



#### PROFESSIONAL FIDUCIARIES BUREAU

WINTER 2025

On January 29, Governor Gavin Newsom issued **Executive Order N-15-25**, which aids licensees by postponing renewal fees for DCA-issued licenses for one year. To be eligible, licensees must have a residential or business address within the impacted zip codes of 90041, 90049, 90265, 90272, 90290, 90402, 91001, 91024, 91103, 91104, 91107, 91367, or 93536. The order applies to licenses that expire between January 1, 2025 and June 30, 2025.

<u>Please note, 2025 renewal fees are not waived</u>. Bureau licensees will be required to pay the postponed fees in 2026, in addition to regular 2026 fees.

Fire survivor licensees may contact the DCA Disaster Help Center for more information about renewal fee postponement or other DCA fire response-related topics. Call 1-800-799-8314, email **CAFires@dca.ca.gov**, or visit **www.dca.ca.gov/renewal\_deferral/**.

#### MESSAGE FROM THE PROGRAM MANAGER

Hello to all of our Advisory Committee members, Department of Consumer Affairs (DCA) partners, stakeholders, licensees, and consumers. The Professional Fiduciaries Bureau (Bureau) continues to move forward with strategizing ways to improve how it carries out essential functions to provide better service to consumers and licensees. Please be sure to check out our "Ask the Bureau" article on page 4 of this newsletter for answers to common questions.

Professional fiduciaries provide critical services to seniors, persons with disabilities, and children, and the Bureau's mission is "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." In October 2024, I had the opportunity to attend an outreach conference called "The 2024 Master Plan for Aging—Day of Action." This was an outreach conference focused on encouraging a shared commitment to build a California for all ages and disabilities and to prioritize the health and wellbeing of older Californians, people with disabilities and our vulnerable population.

The conference speakers included Governor Gavin Newsom; Secretary of the California Business, Consumer Services, and Housing Agency Tomiquia Moss, and Secretary of the United States Department of Health and Human Services Xavier Becerra.

I would like to thank the Bureau's Advisory Committee members and stakeholders for their partnership and shared commitment to our mission of consumer protection.

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Terri McClain, Program Manager



PROFESSIONAL FIDUCIARIES BUREAU

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## NEW INITIAL, ANNUAL STATEMENT, AND CONTINUING **EDUCATION CERTIFICATION FORMS, AND WEBSITE UPDATES**

The Bureau continuously reviews its forms and website pages to provide the most current information to its licensees and the public.

All forms and publications may be found on the Bureau's website here under headings specific to the type of form you may need.

The Bureau's website also offers information specific to consumers, applicants, and licensees.

The following forms were updated in 2024:

**Annual Statement Initial Annual Statement Continuing Education Certification** Professional Fiduciaries Bureau PFB 1625 North Market Blvd., Suite S-209 Sacramento, CA 95834 ne: (916) 574-7340 Fax: (916) 574-8645 Website: www.fiduciary.ca.gov CONSUMER INITIAL ANNUAL STATEMENT Bolineas Consultat Reinfolds And Housing Adaptor - Umin Reveals, Consultation DepArtINENT OF CONSULTER AFAIRs - RPCFSSIONAL FIDUCIARIES BUREAU 1625 North Market Blvd., Suite S-209, Sacramento, CA 95834 P (916) 574-7340 | F (916) 574-8645 | www.fiduciary.ca.gov **PFB** License Renewal Application Statement License Renewal Fee: \$1,300 Delinquent fee added if postmarked after license expiration date: \$150 It is true and accurate that I completed the required 15 hours of continuing education pursuant to Business and Professions Code Section 6538(b) within the one-year DRESS OF PUBLIC RE renewal cycle, paid the renewal fee, and submitted an annual statement 60 days prior to the expiration of my license. ME ADDRESS: (Phys rofessional Fiduciaries Burea PF# PFB 16) 574-7340 Fax: (916) 574-8645 ebsite: www.fiduciary.ca.gov PF Lic# Bureau, have you I ry, or U.S. federal ji ANNUAL STATEMENT ADDRESS OF PUBLIC OME ADDRESS: TYES DINO ur last report to the Bureau, have you been issued a noe, foreign country, or U.S. federal jurisdiction? YES NO ation for each NEW li YES NO Page 1 of 4

## **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 ensure your license is renewed please follow these best practices when completing and submitting your initial and annual statements:

### • Use the correct form.

You can find the **Initial Annual Statement** and the **Annual Statement** on the Bureau's website.

