

PFAC NEWS

SUMMER 2018



PFAC STATEMENT OF PURPOSE

The purpose of the Professional Fiduciary Association of California is to:

1. Promote high standards of ethics and practice
2. Maintain high qualifications for membership
3. Require and provide continuing education
4. Enhance awareness of and respect for the Professional Fiduciary Association of California and its members
5. Contribute to the development and support of effective regulation, legislation and licensing
6. Promote communication among members to share resources



PRESIDENT'S MESSAGE

*by Donna Verna,
President*

We turned a page at the Annual Conference in Riverside and installed a new Board of Directors. These changes are always exciting—as we welcome new members Julie Sugita and Marlene Dennis on board—and, for me, just a touch of sadness as we lose the constantly calm and wise counsel of Rita Michael. As Rita retires from the Board of Directors and moves to the Past President's Council, you can count on me continuing to reach out to seek her guidance in the coming year.

I believe a few thank you's are in order:

Thank you, Rita Michael, for the wisdom and leadership you have provided to PFAC for the past several years. You have led implementation of many changes that have made us better.

Thank you, Susan Ghormley, for so capably leading this Board for the past year. I thoroughly enjoy working with you and look forward to many more years of service together.

(Continued on page 4)



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PRESIDENT'S MESSAGE

(Continued from page 1)



Thank you Julie Sugita and Marlene Dennis for joining this Board of Directors and offering your talents and perspective. Your service is appreciated and I am excited that you are members of this Board of Directors.

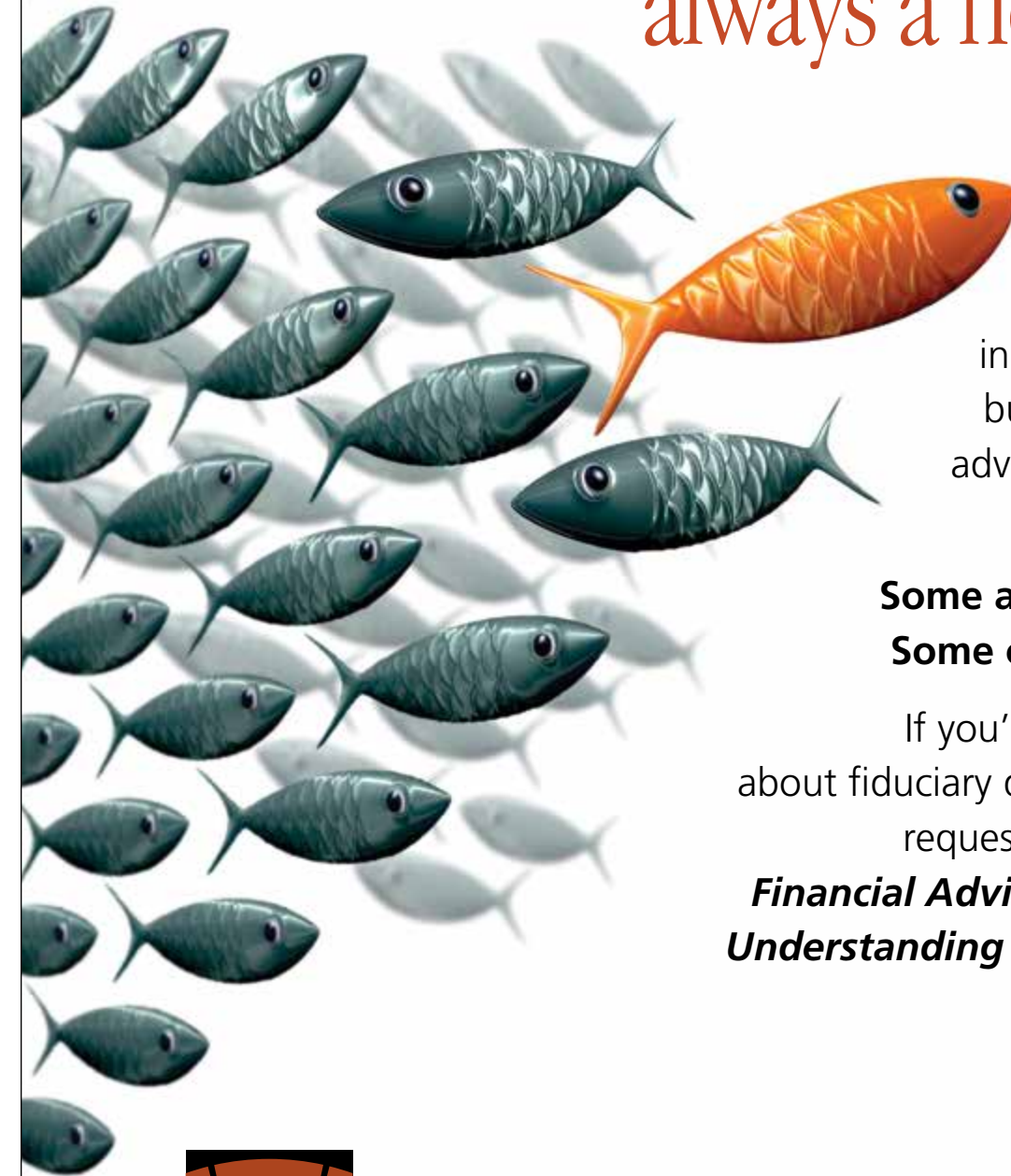
And, a heartfelt thank you to LeAndra McCormick, Mark Olson, Susan Ghormley, Meredith Taylor, Michael Storz, Tom Behr, Susanna Starcevic and Donna Bogdanovich for your continuing service on this Board of Directors. The time and talent you bring make us better and I appreciate you!

