

The Guardian



Message from the Advisory Chair

Dear consumers, community members, and friends,

My name is Hang Le To and I work at the San Francisco Labor Council as its finance director. I was appointed by the speaker of the Assembly to the Professional Fiduciaries Bureau (bureau) Advisory Committee three years ago. This is my second term serving on the Advisory Committee and my second year as committee chair. Over the past three years, I have gradually learned the bureau’s role as well as its duty to the consumer.

From the consumer perspective, I appreciate the role of the bureau, which is to ensure the licensees are well-trained and educated in their professional fields. I would like to include this quote from the bureau’s website: “Professional fiduciaries provide critical services to seniors, persons with disabilities, and children. They manage matters for clients including daily care, housing and medical needs, and also offer financial management services ranging from basic bill paying to estate and investment management. Requirements for licensing include passing an examination and completing thirty (30) hours of approved education courses (See Pre-Licensing Education Information), and earning fifteen (15)

hours of continuing education credit (two (2) hours must be in ethics for fiduciaries) each year for renewal.”

The bureau’s mission is to ensure the protection of consumers. As a measure to enhance that protection, the bureau lists all California licensed professional fiduciaries on its website. If you need the services of a professional fiduciary, please visit www.fiduciary.ca.gov to ensure the person you are considering is licensed.

In addition, any complaints from consumers are always taken into consideration by the bureau office. Always feel free to contact the bureau with any questions.

Lastly, on behalf of the committee, I would like to thank the bureau chief and staff for working closely with the Advisory Committee to provide administrative and financial updates for our quarterly meetings, and keeping the website up-to-date for consumers.

Best wishes to all of you.

Sincerely,

Hang Le To
Advisory Committee Chair
SFLC, Finance Director

DEPARTMENT OF CONSUMER AFFAIRS



PROFESSIONAL FIDUCIARIES BUREAU

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A Message from the Bureau Chief

Hello friends of the Professional Fiduciaries Bureau (bureau).

The bureau's sole purpose is the protection of consumers through the licensure and regulation of professional fiduciaries. We take this mandate very seriously in everything we do, every single day, whether we are engaging with the public or our licensees.

Since my appointment as bureau chief in 2017, the bureau has been keeping very busy! We have undergone an extensive review (known as "sunset review") by the Legislature to determine if our sunset date, currently Jan. 1, 2019, should be extended. I am pleased to report that the governor signed **Assembly Bill 3144 (Chapter 681, Statutes of 2018)**, extending the bureau's sunset date to Jan. 1, 2023.

We also underwent a comprehensive strategic planning process, which provided the bureau an opportunity to examine its mission and values, gauge successes, and determine how to improve outcomes. The product of this effort, the bureau's Strategic Plan for 2018 to 2022, will serve as a roadmap for the bureau's future—one that clearly defines our goals and sets corresponding objectives toward reaching those goals.

Additionally, the bureau is working on two regulations relating to client notification and establishing an inactive/retired license type. These two draft regulations are currently undergoing review with the Department of Consumer Affairs.

If you are considering licensure, I encourage you to apply. If you are acting as a conservator or guardian for two or more nonfamilial individuals, or as a trustee or agent under durable power of attorney for more than three individuals, California law requires you to be licensed with the bureau. California State Bar-licensed attorneys are exempt from this licensure requirement.

Applicants are required to gain 30 hours of prelicensure coursework, pass an examination, submit fingerprints, and pay fees prior to licensure. Licensees are required to renew their license annually, submit an "annual" statement detailing his or her casework, and complete 15 hours of continuing education each year, including two hours on ethics. I encourage you to visit our website, www.fiduciary.ca.gov, for helpful tips on the application and renewal process.

As the licensing and regulatory entity for professional fiduciaries, we are here to serve. I encourage you to sign up for our interested parties mailing list on the bureau's website for regulatory updates, Advisory Committee agendas, and other news pertaining to the bureau. You are also always welcome to reach out to us with questions or comments at: fiduciary@dca.ca.gov.

Sincerely,

Rebecca May
Bureau Chief

Calling All Experts!

The Professional Fiduciaries Bureau (bureau) established its expert consultant program in 2011 as an impartial and professional way to support the investigation and enforcement functions of the bureau.

Expert consultants provide expert reviews and opinions on complex complaints received by the bureau.

To be an expert consultant for the bureau, you must meet the following minimum criteria:

1. Possess a current California professional fiduciary license in good standing for the previous five years.
2. Have no prior or pending administrative or disciplinary actions.
3. Have an active fiduciary practice with a current case load with at least three clients during your career as a licensed professional fiduciary.
4. Possess in-depth knowledge of fiduciary work (trusts, conservatorships, durable power of attorney, and/or guardianships) and the professional fiduciary industry's best practices.

The bureau has set the reimbursement rate for fiduciaries conducting case reviews and report writing at \$75 per hour and \$90 per hour for providing expert testimony at an Administrative Hearing.

If you have any questions and are interested in applying, please contact Sue Lo at (916) 574-7343 or Angela Cuadra at (916) 574-7341, or email fiduciary@dca.ca.gov.