• 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**. 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 or mailed.



- Report all newly opened and closed cases.
  Pursuant to Business and Professions Code section 6561, all 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.
- Include open and close dates.

Please report the month, day, and year the case was opened or closed. If you have failed to report closed dates in the past, please include on the current statement.

- **Don't send duplicate initial or annual statements.** Already emailed your statement? Great! No need to follow up with a mailed or faxed version.
- Include 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.

• Report all removals, resignations, and settled cases since your last report.

For more information on this reporting requirement, please see **BPC 6561** and **CCR 4542**.

#### Winter 2025

# **ASK THE BUREAU**

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 "ASK THE BUREAU" 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 the Bureau cannot provide legal advice. Here are some commonly asked questions the Bureau receives.

### How do I reinstate my license from "inactive" to "active?"

Licensees who hold an "inactive" license can have their licenses reinstated to "active" by completing 15 hours of continuing education during the previous year, submitting an **application for reinstatement**, an annual statement, and the renewal fee. Inactive licensees have 10 years to apply for reinstatement.

### How do I reinstate my license from "retired" to "active?"

Licensees who hold a "retired" license can have their licenses reinstated to "active" by completing 15 hours of continuing education during the previous year, submitting an **application for reinstatement**, an annual statement, and the renewal fee. Retired licensees have 5 years to apply for reinstatement.

### Am I required to complete my continuing education prior to the date that my annual statement is due?

No. Annual statement due date requirements and continuing education requirements are separate. Your annual statement is due at least 60 days prior to the expiration date of your license. Continuing education is to be completed in the year preceding the expiration date of your license. For example, if your license expires on October 31, 2024, you should complete your continuing education requirement between November 1, 2023 and October 31, 2024. The Bureau has created a handy tracking log for your personal use to document your continuing education hours, which can be found **here**.

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

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. 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 **4446** and meets the criteria set forth in CCR **4440** and CCR **4444**.

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 **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.

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### Can I require an individual to withdraw their complaint with the Bureau as part of a settlement agreement? It is a frivolous complaint.

Regardless of a complaint's merits, Bureau licensees cannot include or permit to be included a provision in a settlement agreement that prohibits the other party from filing a complaint, cooperating with the Bureau, or requires the other party to withdraw a complaint filed with the Bureau pursuant to Business and Professions Code section **143.5**. This act is contrary to the Bureau's consumer protection mission in licensing and regulating professional fiduciaries. Any licensee who includes or permits to be included a provision of this nature in a settlement agreement is subject to discipline by the Bureau.

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### Can I file an anonymous complaint?

Yes, you may file an anonymous complaint, but in doing so, the Bureau will not be able to contact you for additional information and may not be able to move forward in investigating your complaint.

### Why doesn't the Bureau provide information about the number of complaints filed against a licensee?

Under the Public Records Act, complaints made to, and investigations carried out by the Bureau are exempt from disclosure. Moreover, complaint and investigation information are also exempt from disclosure pursuant to Government Code section **7923.600**. The Bureau's enforcement and disciplinary actions that are subject to public disclosure are posted in the "Bureau Actions" section on the Bureau's website.

### I received a citation from the Bureau. If I ignore it, will it just go away?

A citation that is not contested becomes the final order of the Bureau 30 days from the date of issuance. Failure to comply with a citation order, including an administrative fine and/or an order of abatement may result in action taken by the Bureau or other appropriate judicial relief being taken against you.