I'm excited to see all the positive changes in PFAC and look forward to rolling out new programs and services to benefit our members. We have a lot of work to get done and I'm ready to roll up my sleeves and get busy. You—our members—are our greatest treasure and PFAC is your professional organization. As we grow and change we need to constantly strive to become better. Let me know what you think—I always enjoy hearing your thoughts and ideas. I appreciate your confidence in voting to make me your President and I look forward to working with you.

With kindest regards,

Donna J. Verna

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FROM THE EXECUTIVE DIRECTOR



Amy Olsen
Executive Director

As I embark on my second year as Executive Director of PFAC, I am filled with gratitude to be working with, and on behalf of, professional fiduciaries. One of PFAC's newest programs – Stories of Care: How Professional Fiduciaries Change Lives – illustrates the professional, and often life-changing work of our members. These stories, many of which will be videotaped and distributed, are real-life case studies that can be referenced by the public, media and other professionals to provide illustrative examples of fiduciary service and benefit. Stay tuned as we send email updates and if you have a story to share, please do!

Another program you will see launching shortly is the new Center for Fiduciary Development. After a successful year-long testing of digital education through PFAC's Fiduciary Academy, the need and desire for online learning is evident and we are expanding PFAC's online learning opportunities. You'll see the traditional Fiduciary Academy with a more robust portfolio of educational sessions. In addition, we'll feature Partner Education which will include various credited and non-credited learning options. Nuggets of Knowledge will be a section which will include short vignettes providing educational tidbits from 3-5 minutes in length. And we'll be including Members Only educational opportunities as special member benefits.

At the end of July, PFAC will be holding the annual Leadership Development Retreat in Burlingame. At the 2017 Leadership Retreat, chapter, regional and state PFAC leaders created a strategic vision and plan to move the organization forward. I'm happy to report that close to 75% of that plan has been implemented and I'm excited to see the course set for upcoming years. I'll be reporting to you on those developments in the next newsletter and upcoming email updates.

There is so much happening with PFAC that it's difficult to include everything in one report, however there is one other initiative I want to make sure to mention. PFAC continues to expand its Strategic Partner Program and we now have outreach taking place with six partner organizations across the state. In addition, we are working diligently with UC Riverside and Cal State Fullerton Extension Programs to offer discounted student conference registrations and outreach about PFAC to students.

There is no PFAC without its members, so I thank you for your continued support and participation. If you ever have a question, please feel free to reach out. If you find yourself in the Irvine area, drop by for a cup of coffee. I welcome your suggestions for improvement and feedback. Enjoy the summer and I look forward to seeing you at an upcoming PFAC event.

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NEW MEMBER REPORT

PLEASE JOIN US IN WELCOMING OUR NEWEST PFAC MEMBERS!

