



CALIFORNIA DEPARTMENT OF
CONSUMER
AFFAIRS



PROFESSIONAL FIDUCIARIES BUREAU

SUMMER 2024

MESSAGE FROM THE BUREAU CHIEF

Hello friends of the Professional Fiduciaries Bureau!

As you may know, the Bureau recently increased its application, initial licensing and renewal fees. While increased fees are never welcome news, I am optimistic the new fees will put the Bureau on solid financial footing moving forward. The Bureau relies solely on licensing fees to sustain its operations—it does not draw any funds from other sources. Given the Bureau hasn't raised fees since its inception in 2007, the added workload and enforcement cost pressures due to the passage of AB 1194 (Chapter 417, Statutes of 2021), and the small licensing population, the fee increase was critical to prevent the Bureau's insolvency. I promise to keep you apprised on the Bureau's fiscal condition via the Bureau's Advisory Committee meetings and this newsletter.

In happier news, I am pleased to announce that the Bureau's Advisory Committee recently welcomed two new members—Joyce Anthony, licensee member, and Alfred Torregano, public member. The Bureau is lucky to have their insight and expertise on the on the Advisory Committee! I also encourage you to check out the Q&A segment on James Moore, the Advisory Committee's other licensee member on page 3.

As always, I welcome your feedback. Please reach out with your comments, concerns, and suggestions to: fiduciary@dca.ca.gov. And stay in the know with all things PFB by signing up for the Bureau's interested parties list [here](#).

Sincerely,
Rebecca May, Bureau Chief



DEPARTMENT OF CONSUMER AFFAIRS

PFB

PROFESSIONAL FIDUCIARIES BUREAU

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ASK ANGIE

Angela Cuadra is the Professional Fiduciaries 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 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. Here are some commonly asked questions.

Q How do I reinstate my license from "inactive" or "retired" to "active?"

A Licensees who hold an "inactive" or "retired" license can have their licenses restored to "active" by completing 15 hours of continuing education during the previous year, submitting an application accompanied by an updated annual statement, and paying renewal fees. However, there are time limits to reinstatement. Inactive licensees have 10 years and retired licensees have five years to apply for reinstatement. If these timelines are exceeded, the licensees will have to apply from scratch.

Q Do I need to take a cultural competency course as part of my yearly continuing education? I'm having trouble finding a course.

A Since January 1, 2023, licensees are required to take two hours of ethics OR two hours of cultural competency OR two hours of both ethics and cultural competency combined as part of their 15-hour continuing education requirement. If you are having trouble locating a cultural competency course, or prefer taking ethics, you can do so and still meet the requirement. The Bureau anticipates more providers will offer cultural competency coursework in the future. Please note, unlike existing licensees, all applicants must take one hour of cultural competency coursework as part of the 30-hour pre-licensing education requirement.

Q Should I complete my continuing education in the year before I mail my annual statement?

A No. Continuing education is to be completed in the year preceding your expiration date, not the date you mail your annual statement to the Bureau. For example, if your license expires on October 31, 2024, you should complete your continuing education requirement between November 30, 2023, and October 31, 2024. The Bureau has created a handy tracking log for your personal use to document your hours. It can be found [here](#).

Q How and where can I obtain the 30 hours of education for pre-licensing? Which provider is recommended by the Bureau?

A The Bureau is not able to recommend specific education providers; however, pre-licensing education courses may be obtained from any provider that meets the criteria as an approved provider under California Code of Regulations (CCR) section **4446**. Available courses vary depending on the education provider. Some course providers may offer a comprehensive fiduciary management program while others may offer individual courses instead. Pre-licensing coursework may be completed through more than one approved provider. A course or program will qualify for pre-licensing if it is taken from an approved provider in accordance with CCR section **4446** and meets the criteria set forth in CCR sections **4440** and **4444**.

Q&A

Q&A

Continued from page 2

Course descriptions are provided by approved education providers. Applicants should review course descriptions provided by education providers to determine if the course is relevant to professional fiduciaries (see CCR section **4444**). If the information on an education provider's website is unclear or missing, applicants are encouraged to contact the education provider directly for information about their course offerings. The Bureau does not maintain or oversee information provided by approved education providers.

Q&A



How do I become an education provider to provide prelicensing and continuing education?



The bureau does not approve individual courses or providers. All approved providers are currently listed in regulations.

Courses that are provided or approved by one of the providers in section **4446** of the California Code of Regulations and meet the topic requirements in section **4444** are acceptable for credit. Courses in cultural competency from one of the above providers in section **4446** will also qualify.

GET TO KNOW ADVISORY COMMITTEE MEMBER

JAMES MOORE

James Moore was appointed by Governor Gavin Newsom as a licensee member to the Bureau's Advisory Committee in 2019. He was reappointed to the Advisory Committee in 2023.

TELL US A LITTLE ABOUT YOURSELF AND YOUR BACKGROUND.

I am a private professional fiduciary. I have been a fiduciary since 1992. Prior to that, I was a public conservator in Sacramento County from 1981 to 1992. The last two years of my county service, I was named public guardian, public conservator, public administrator and coroner appointed by the Sacramento County Board of Supervisors. I have a bachelor's degree in child development and family counseling from Cal Poly San Luis Obispo. I also have a master's degree in public administration.