## **CALLING ALL EXPERTS!**

The Bureau's expert consultants provide 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 caseload with at least three clients during your career as a licensed professional fiduciary.

 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**.



The last day for the Governor to sign or veto bills passed by the Legislature was September 30, 2024. The 2025–26 regular session convened on December 2, 2024. The deadline to introduce legislation was February 21, 2025.

Below are updates to legislation the Bureau has been tracking:

### AB 2148 (Low)—Professional fiduciaries.

**Status:** Failed passage out of Assembly Committee on Appropriation's Suspense File and is dead.

This bill would have required the Bureau to issue a certificate of registration to a fiduciary corporation to render professional services after meeting specified requirements. This bill would also have allowed the Bureau to set the fee to obtain and annually renew a certificate of registration. Additionally, this bill would have amended the Probate Code to prohibit a superior court from appointing an unlicensed fiduciary or unregistered entity as a guardian, conservator, trustee,

or other officer, or permit a professional fiduciary to continue in any of those offices unless the professional fiduciary either held a current unsuspended license to act as a professional fiduciary or they were exempt from the licensing requirements as specified in the Professional Fiduciaries Act.

### AB 2862 (Gipson)—Licenses: African American applicants.

Status: Failed to pass out of Committee and is dead.

This bill would have required boards and bureaus within DCA, including the Bureau, to prioritize African American applicants seeking licensure, especially applicants who are descended from a person enslaved in the United States.

### UPDATE ON PROGRESS OF IMPLEMENTATION OF AB 1262

**AB 1262** was approved by Governor Gavin Newsom and filed with the Secretary of State's Office on October 10, 2023.

This bill made multiple amendments and added additional sections to the Business and Professions Code (BPC). The following **amendments** were made to the BPC as a result of **AB 1262**:

- BPC 6510 was amended to extend the Bureau's repeal date to January 1, 2028, and deleted the provision that the responsibilities and jurisdiction of the Bureau would be transferred to the committee and instead the Bureau would be subject to review by the appropriate policy committees of the Legislature.
- BPC 6511 was amended to allow Governor Newsom to appoint committee members by staggering terms to ensure a quorum will be available at all meetings.
- **BPC 6530** was amended to clarify the exemptions for enrolled agents.
- BPC 6532 was amended to specify that only a person who holds a current and active license from the Bureau is authorized to identify as a licensed professional fiduciary and BPC 146 was amended to add the Bureau to statute making it a criminal infraction for unlicensed practice as a professional fiduciary.
- BPC 6534 was amended to remove the requirement for the Bureau to make available to the public and publish on the internet any personal client information related to reports of removals or resignations. The Bureau is no longer required to provide the case name, court location, and case numbers to the public.
- BPC 6541.1 was amended to authorize the Bureau to reinstate a canceled license if specified requirements are met.

• BPC 6542 was amended to require the Bureau to deny an application to place a license in retired status if the license is subject to an outstanding order of the Bureau, suspended, placed on probation, revoked, or otherwise restricted by the Bureau, or subject to disciplinary action under this chapter.

The following sections were **added** to BPC as a result of **AB 1262**:

 BPC 6543 was added to allow a person whose license has been revoked or surrendered to petition the Bureau for reinstatement, requires the director to rule on a petition for reinstatement of a revoked, surrendered, suspended, or otherwise disciplined license, and authorizes the director to impose any terms and conditions the director reasonably deems appropriate.

### The Bureau is in the process of promulgating regulations for this section.

- BPC 6561.5 was added to require licensees to respond to any written inquiry relating to the investigation of a complaint within 30 calendar days from the request by the Bureau. Failure to do so would constitute a cause for disciplinary action.
- BPC 6562.5 was added to require licensees to notify the Bureau in writing of their intent to not renew a license and submit a final annual statement demonstrating they are no longer subject to licensure. Additionally, the licensee is required to work with the Bureau to resolve any discrepancies.
- BPC 6581.1 was added to specify that aiding or abetting, combining or conspiring, allowing one's license to be used by an unlicensed person, or acting as an agent, partner, or associate of an unlicensed person an unlicensed person to evade the Professional Fiduciaries Act is cause for disciplinary action.