UPCOMING EVENTS



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Ann Marshall

Oakland

David Nee

Carmel

Nancy Friedhoff

Los Altos

Sean Angeles

San Francisco

Yuka Merritt

San Mateo

Jolanta Hastings

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Newport Beach

Associate

Harold LEMaster

Anaheim

Louisa Bosshardt

Arroyo Grande

Lori McKay

Mission Viejo

John Strellner

Simi Valley

Susan Owen

Los Angeles

JULY

Friday, July 20

San Mateo Chapter Meeting

An Overview of San Mateo County's Aging and Adult Services and the Frequency of Elder Abuse in Our Local Community

Approved-1.0 CEU (Person)

11:30 AM-1:30 PM

Hobee's Restaurant, Belmont

Tuesday, July 24

Orange County Chapter Meeting

A Jet Tour Through the Mine Fields and Pitfalls of Change of Ownership For Trusts, Legal Entities, Estates and Probates

Approved-1.0 CEU (Estate)

8:00 AM-9:30 AM

17752 Sky Park Cir #110, Irvine, CA 92614

Tuesday, July 24

Placer County Chapter Meeting

Inspiring Joyful Moments in the Fiduciary-Client Relationship

Pending-1.0 CEU (Person)

11:30 AM-1:00 PM

Max's Restaurant and Bar

Wednesday, July 25

Silicon Valley Chapter Meeting

Medical Powers Associated with Conservatorship

Pending-1.0 CEU (Person)

8:00 AM-9:30 AM

Holder's Country Inn

Tuesday, July 31

San Gabriel Valley Chapter Meeting

Topic TBD-Details to Follow

Noon-1:30 PM

Pasadena University Club

AUGUST

Wednesday, August 1

Long Beach Chapter Meeting

Protecting the Fiduciary From Liability

Pending-1.0 CEU (Practice Management)

7:30 AM-9:30 AM

Long Beach

Friday, August 3

Sonoma County Chapter Meeting

Fiduciary Members Only

8:00 AM- 9:30 AM

Council on Aging, Santa Rosa

Thursday, August 9

East Bay Chapter Meeting

Welcome to Medicare: An Overview of Coverage and Options

Pending-1.0 CEU (Person)

11:30 AM-1:00 PM

San Leandro Library, San Leandro

SEPTEMBER

Friday, September 7

Sonoma County Chapter Meeting

Council on Aging, Santa Rosa

8:00 AM-9:30 AM

Details TBD

Wednesday, September 12

Northern Region Education Day

Pending- 6.5 CEU (various)

7:30 AM-8:30 AM Registration and Breakfast

8:30 AM-5:00 PM Programs - Lunch Included

South San Francisco Conference Center

Saturday, September 22

Southern Region Education Day

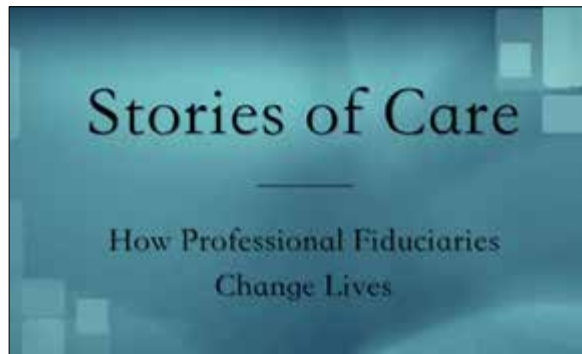
7:30 AM-4:00 PM

The Proud Bird, Los Angeles

Details and registration TBD



PFAC UPDATES



STORIES OF CARE: HOW FIDUCIARIES CHANGE LIVES

California Licensed Professional Fiduciaries (CLPFs) are caring professionals who are specifically trained, licensed and vetted to manage the services needed to help ensure people's assets, health, and life decisions are effectively and efficiently implemented. PFAC is working to share that message through our new campaign – Stories of Care: How Fiduciaries Change Lives. The stories of how CLPFs affect their client's lives are being included in a special feature page

on the PFAC website in both text and video format. Some of these stories are being presented to news and magazine outlets to help perpetuate the positive message of CLPFs and the important work being done.

If you have a story to share, please contact the PFAC office at 844.211.3151 and help us spread the good news!

We're excited about this new and improved PFAC member resource - we hope you will be too!

How Does PFAC Benefit Attorneys & Legal Professionals?

Your clients place great trust in you when designing their trusts, wills, and family legal affairs. You want to be sure you are working with the best in the industry as a partner in executing your clients' desires, and caring for your clients' needs and those of their family.

PFAC members have worked extensively with the California State Legislature to implement and ensure that Professional Fiduciaries are licensed and regulated through a rigid set of criteria and ethical conduct. PFAC continues to support the Professional Fiduciaries Bureau and provides approved education for license renewal. PFAC fiduciary members adhere to the highest standards, working to a Code of Conduct and peer cooperation that promotes ethical and competent performance. PFAC members, many of whom are also members of the National Guardianship Association, are reliable professionals with whom you can place your trust as a client care partner.