WHAT UNIQUE PERSPECTIVE DO YOU BRING TO THE ADVISORY COMMITTEE?

My extensive time and experience as a public conservator and private professional fiduciary gives me a hands-on perspective into the professional fiduciary profession. I can assist the Advisory Committee with personal experiences as it relates to licensed fiduciaries in California.

HOW CAN CONSUMERS BE BETTER INFORMED WHEN IT COMES TO HIRING OR WORKING WITH A PROFESSIONAL FIDUCIARY?

I believe consumers can better be informed by interviewing several professional fiduciaries, having a list of questions to ask regarding the professional fiduciary's background and education, asking how long they have been practicing, etc. I also recommend reviewing the Bureau's website to see if there have been any enforcement actions on the professional fiduciary's license.

WHY IS CONSUMER PROTECTION IMPORTANT TO YOU?

Consumer protection is very important to me. We are working with some of the most vulnerable people in the community. Many of these folks have no one else to help them or unacceptable people in their lives that take advantage of them. A professional fiduciary can provide consumers reassurance that they will be protected by being in a safe and clean environment and that all of their assets will also be protected.

REGULATORY UPDATE

On May 6, 2024, the Bureau filed a change without regulatory effect to repeal section 4424 (licensing timelines) with the Office of Administrative Law. The underlying statute establishing this requirement was repealed prompting the need for this change. Once approved, the Bureau will provide an update via its interested parties email list and on its website.

If you would like to receive updates regarding proposed regulatory changes as soon as they occur, you are encouraged to sign up for the Bureau's interested parties list by visiting the Bureau's [website](#) and clicking on **Join Our Mailing List**.

ATTENTION: APPLICANTS AND LICENSEES APPLICATION AND LICENSING FEE INCREASES

Beginning January 1, 2024, several Bureau fees increased:

Application fee: \$600

Initial license fee: \$1,300

Annual renewal fee: \$1,300*

Reinstatement from inactive or retired license status to active: \$1,300

*For licenses expiring on March 31, 2024, and after.



LEGISLATIVE UPDATE

The following legislation is pending before the Legislature and may be of interest to our licensees and consumers. If passed by the Legislature and signed by Governor Gavin Newsom into law, these bills will become effective January 1, 2025, unless otherwise indicated. Additional information regarding these bills, including full text and legislative committee analyses, can be found at www.leginfo.legislature.ca.gov.

AB 2148 (Low) Professional fiduciaries.

Status: Pending the Senate Business, Professions and Economic Development Committee.

This bill would require the Bureau to issue a certificate of registration to a professional corporation to render professional services beginning July 1, 2025, provided certain requirements are met. This bill would also allow the Bureau to set the fee to obtain and annually renew a certificate of registration at an amount necessary to recover the reasonable costs to the Bureau in carrying out these requirements. This bill would prohibit a superior court from appointing a professional fiduciary as a guardian, conservator, trustee, or other officer, or permit a professional fiduciary unless they hold a current unsuspended license, a current unsuspended certificate of registration, or are otherwise exempt from the licensing requirements.

AB 2862 (Gipson) Licenses: African American applicants.

Status: Pending the Senate Business, Professions and Economic Development Committee.

This bill would require boards and bureaus within the Department of Consumer Affairs, including the Professional Fiduciaries Bureau, to prioritize African American applicants seeking licensure, especially applicants who are descended from a person enslaved in the United States.

ANNUAL AND INITIAL STATEMENT TIPS

The Bureau's initial and annual statements are a central component to the licensing and renewal process. An initial annual statement is due within 60 days *after* a license is issued. Annual statements are due 60 days *prior* to the expiration of a license. A license will not be renewed unless a complete annual statement is received. To help ensure your license is renewed on time and to minimize back and forth with Bureau staff, please consider the following "best practices" when completing and submitting your initial and annual statements:

- **Make sure you use the correct form.**
You can find the **Initial Annual Statement** and the **Annual Statement** on the Bureau's website. Submissions provided on an incorrect or outdated form are not accepted.
- **Email or fax your Initial and/or Annual Statement to the Bureau.** While the Bureau always accepts mailed Initial and Annual Statements, emailed and faxed statements cut down processing times and save paper and postage costs. The most efficient method of submitting your annual statement is by email. You can email your statement to pfbrenewals@dca.ca.gov, or fax it to (916) 574-8645. Emailed statements will receive confirmation of receipt. The Bureau is not able to send confirmations of receipt for statements that are faxed.