### Winter 2025



### GET TO KNOW ADVISORY COMMITTEE MEMBER LINDA NG TAX PROFESSIONAL APPOINTED: MAY 5, 2023 **APPOINTMENT TYPE: PUBLIC MEMBER**

APPOINTED BY: SPEAKER OF THE ASSEMBLY



I have advanced my professional career in the area of financial/risk management with the private and public sectors, and have helped individuals, governmental, for-profit, and not-for-profit entities with their wealth/fiscal management strategies. I further went on to become a master tax advisor helping clients on individual and entity tax returns, and an enrolled agent to represent tax clients before the Internal Revenue Service.

Over the past three decades, I have dedicated much of my personal time in volunteering for the community. In addition to serving on the Professional Fiduciaries Bureau Advisory Committee, I am also chair of the Ethics Commission for the city of Sacramento, of which I joined in 2017 as one of the inaugural commissioners. Currently, I am serving my second term as the national president of OCA-Asian Pacific American Advocates dedicated to advancing the social, political, and economic well-being of the Asian American, Native Hawaiian, and Pacific Islander community. I was previously a gubernatorial appointee to the Fair Employment and Housing Commission (FEHC), which provides protection from harassment and discrimination in employment.

While still new to the Advisory Committee, I appreciate my role as a public member on the Advisory Committee where I can relate my experience with compliance, complaints, legislation, open meetings laws, hearings, budgets, and more.

Over the years, I have worked and interacted with clients from different professional, educational, and geographical backgrounds, from intergenerational to small businesses to state government. My clients have shouldered unique and challenging financial or tax-related matters that affect their livelihood.

In recent years, I have seen a surge of clientsincluding people who are retiring, people dealing with a decedent's estate, young adults inheriting wealth, and small businesses. This-along with the invaluable experience I gained from volunteering for nonprofits, city, and state government—allows me to keep learning, nurture an open mind, and become a stronger community advocate so that our constituents can make informed decisions.

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### WHY I BELIEVE CONSUMER PROTECTION IS IMPORTANT

Consumer protection is important because it ensures consumers are aware and protected from unfair, unsafe, or fraudulent business practices. It provides DCA oversight to professional licensees to ensure they are competent in knowledge and skills in the areas they practice. It further gives consumers a voice and recourse. Access to these protections largely affects consumers' livelihoods by impacting their life savings, belongings, time, and more dire, mental well-being.

### MY PRIMARY GOAL WHILE SERVING AS AN ADVISORY COMMITTEE MEMBER

I'd like to help the Bureau in its outreach efforts. This includes promoting public awareness of the Bureau's mission in consumer protection, the service available to the general public, and the work that it does.

### ADVICE I WOULD GIVE TO A CONSUMER WHO IS SEEKING PROFESSIONAL FIDUCIARY SERVICES

My advice to the consumer would be to: 1) Understand the circumstance as to why the individual is seeking a professional fiduciary. 2) Show empathy and patience. 3) Explain the advantage of having a licensed and experience professional fiduciary to help with matters from financial management to health care to housing. 4) Direct the individual to the Bureau's website to obtain more information as needed.



## NO LONGER PRACTICING AS A PROFESSIONAL FIDUCIARY?

Did you know the license statuses of "retired" and "inactive" are now available?

To learn more about these statuses and if you qualify, please see the Bureau's website **here** for eligibility requirements and application forms under the section "Existing Licensees—Inactive or Retired License Application."