Find a Professional Fiduciary near you by visiting the PFAC website at PFAC-pro.org or calling toll free at 844.211.3151.

**A Standard Of Excellence,
A Legacy Of Caring.**

NEW MARKET SPECIFIC BROCHURE INSERT AVAILABLE

PFAC has a new brochure available for members to help market your business to potential clients. The insert is focused on how professional fiduciaries help families and points to the professional fiduciary's management for the elderly, disabled, or otherwise in-need individuals. Brochures can be personalized with your business information, so your prospects know how to reach you. Order your brochures through the members only Printing Portal located in the PFAC Member website.



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2018 CONFERENCE RECAP

Thank You To Everyone Who Came And Celebrated Our Legacy With Us!

Over 700 professional fiduciaries and industry service providers were in attendance at the 2018 PFAC Conference at the Riverside Convention Center May 30-June 2. The educational program was exceptional with some of the sessions overflowing in attendance. PFAC brought in technological improvements to the conference including:

- Self Badge Printing
- Electronic Exhibitor Game
- Electronic Surveys
- Self Badge Scanning

Along with new technology, PFAC changed up the Friday dinner with an outdoor barbecue, live band and games on the lawn. A good time was had by all proving that learning can be fun!

Plans are underway for the 2019 PFAC Educational Conference taking place May 1-4 at the Disneyland Resort Hotel in Anaheim. We'll be "Making Magic Happen" with no increase in conference registration rates, and we'll be adding a student rate for those who can show enrollment in either Cal State Fullerton or UC Riverside Fiduciary Management Programs. In addition to a well-rounded educational program, PFAC will be offering unique "in park" experiences at Disneyland and you will be able to purchase discounted tickets to the park. It's a great way to combine some "family time" while gaining educational units.

The annual PFAC Conference, now in its 24th consecutive year, continues to be the most comprehensive professional fiduciary education available. Registration will be available starting September 1. We hope to see you there!



Please join us in thanking the sponsors who helped make the **2018 PFAC CONFERENCE** a great success.

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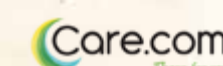
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REGIONAL REPORTS



Meredith Taylor
Northern Region President

PFAC NORTHERN REGIONAL REPORT

Greetings from the Northern Region,

We would like to welcome our new board members for the 2018-2019 term. They are Meredith Taylor, President; Michael Storz, Regional Director; Jean Dunham, Vice President; Linda McHugh, Secretary and Noel Parker, Treasurer. We invite you to contact any of us if you have any questions or comments about your chapter, the region or the state.

We are excited to attend the annual leadership training offered by the PFAC state board which will be July 26-27th in Burlingame. We offered to send 2 members from every chapter to the training, and we are excited that all, but two of our chapters will have two representatives in attendance. This training focuses on educating and supporting future PFAC leaders and provides a time where we gather members from across the state to develop new ideas for where PFAC is headed in the future.

New for this term, the Northern Regional board will be holding regular monthly board phone meetings in addition to our three regional in person meetings to bring more of our chapters into our plans for the region. All chapter leaders will be invited to attend both the phone meetings and the in person meetings.

We are very excited about our next Northern California Regional Education Day which will be held on September 12, 2018 at the South San Francisco Conference Center. Registration opening soon! Michael Storz and Karen Bishop will be co-chairing the conference. We donated one Ed Day registration at the annual conference during the raffle to one lucky winner. This day is full of education, opportunities to connect with our PFAC sponsors and your colleagues. A big thank you to our co-chairs for all of your hard work!

Mark your calendars! Next term we will be having 3 Regional Meetings for our Northern Region Members. First meeting will be held on November 15, 2018 and hosted by the Sonoma Chapter, second meeting will be held on February 28, 2019 and hosted by the Silicon Valley and San Mateo Chapters, and the third meeting will be held on April 18th and will be hosted by the East Bay Chapter. These meetings include a Regional Board Meeting and a one hour topic that qualifies for CEU credit.

Hope everyone is having a great summer.

PFAC SOUTHERN REGIONAL REPORT

Hello Southern Regional PFAC members!