Results of the 2017 Continuing Education Audit

The Professional Fiduciaries Bureau (bureau) conducted a continuing education audit in December 2017. Bureau staff is pleased to report the audit found that the vast majority of licensees stay on top of their continuing education requirements, and compliance rates for continuing education requirements have improved since our last audit in 2014. We were also pleasantly surprised to find that many licensees complete more hours than the minimum 15-hour requirement.

The bureau sent audit letters to 39 active licensees, which represented approximately 5 percent of the active licensing population at the time of the audit.

The bureau found that 95 percent of the audited licensees were in compliance. Once the audit was completed, the bureau issued two citations—one for failure to respond to the audit and one for not completing the required number of hours.

Licensees are required to complete 15 hours of continuing education, and two of the hours must be in ethics for fiduciaries. These hours must be completed yearly during the licensees' renewal cycle dates.

ASK ANGIE

Angela Cuadra is the Professional Fiduciaries Bureau's (bureau's) resident expert when it comes to the bureau's functions. If you have a question regarding applications, licensing, licensing renewals, complaints, enforcement, or any other questions related to the bureau, please email her at fiduciary@dca.ca.gov with the phrase ASK ANGIE in the subject line. Questions will be answered directly and if the question is popular, the answer will be published in our next E-Newsletter. Please note that we cannot provide legal advice. Below are some commonly asked questions.

Q: Can you explain the license application process?

A: There are three main steps to the licensure process. There is an application and background check with the bureau, an application and background process with the Center for Guardianship Certification (CGC), the provider of the fiduciary examination, and a registration and appointment process with Psychological Services Incorporated (PSI), which administers the examination. The examination is offered throughout California. Once an applicant successfully passes a background check, passes the examination, and pays fees, he or she will receive a professional fiduciary license.

Q: Why is my initial license fee prorated?

A: Pursuant to California Code of Regulations (CCR) section 4428, an initial license shall expire at midnight on the last day of the month in which the second anniversary of the licensee occurs after the issuance of the license, and no license shall be issued for less than 12 months or more than 24 months. Prorated fees are calculated pursuant to CCR 4580 (b) and (c).

Q: What do I do if I do not receive a license renewal application?

A: Your license renewal application will be mailed to you approximately 60 days prior to the expiration of your license. If you do not receive the license renewal application, please contact the bureau. Please remember this is the form you return your payment with. The Annual Statement, which is due 60 days prior to your expiration, is a separate form and will not be mailed to you. It is each licensee's responsibility to mail their Annual Statement to the bureau on time.

Q: How long does it take the bureau to process my renewal once it is received?

A: It takes approximately four to six weeks from the date of receipt to process your renewal package, provided it is complete. It is important that you mail in your Annual Statement at least 60 days prior to your expiration date and your renewal notice with payment to ensure that your renewal can be processed prior to the date your license expires. Renewals are processed in the order they are received. If any part of the renewal documents is not received on time, your license may not be renewed prior to its expiration date.

Q: What happens if I am short continuing education hours for my annual renewal?

A: Your license will not be renewed until all requirements, including continuing education, stated in Business and Professions Code (BPC) section 6541 are completed.



Q: How long do I need to keep proof/documentation of my completed continuing education?

A: According to CCR section 4452 (b), “A licensee shall maintain documentation of completion of continuing education courses for a period of at least three years from the date of renewal.” The bureau conducts periodic continuing education audits.

Q: What happens if the bureau selects me for a continuing education audit?

A: According to CCR section 4452 (c), “Each licensee shall provide any information requested by the bureau within 10 business days of the request, to determine compliance with the continuing education requirements for license renewal.”

Q: Which client cases should I report to the bureau when renewing my license?

A: When submitting your Annual Statement for renewal, report only the cases you opened or closed since the date of your LAST Annual Statement. This includes all court-appointed and private-party conservatorship, guardianship, trust, durable power of attorney, and personal representative cases.

Q: Can I have a copy of the complaint that was filed against me?

A: No. Complaint and investigative records conducted by state agencies are exempt from disclosure under the California Public Records Act, pursuant to **Government Code section 6254 (f)**.

Q: Why is the bureau investigating a complaint against me? It is a meritless and frivolous complaint.

A: The bureau is required by law to investigate all complaints. BPC section 6580 (a) states, “The bureau may upon its own, and shall, upon the receipt of a complaint from any person, investigate the actions of any professional fiduciary ... The bureau shall review a professional fiduciary’s alleged violation of statute, regulation, or the Professional Fiduciaries Code of Ethics and any other complaint referred to it by the public, a public agency, or the department, and may impose sanctions upon a finding of a violation or a breach of fiduciary duty.”