# 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.

# **COMMON DISCIPLINARY ACTIONS BY THE BUREAU DEFINED**

#### 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.

#### **Revocation Stayed, Probation**

"Stayed" means the revocation is postponed. 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 the Bureau.

#### Writ

An appeal filed by the licensee in Superior Court asking the court to overturn the Bureau'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	<b><u>Citation</u></b> Status: Citation Satisfied	1/16/2024
Eun-Joo Chung	1224	<u>Citation</u>	1/19/2024
Melanie Lizbeth Siemon	1266	<u>Citation</u>	1/19/2024
Theresa Rose Deliberto	1016	<b><u>Citation</u></b> Status: Citation Satisfied	2/02/2024
Marlene Mary Dennis	557	<b><u>Citation</u></b> Status: Citation Satisfied	2/09/2024
Mia Rae Ehsani	1038	<b><u>Citation</u></b> Status: Citation Satisfied	2/13/2024
Bennett Hong	589	<b><u>Citation</u></b> Status: Citation Satisfied	2/15/2024
David M. Wilson	536	<b><u>Citation</u></b> Status: Citation Satisfied	2/15/2024
Linda Maxwell	76	<u>Surrender</u>	4/1/2024
Iris Ulrike Hecker	753	<b><u>Citation</u></b> Status: Citation Satisfied	4/12/2024
Janet Welborn	640	Decision	4/15/2024
Donna Bogdanovich	572	<u>Revocation</u>	5/10/2024
Mark Edward Olson	165	Probation	5/10/2024
Janette Ann Brooks	1315	<b><u>Citation</u></b> Status: Citation Satisfied	6/17/2024
Kimberley Valentine	1071	<b><u>Citation</u></b> Status: Citation Satisfied	6/17/2024
John Bagnall	555	<b><u>Citation</u></b> Status: Citation Satisfied	6/24/2024
Michael R. Gardner	97	<b><u>Citation</u></b> Status: Citation Satisfied	6/24/2024
Matthew Woodbury	352	<b><u>Citation</u></b> Status: Citation Satisfied	6/24/2024
William Schacht	367	<u>Citation</u>	6/27/2024
Jeanni Lee Stewart	944	<b><u>Citation</u></b> Status: Citation Satisfied	6/27/2024
Maryann Marie Tomkovicz	719	<u>Citation</u> Status: Citation Satisfied	6/27/2024
Renee R. Kowalik–Moss	1022	<b><u>Citation</u></b> Status: Citation Satisfied	6/27/2024
Timothy John Eckardt	1294	<b><u>Citation</u></b> Status: Citation Satisfied	7/11/2024
Leyla Susan Zabih	189	<b><u>Citation</u></b> Status: Citation Satisfied	7/11/2024
Iris Ulrike Hecker	753	Accusation	7/11/2024
Paula Rebecca Bibbs	267	<u>Citation</u>	10/23/2024
Lawrence Anthony Hempen	695	<u>Citation</u>	10/23/2024
Iris Ulrike Hecker	753	<u>Surrender</u>	02/24/2025





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> 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 visiting the Bureau's **website** and clicking on **Join Our Mailing List**.

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://x.com/FiduciaryBureau

### 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**

### 2025

CESAR CHAVEZ DAY
MEMORIAL DAY
INDEPENDENCE DAY
LABOR DAY
VETERANS DAY
THANKSGIVING
DAY AFTER THANKSGIVING
CHRISTMAS

MARCH 31 MAY 26 JULY 4 SEPTEMBER 1 NOVEMBER 11 NOVEMBER 27 NOVEMBER 28, 2025 DECEMBER 25, 2025

### **UPCOMING ADVISORY COMMITTEE MEETINGS**

MARCH 12, 2025 June 11, 2025 SEPTEMBER 10, 2025 DECEMBER 10, 2025

### **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**

Vacant, bureau chief Terri McClain, program manager Angela Cuadra, program analyst Sue Lo, enforcement analyst Vacant, enforcement analyst



### LOCATION

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### CONTACT

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