It is my pleasure to serve as your Region President for 2018-2019. I thought I would take a few lines to introduce myself to you. I have been Professional Fiduciary for 7 years as of this July. I have been an active member of PFAC since that time. Prior to that time I served as a Human Resources executive in the aerospace industry, retiring as Vice President of the Aerospace Corporation. I live and work in Beverly Hills but like many of you I serve a large geographic area. In fact I have recently established a presence in the Palm Desert area. My practice covers the areas of trust administration, probate administration and conservatorships. I often tell people whom I meet that I specialize in "dysfunctional descendents and battling beneficiaries". A common reaction is "that sounds like my family"! But enough about me.

Your Regional leadership team is in the process of planning a busy and informative year. There will be 4 Regional Meetings the first of which will be our annual Education Day. In the past our Long Beach Chapter has graciously hosted this event, but this year the Southern Region will be responsible for the event planning and presentations. We are working on a Saturday date in September and a new venue, so keep your eyes out for a "save the date" email which will be sent when we have the date and location particulars nailed down.

We of course will continue with our popular attorney appreciation events where members can invite their favorite attorney or two. PFAC affiliate banks are continuing to partner with the Southern Region to host these events. We will try to hold these in locations that allow for the most members to attend. Like this past year food and beverages will be served and attending attorneys will receive a gift bag of PFAC Swag.

By the way, I just received my order of the new PFAC handouts tailored for attorneys and other legal professionals which were personalized with my contact info. So now you don't have to staple your card to the handouts anymore when meeting with attorneys. They look very professional and I suggest you visit the PFAC website the check this out.

One last thing as your region president ,I serve on the state wide PFAC Board. So I along with the other regional leadership team can serve as the eyes and ears for your concerns and suggestions to be passed up the chain if need be.

So there will be a lot of opportunities this year to continue the Southern Region's mission to provide educational and networking events.



Marlene Dennis
Southern Region President



REGIONAL REPORTS (CONT.)



Thomas Behr
San Diego Region President



Susanna Starcevic
San Diego Region Director

PFAC SAN DIEGO REGIONAL REPORT

From elections to educational programs to a post-conference glow, our activities for the prior three months included:

- Elections were held and our new Board includes Tom Behr, president; Susan Crowe, vice president; Dion Davis, secretary; Michael Williams, treasurer; and Susanna Starcevic, director.
- Our new Mentorship Dialogue program bringing together new licensees and fiduciary veterans was held following our monthly educational programs.
- **April**—Our first annual program “A View From the Bench” was a great success. The presenter was Judge Julia Craig Keley, Probate Department of the San Diego Superior Court. Judge Keley presented to a record turnout and was introduced by Tom Behr with a sonorous “All Rise” – to which the Members dutifully jumped to their feet and the Judge laughed. It was a humorous start to a great presentation and led us to develop the idea of a sister program called “A View From the Bar”. We will present it in the Fall with a panel of noted local Estate/Probate attorneys discussing our profession’s strengths and weaknesses.
- **May**—In accordance with PFAC’s By-Laws, we held our annual organizational and financial review for PFAC San Diego and solicited suggestions for educational programs for the upcoming year. We’ve got to confess that our Members (starting with Tom) are not really morning meeting people – but the draw of a real deli menu at Elijah’s Deli did help with attendance.
- **June**—We are traditionally dark in June, but we’re still moving on. This month, PFACSD, itself, provided 16 volunteer Members to prepare and serve (and clean up afterwards!) 125 lunch meals at San Diego’s Ronald McDonald House to family residents. Our volunteers found that there can’t be much higher a cause than to serve these families living at the House in order to be near their critically ill children. Truly, our hats are off to The Ronald McDonald House for providing such a beautiful, free facility to the families! As the result of such a worthwhile event, we’ve declared June to annually be “PFAC San Diego Volunteer Month” wherein we will encourage our Members to volunteer for a worthy cause of their choosing.
- **June**—We’re proud to say that 22 of our Members participated in the PFAC Annual Conference. The Conference was again a solid, professional and classy event and our hats off to the PFAC Conference Committee and to our Dynamic Trio of Amy Olsen, Executive Director, and Kamberly Fix, Membership Manager and Sienna Thornburg, Event Coordinator for pulling it off so well. Although, we now have to ask – when does San Diego get the Conference back? PFAC/Amy—it’s gotta be our turn, soon!

All in all, a good quarter.



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A WEEK IN THE LIFE....

Sara Grant* is three years into her fiduciary practice. She was appointed by the court as conservator of the person and estate for Barbara, a feisty and frail 82-year-old. A slip-and-fall at the park landed Barbara in the hospital. It was there that Sara and Barb first met.

A few days before Barbara's release, Sara dropped by the older woman's home for clothes, to take stock of the refrigerator, and to make sure the second bedroom could accommodate a caregiver.