Disciplinary Actions and Citations Issued by the Bureau

2017

Licensee/Applicant	License Number	Action Taken	Effective Date
Susan Elaine Katra	114	Accusation	02/23/2017
David J. Katra	115	Accusation	02/23/2017
Rita Deborah Michael	217	Citation	04/07/2017
Rita Deborah Michael	217	Citation: Order Satisfied	04/17/2017
Michael I. Gonzalez Jr.	400	3 Yrs. Probation	05/19/2017
Mary F. Gallagher	469	Citation	05/22/2017
Donna Bogdanovich	572	Citation: Order Satisfied	07/05/2017
Debra Rose	796	Citation	09/11/2017
Christine Valerie Witherspoon	252	Accusation	10/10/2017
Susan Elaine Katra	114	Surrender	10/19/2017
David J. Katra	115	Surrender	10/19/2017
Gregory Schasiepen	727	Citation	10/31/2017
Donna Bogdanovich	572	Citation	11/06/2017
Eric Mayfield	158	Citation: Order Satisfied	12/01/2017

2018

Licensee/Applicant	License Number	Action Taken	Effective Date
Desiree Jane Vance	949	Voluntary Surrender	01/08/2018
Stanley R. Mandell	100	Citation	01/22/2018
Christine Valerie Witherspoon	252	Revocation	03/02/2018
Gregory Richard Schasiepen	727	Accusation	03/29/2018
Mary F. Gallagher	469	Accusation	04/16/2018
Dawn Elizabeth Akel	138	Citation: Order Satisfied	05/07/2018
Andrea Leung	259	Citation: Order Satisfied	05/19/2018
Andrei Andreev	685	Citation	05/15/2018
Rita Deborah Michael	217	Decision	06/22/2018
Gregory Richard Schasiepen	727	Revocation	07/11/2018
Stanley R. Mandell	100	Accusation	07/16/2018
Mary F. Gallagher	469	2 Yrs. Probation	08/13/2018

Bureau Actions

Explanation of Language

Accusation—A formal, written statement of charges filed against a licensee.

Citation and Fine—Licensee is issued a citation and required to pay a fine commensurate with the violation committed.

Default Decision—Licensee fails to respond to an accusation by filing a Notice of Defense or fails to appear at an administrative hearing.

Effective Decision Date—The date the disciplinary decision/order goes into operation.

Letter of Public Reprimand—A formal reprimand issued by the bureau, which could be in lieu of filing a formal accusation.

Revoked—The license is voided and the right to practice has ended.

Revoked, Stayed, Probation—“Stayed” means the revocation is postponed, put off. Professional practice may continue so long as the licensee complies with specified probationary terms and conditions. Violation of probation may result in the revocation that was postponed by the stay.

Statement of Issues—Charges filed against an applicant to deny licensure due to alleged violations of the Professional Fiduciaries Act.

Stipulated Settlement—The case is negotiated and settled prior to hearing.

Surrender of License—While charges are still pending, the licensee agrees to turn in the license—subject to acceptance by the bureau.

Suspension—The licensee is prohibited from practicing for a specified period.

Writ—An appeal filed by the licensee in Superior Court asking the court to overturn the bureau’s decision.

VISION AND MISSION STATEMENTS

OUR VISION

Safeguarding the well-being of consumers who receive professional fiduciary services.

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.

Send us your feedback

We hope you find the *Guardian E-Newsletter* useful. The bureau welcomes your comments and suggestions for future issues. You can contact us by phone at (916) 574-7340 or by email at fiduciary@dca.ca.gov. Online copies of the *The Guardian* are available at www.fiduciary.ca.gov/forms_pubs/newsletter.shtml.

Please share this newsletter with your staff and let them know they can sign up to receive a copy by joining the bureau’s interested party list at www.dca.ca.gov/webapps/fiduciary/subscribe.php.

Important Bureau Updates and How to Receive Them

The Professional Fiduciaries Bureau (bureau) is now on Facebook and Twitter! Follow the bureau by clicking on the following icons or going to the specified link:



or www.facebook.com/pages/California-Professional-Fiduciaries-Bureau/281715915342772



or <https://twitter.com/FiduciaryBureau>

Additionally, if you would like to receive notifications from the bureau about upcoming events, new regulations, and meetings, please sign-up to receive email notifications from the bureau at the following link: www.dca.ca.gov/webapps/fiduciary/subscribe.php.

DEPARTMENT OF CONSUMER AFFAIRS



PROFESSIONAL FIDUCIARIES BUREAU

Contact Information

Location:

1625 N. Market Blvd., Suite S-209
Sacramento, CA 95834

Phone: (916) 574-7340

Fax: (916) 574-8645

Email: fiduciary@dca.ca.gov

Hours: Monday-Friday, 8 a.m.-5 p.m.

The bureau will be closed for the following 2018 holidays:

Veterans Day—Monday, Nov. 12

Thanksgiving—Thursday–Friday, Nov. 22–23

Christmas Day—Tuesday, Dec. 25

New Year's Day (2019)—Tuesday, Jan. 1

Advisory Committee Members

Hang Le To, Chair, public member

Kathleen Thomson, Vice Chair,
Probate Court investigator

Jenny Chacon, public member

Barbara de Vries, licensee

Aileen Federizo, licensee

King Gee, nonprofit organization advocating
on behalf of the elderly

Vacant, licensee

Bureau Staff

Rebecca May, Bureau Chief

Angela Cuadra, Program Analyst

Jenny Turner, Licensing Analyst

Sue Lo, Enforcement Analyst