice Coordinating Council, chaired by Ms. Sanchez Hayden, to discuss the Bureau. She noted there are no upcoming outreach events and encouraged meeting attendees to email the Bureau regarding outreach events.
- E-Newsletter - Ms. May stated the newsletter is published twice a year. She noted the last newsletter went out in December and the June newsletter is now in progress. She stated that newsletters are posted to the Bureau's website and disseminated via the interested parties email list. She also noted if there are items members would like to see in the newsletter to please email the Bureau.
- Website Updates – Ms. May noted there was no update at this time. She stated that the Bureau is working on multiple updates to the website including the applicant page, education page and how-to videos.
- Bill Implementation - Ms. May stated that the Bureau is continuing to implement AB 1194, through the fee increase regulation and recruiting for an enforcement analyst. She also noted there have been some cases related to AB 1194 and related costs from the Attorney General. She further noted that Bureau staff have implemented AB 1262 by updating internal processes and templates and will likely will promulgate regulations related to the bill.
- Continuing Education (CE) Audit - Ms. May noted the CE audit was complete and the Bureau plans to conduct another CE audit in the fall. She also noted that the Bureau will direct some of its outreach efforts to educating licensees regarding CE requirements.

- Implementation of New Application and Renewal Fees – Ms. May noted that the fee increase for applications and initial licenses went into effect January 1, 2024, and the fee increase for renewals begins with licenses expiring March 31 and after. She noted that Bureau staff worked closely with DCA to ensure its IT systems would generate initial license and renewal notices with the correct amounts, determine correct amounts are received prior to issuing a license or license renewal, and generate notices to licensees in case of an underpayment. She also stated that the Bureau is working with the Budget Office to track how the increase is impacting revenues.
- Regulatory Update – Ms. May noted that the Bureau is not actively promulgating any regulations at this time.
- Strategic Plan Update – Ms. May stated that the Bureau will soon recruit an enforcement analyst to implement AB 1194. She also noted that the California State Archives approved the Bureau’s retention schedule which will allow it to reduce the amount of paper in the office.

Public Comment: Farnaz R. asked if the Bureau’s website is correct in stating that the Bureau will provide the Court with confidential licensing information when asked by the Court.

Ms. May responded that the Bureau does provide information to the Courts upon request. Ms. Geoffroy stated that individual case information cannot be discussed at the meeting.

12) Future Agenda Items

Ms. Sanchez Hayden asked Ms. May what items she has noted from today’s meeting for inclusion on a future agenda. Ms. May noted that Ms. Sanchez Hayden requested to include AB 2800 in the next legislative update.

Public Comment: None.

13) Future Meeting Dates

Ms. Sanchez Hayden provided the following future meeting dates:
Wednesday, June 12, 2024
Wednesday, September 11, 2024

Wednesday, December 11, 2024

Public Comment: None.

- 12) Adjournment
The meeting was adjourned at 11:06 a.m.