- **Report ALL newly opened and closed cases.**
Pursuant to Business and Professions Code 6561, all new cases are to be reported whether court supervised or non-court supervised.
- **Report full case or client names.** The full case or client name is required for all opened and closed cases. The Bureau does not accept partial names or initials for any cases/clients.
- **Keep case names and types consistent.**
For example, if you report "Mary Smith Conservatorship" as an open case, it should be subsequently closed with the same name and type. Reporting "M. Smith POA" as a closed case is confusing and will require the Bureau to follow up with you.
- **Always include open and closure dates.**
Please report the month, day, and year the case was opened or closed.
- **Don't send duplicate initial or annual statements.** Already emailed your statement? Great! No need to follow up with a mailed or faxed version.
- **Consider including your email address.**
It's optional to provide your email address, but it makes it easier to reach you if the Bureau has questions about your submission. Your email will not be shared.
- **Don't forget to report removals, resignations, and settled cases since your last report.** This information is required by law pursuant to Business and Professions Code section **6561**.



CALLING ALL EXPERTS!

The Professional Fiduciaries Bureau's expert consultant program provides impartial support to 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 would like to apply, or have questions, email fiduciary@dca.ca.gov.

ANNUAL STATEMENT

Every year like clockwork, licensees are required to submit their **Annual Statement** at least 60 days prior to the expiration date of their license. This important requirement is a condition of licensure pursuant to **Business and Professions Code section 6562**.

Licenses will not be renewed unless an updated and complete Annual Statement is on file. Further, licensees who do not send in their Annual Statement on time risk practicing with an expired license and may be subject to administrative or enforcement actions.

Please be sure to use the most current version of the annual statement **form**. Please refer to the Bureau's **Licensee page** for the most up-to-date information regarding the annual statement process.



VISION AND MISSION STATEMENTS

OUR VISION

The well-being of consumers receiving professional fiduciary services is safeguarded.

OUR MISSION

To protect consumers through licensing, consumer education, and enforcement of the Professional Fiduciaries Act and promote and uphold competency and ethical standards across the profession.

BUREAU ACTIONS EXPLANATIONS 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 as 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 PFB.

Writ

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

2024 ENFORCEMENT ACTIONS

LICENSEE/APPLICANTS	LICENSE NUMBER	ACTION TAKEN	EFFECTIVE DATE
Kevin Andrew Singer	1062	Citation Status: Citation Satisfied	1/5/2024
Kellie Ann Hayes	489	Citation Status: Citation Satisfied	1/16/2024
Eun-Joo Chung	1224	Citation	1/19/2024
Melanie Lizbeth Siemon	1266	Citation	1/19/2024
Theresa Rose Deliberto	1016	Citation Status: Citation Satisfied	2/02/2024
Marlene Mary Dennis	557	Citation Status: Citation Satisfied	2/09/2024
Mia Rae Ehsani	1038	Citation	2/13/2024
Bennett Hong	589	Citation Status: Citation Satisfied	2/15/2024
David M. Wilson	536	Citation Status: Citation Satisfied	2/15/2024
Linda Maxwell	76	Surrender	4/1/2024
Iris Ulrike Hecker	753	Citation	4/12/2024
Janet Welborn	640	Decision	4/15/2024
Donna Bogdanovich	572	Revocation	5/10/2024
Mark Edward Olson	165	Probation	5/10/2024
Janette Ann Brooks	1315	Citation	6/17/2024
Kimberley Valentine	1071	Citation	6/17/2024
John Bagnall	555	Citation	6/24/2024
Michael R. Gardner	97	Citation	6/24/2024
Matthew Woodbury	352	Citation	6/24/2024



IMPORTANT BUREAU UPDATES AND HOW TO RECEIVE THEM

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



[www.facebook.com/
CaliforniaProfessionalFiduciariesBureau](https://www.facebook.com/CaliforniaProfessionalFiduciariesBureau)



<https://x.com/FiduciaryBureau>



Additionally, if you would like to receive notifications from the Bureau about upcoming events, new regulations, and Advisory Committee meetings, please sign up to receive email notifications by clicking [here](#).

SEND US YOUR FEEDBACK

We hope you find *The PFB Update* 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. Click [here](#) to find previous online copies of *The PFB Update*.

Please share this newsletter with your colleagues and let them know they can sign up to receive a copy by joining the Bureau's interested party list. Click [here](#) to subscribe.

UPCOMING OFFICE CLOSURE DATES

INDEPENDENCE DAY	THURSDAY, JULY 4
LABOR DAY	MONDAY, SEPTEMBER 2
VETERANS DAY	MONDAY, NOVEMBER 11
THANKSGIVING HOLIDAY	THURSDAY AND FRIDAY, NOVEMBER 28-29
CHRISTMAS	WEDNESDAY, DECEMBER 25

UPCOMING ADVISORY COMMITTEE MEETINGS

SEPTEMBER 11, 2024	DECEMBER 11, 2024
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ADVISORY COMMITTEE MEMBERS

Bertha Sanchez Hayden, chair, nonprofit organization advocating on behalf of the elderly
Elizabeth R. Ichikawa, vice chair, probate court investigator
Joyce Anthony, licensee
James Moore, licensee
Linda Ng, public member
Alfred Torregano, public member
Vacant, licensee

BUREAU STAFF

Rebecca May, bureau chief
Angela Cuadra, program analyst
Sue Lo, enforcement analyst
Cathie Scott, enforcement analyst

DEPARTMENT OF CONSUMER AFFAIRS



PROFESSIONAL FIDUCIARIES BUREAU

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