Nothing could have prepared Sara for the sea of chaos she found when she opened the door.

Chaos was in the form of clutter. A LOT of clutter. Clothes, books, shoes, magazines, newspapers, art supplies, unopened mail, and grocery items still in bags. Photo albums, travel mementos, and totchkes Barb collected over many years. The second bedroom was really an artist's studio, craft room, and catch-all for even more stuff.

Being a professional fiduciary means being present to your client's emotional, physical, and psychological needs. At various points in a client's life-cycle, a provider of fiduciary services will likely call on related professionals to provide critical assistance. The list of service providers could be lengthy: attorneys for trusts and real estate, mental and medical health professionals, real estate agents, bankers, aging-in-place specialists, senior move managers, and certified professional organizers (CPO®).

Sara knew she didn't have much time to get Barb's home ready for her return. She needed a game plan, so she turned to a CPO® with whom she had worked in the past. Sara and the Organizer began the process to welcome Barbara home with a visual assessment of each room, including drawers, closets and cupboards.

Starting with the kitchen, the Organizer noted dated food packages, and open bags of rice. The refrigerator needed a major clearing and cleaning, and the floor was sticky. The dining room table was piled high with mail from financial institutions, junk mail, and packets of greeting cards from what seemed like every non-profit known to humankind. The recliner in the living room looked comfy but the couch was old and worn. Strewn about were empty Amazon boxes, piles of newspapers, and crossword puzzle books. Photos albums and dog-eared novels were hanging over the shelves of a rickety bookcase.

The hallway to the bathroom and bedrooms was a bit hazardous with stuff piled on both sides which meant that a wheelchair would not make it to either bedroom. The bathroom wasn't too bad—a few empty lotion and shampoo bottles hadn't quite left the shower stall. Both bedrooms, though, were very cluttered with clothes, shoes, and paper... lots and lots of paper.

Sara and the Organizer noted the few cobwebs on the ceiling. Luckily, they did not detect unusual odors. Silverfish did not seem to inhabit the areas dominated by boxes and paper, and there were no signs of rodents.

After the assessment, the Organizer and her team got to work. With their sleeves rolled up they worked quickly, two Organizers per room to toss expired food and categorize cooking pans and Rubbermaid containers without lids. While the team was working in other areas of the house, Sara opened and organized the mail that needed her attention. The remainder of mail was recycled or boxed for shredding.

The Organizer told Sara about a nearby laundry service and gathered all the clothes for cleaning and folding. Barb's bedroom looked welcoming with clean and pressed comforter and curtains, and the caretaker's living space was inviting and clear of Barb's stuff.

In two-and-a-half days, the project was nearly finished. All the trash had been removed, the old worn couch and bookcase were taken out and replaced with a decent second-hand sofa and shelving unit. A cleaning crew came in behind the organizer team to scrub the frig and floors, bathroom, sinks, and cobwebs.

By the end of the week, as Sara sat at the dining room table sorting through new mail, Barb was watching TV from her comfy recliner. She was looking forward to another delicious lunch prepared by her caretaker, and the promise of a challenging cross-word puzzle.

**Sara Grant is a pseudonym*

**"A bend in the road is not the end of the road...
unless you fail to make the turn."**

—Hellen Keller



Eric Landis
Business Sale & Acquisition
Expert, Trusted Advisor, M&A

HOW TO SELL A BUSINESS OWNED BY A TRUST OR AN ESTATE

If you are a fiduciary, trustee of a trust, or an executor of an estate that owns a business, you may need to sell the business throughout the course of the administration of the trust or estate.

Before you move forward with a sale of the business, you should consider a few things:

1. Do you have the authority to sell the business?

You need to engage an attorney to discover the true ownership, status and authority to sell the business.

2. The most common roadblocks to selling a business

- a. Employee retention during and after the sale
- b. Landlord approval of the premises' lease
- c. Seller and Buyer legal status
- d. Post-Closing requirements and escrow holdback
- e. Equipment leases and other obligations being assumed
- f. Inventory
- g. Excluded assets
- h. Franchise businesses – Franchisor approval
- i. Buyer funds – Proof and availability
- j. Financing – Dealing the bank
- k. Transfer of vehicles and other assets
- l. Purchase agreement term and conditions
- m. Taxes with successive liability
- n. Licenses and permits

3. Running the business until it sells

A person or company, must be carefully selected and appointed to preserve, protect and if possible, enhance an entity's tangible and intangible assets, until the company transfer to the new owner.

4. The Selling Process

- a. Preparing your Business for Sale
 - i. Clean up your internal financial documents and balance all accounts for validation
 - ii. Document company procedures
 - iii. Shine and refine your office or business
- b. What's the business worth
 - i. Extensive analysis of the business assets and profitability
 - ii. Various methods are used to determine the value of your business
 - iii. This process uncovers the business worth and identifies potential market opportunities
- c. Research and Analysis
 - i. Analyze overall market performance, historical and projected growth rates, industry trends, competitors, geographic influences and mergers & acquisitions in order to best position the company for sale
 - ii. Through market research you can identify strategic growth opportunities to support the valuation

d. Buyer Profiling

- i. Identify prospective buyers based on your selling objectives
- ii. Manage the introductory process once a prospective buyer is verified
- iii. Take the next step to get the sales process in motion and manage information transfer each step of the way

e. Marketing Strategy

- i. Develop and distribute unique marketing materials in order to attract buyers
- ii. Customized marketing strategies per buyer type (financial, industry, strategic)
- iii. Social medial buyer engagement

f. Confidential Information Memorandum (CIM)

- i. Creation of a comprehensive marketing tool for prospective buyers by focusing on your business strengths and marketability
- ii. Includes an executive summary, description of marketing and operational processes, facilities, financial overview, equipment lists, and all of the information required for the buyer to make an informed decision on your business

g. Confidential Buyer Communication

- i. Buyers must sign a Confidentiality Agreement and financial disclosure
- ii. Request a Buyer Profile to assess operational and financial strengths
- iii. Once a buyer is identified and pre-screened, the CIM is forwarded as well

h. Meetings and Negotiations

- i. Buyer reviews CIM and a dialogue opens up to answer any questions moving forward
- ii. Buyer may request to meet with the Seller or Seller's representative prior to a Letter of Intent (LOI)
- iii. Buyer produces an LOI
- iv. Negotiations, pricing, terms and deal points

i. Due Diligence

- i. Thoroughly prepare the business package up front to minimize any surprises that may occur
- ii. Provide the Due Diligence items in a timely manner and manage the process moving forward
- iii. The Due Diligence process takes approximately two weeks to three months
- iv. Due Diligence begins after a Letter of Intent is signed

j. Closing

- i. Finalize purchase agreement
- ii. Manage transition to Bulk Sale Escrow
- iii. Closing of Escrow and change of possession



PFAC LEGISLATIVE UPDATE

JULY 5, 2018



Jerry Desmond
PFAC Legislative Advocate,
Desmond & Desmond, LLC

PFAC GOVERNMENT RELATIONS UPDATE—CHANGES TO THE LICENSURE ACT

As of the writing of this update, legislation to continue the Professional Fiduciaries Bureau for another four years is moving forward through the legislative process with PFAC's support for this extension.

Without a new measure passing the legislature and being signed into law, the existence of the Bureau and the position of the Chief of the Bureau will expire automatically on January 1 of next year. This "sunset" is set forth in the Act, in Section 6510 of the Business and Professions Code.

The legislation that would continue the existence of the Bureau and the Chief position for another four years, to January 1, 2023, is AB 3144, authored by the Assembly Member Evan Low [D-San Jose].

AB 3144 was recently amended to include four revisions to the Act. They are:

1. **Extension of the Act to personal representatives of decedents' estates.** This would be accomplished by including within the definition of a professional fiduciary in Business and Professions Code Section 6501: a personal representative of a decedent's estate, as defined in Section 58 of the Probate Code, for two or more individuals at the same time who are not related to the professional fiduciary or to each other. PFAC suggested this revision and supports it.
2. **Re-establishment of experience pathways to licensure in Business and Professions Code Section 6513,** either:
 - A. An associate of arts or sciences degree from a college or university accredited by a nationally recognized accrediting body of colleges and universities, and at least three years of experience with either of the following substantive fiduciary responsibilities:
 - a. Serving as a conservator of a person, estate, or person and estate, a guardian of an estate or person and estate, a trustee, an agent under a durable power of attorney for health care, or an agent under a durable power of attorney for finances.
 - b. Working for a professional fiduciary, a public agency, or a financial institution acting as a conservator of a person, estate, or person and estate, a guardian of an estate or person and estate, a trustee, an agent under a durable power of attorney for health care, or an agent under a durable power of attorney for finances.
 - B. At least five years of experience with either of the following substantive fiduciary responsibilities:
 - a. Serving as a conservator of a person, estate, or person and estate, a guardian of an estate or person and estate, a trustee, an agent under a durable power of attorney for health care, or an agent under a durable power of attorney for finances.

- b. Working for a professional fiduciary, a public agency, or a financial institution acting as a conservator of a person, estate, or person and estate, a guardian of an estate or person and estate, a trustee, an agent under a durable power of attorney for health care, or an agent under a durable power of attorney for finances.

PFAC supports the establishment of these experience pathways to licensure.

3. Revision of the current information a fiduciary is required to report to the Bureau in the initial and annual reports required by Business and Professions Code Section 6561. The revised provision in subdivision (a)(2) would read:

Whether or not he or she has been removed for cause as a conservator, guardian, trustee, personal representative, agent under a durable power of attorney for health care, or agent under a durable power of attorney for finances. The licensee may file an additional statement of the issues and facts pertaining to the case.

PFAC supports this revision to the reporting requirement.

4. A prohibition against a licensee or agent working on behalf of a licensee, including an attorney, from billing a client or impose a fee on the estate or trust of a client for responding to a complaint filed with the Bureau against the licensee.

This would be set forth in a new Section 6581 that AB 3144 would add to the Business and Professions Code.

This provision was added to AB 3144 on June 19, and PFAC is advocating its position in opposition to the new prohibition unless it is revised. The association is in discussions and negotiations with the author, the Governor's administration, and others. Following is an excerpt from PFAC's position letter:

"Our association supports the continuation of the Bureau and the Act that work together to provide for the qualification, licensure, regulation, and continuing education of licensed professional fiduciaries as well as the protection of consumers. PFAC continues to support the provisions of AB 3144 that would extend the existence of the Professional Fiduciaries Bureau for four years.

"PFAC is quite concerned with the precedent, scope and impact of one specific provision that the pending amendments would add to the licensure Act. This is new Business and Professions Code Section 6581 that would prohibit a licensee from billing a client or imposing a fee on the estate or trust of a client for responding to a complaint filed with the Bureau [Page 9, Lines 14 through 19].

"PFAC has met with and discussed this significant new prohibition with the Department of Consumer Affairs, and understands and appreciates the intent to ensure that consumers are protected from bearing unreasonable financial burdens when consumers pursue legitimate complaints with the Bureau.

"The prohibition as currently drafted is absolute and is not limited to these situations. It does not acknowledge that there can often be legitimate situations where a licensed professional fiduciary should be able to charge a fee to a client, estate or trust.

(Continued on next page)

(Continued from previous page)

"This includes situations where the Bureau has considered a complaint that has been filed, has concluded its investigation, and has decided not to impose a citation, fine or sanction upon the licensee in connection with that complaint.

"In these situations, the Bureau has reviewed the complaint, has concluded its investigation, and has determined that no action will be taken.

"PFAC is therefore opposed to the provision that would prohibit a licensee from billing a client or imposing a fee on the estate or trust of a client for responding to a complaint filed with the Bureau, unless it is amended to allow for fees to be charged in these legitimate situations.

"It is also important to note that there is not a significant consumer problem that supports an outright prohibition.

"In addition, many licensed professional fiduciaries have established their own informal policies and do not charge fees."

"Those who cannot change their minds cannot change anything."

-George Bernard Shaw



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- PFAC Affiliate Member
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24TH ANNUAL PFAC CONFERENCE



IT WILL BE OUR MOST MAGICAL EVENT YET!

PFAC is taking you to the Happiest Place On Earth for the 24th Annual Educational Conference. Who says learning can't be fun? We believe it can and you can expect a great time and a great program for 2019. We've listened to your feedback and have moved the conference date up to May 1-4. We received several comments from people saying that the conference interfered with vacation plans and was just too late in the year.

You can be sure you'll receive the most comprehensive education for professional fiduciaries in a progressive and fun environment. And with food provided by Disney chefs, you'll be enjoying tasty and satisfying food choices.

The conference website will launch in late August with registration available September 1. We're keeping registration fees affordable and adding a discounted student rate for those entering the profession and in a current study program.

Stay tuned for more information as we continue to Make Magic Happen with the annual PFAC Conference.



THE 24TH ANNUAL PFAC EDUCATIONAL CONFERENCE

MAKING MAGIC HAPPEN

May 1-4, 2019
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and start making your plans to visit your happy place!



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start with a change in behavior.”**

–Katharine Hepburn



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