PFAC NEWS

WINTER 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 Susan Ghormley, President

In this rainy winter month, I just saw The Greatest Showman and was thoroughly uplifted and entertained (even cried a little). I was forcefully reminded that 'inclusion' and 'diversity' covers all people, literally great and small. The "Bearded Lady", "Tom Thumb", the "Dog Boy" and so many others in the circus cast had been hidden in shame by their own parents but when made part of and cared for by their circus 'family' they became people of value and voice. At least, in this idealized movie they did. Our care for our clients and each other can have the same result. When encouraged and included, we all blossom into all we are meant to be. I would encourage all of you to see this just plain good movie (even if you aren't crazy about musicals). Not only for the fun of it, but for its great message that will have you bouncing out of the theater.

On another positive note, plans are firming up for the Annual Conference including the new Friday night "Farm to Table"

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PRESIDENT'S MESSAGE

(Continued from page 1)

country fair dinner. Giant games of checkers, chess and corn hole, a real bocce ball court and more. Read more about plans for the conference in the article located on page 36.

The first in our 4 part webinar series by Jessica Pettitt introducing Cultural Sensitivity was attended by over 90 members! I have heard from many participants who thoroughly enjoyed Jessica's message and entertaining delivery of such important information. Thank you all for participating. We will shortly announce the next webinar date.

I am always moved by the stories of dedication to our practice that are shared with me and am reminded again of why I love what I do. We are gathering these stories – told by fiduciaries – on our website and will be using them to 'market' the great work we do and the strong association of PFAC that supports us. I want to inspire you to submit stories to Executive Director Amy Olsen. They don't have to be long, or even perfect. But we want to hear from you relaying your experience, from your heart.

Happy New Year friends – it's going to be a great one.

> **Keep the Circus going inside you, keep it going, don't take anything too seriously, it'll all work out in the end."**
>
> *–David Niven*

PFAC 2018 Conference Information

May 30–June 2

Riverside Convention Center
Riverside, CA

Host Hotels
Mission Inn Hotel & Spa
Marriott Riverside
Hyatt Place Riverside

PFAC 2019 Conference Information

May 1–4

Disneyland Resort Hotel
Anaheim, CA

Host Hotels
Disneyland Resort Hotel

FROM THE **EXECUTIVE DIRECTOR**

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As we launch into the new year, I find myself thinking about events in California these past few months. Fires, landslides – there has been heartache endured by many of our members and their clients, and yet I am moved by the images of community coming together to support one another. A line from one of my favorite poems reads "Any man's death diminishes me because I am involved in mankind."* With that thought in mind, staff reached out to members who were in fire affected areas to see if help was needed and send our support. The Board of Directors approved a cash donation specifically for those affected by the disastrous and unprecedented fires that ravaged our state. I hope that this newsletter finds those who were in affected regions safe, sound, and settled.

Despite adversity, we persevere and I'm happy to report that PFAC has been hard at work on behalf of members and the profession. Here are a few highlights:

- We continue to work building strategic partnerships and are in conversations with counties and organizations in both Northern and Southern California regarding referral programs for convservatorships. Watch your emails for more information.
- We've launched the first of three brand new Market Specific Brochures to help you talk more about the profession to legal, senior care, and mental health professionals. You can even personalize these materials with your own business information. The legal professional materials are now available through the PFAC Printing Portal and I expect we will have the senior care and mental health materials available within the next month.
- Four live webinars have been presented in the last quarter and we even offered the first remote chapter meeting with the participation of the Orange County Chapter.
- PFAC continues to work collaboratively with the Professional Fiduciaries Bureau and National Guardianship Association and support legislation that has a positive impact on your practice and your clients.
- Over 150 people participated in online courses in 2017 through the Fiduciary Academy and I am grateful to those presenters who gave us permission to rebroadcast their presentations. With the success of Fiduciary Academy, we will be moving forward to create an online Center for Fiduciary Development that will include a more robust catalog of digital education – both live and archived. Stay tuned for more information as plans develop.

I come to the office every day with anticipation and excitement for the work ahead of me. It's my pleasure and honor to serve as your Executive Director and I welcome your feedback and suggestions on how we can improve our services. Here's to a peaceful, joyous and prosperous New Year.

**For Whom the Bell Tolls, Ernest Hemingway*

IN **MEMORY**

Dear PFAC Members and NGA,

Vera E. Sprinkel passed away November 2, 2017. She was born May 17, 1936 in Berlin, Germany and immigrated to the United States in the late 50s, settling first in Los Angeles and then San Francisco. Vera worked for 25 years in the Trust departments of Wells Fargo Bank, Hibernia Bank, First Interstate Bank, Union Bank and First California Bank before opening her own business as a Private Fiduciary in 2002. She was a culture lover who thrived on museum outings, contemporary art, classical music concerts, and theatre-and was a devoted member of her church. She will be dearly missed by her family, friends and colleagues. She is survived by her daughters Julia Sprinkel (Downes) and Susanne Walker (Abetti); son Mark Walker; and grand-daughters Alexandra and Scarlett Downes. Donations in her honor to Classical KDFC.

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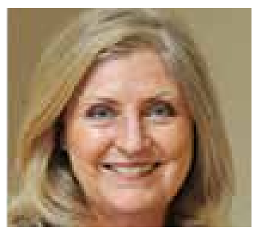

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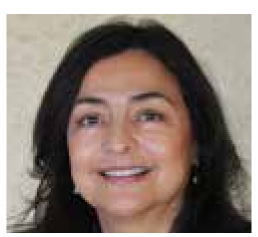

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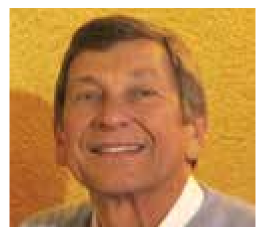

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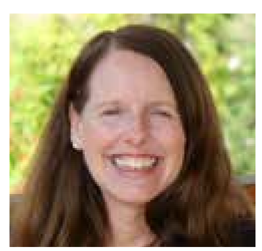

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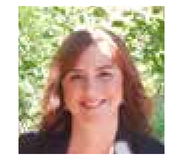
NORTHERN REGION



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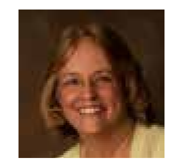

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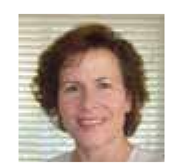

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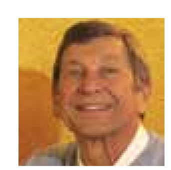

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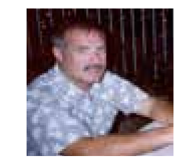

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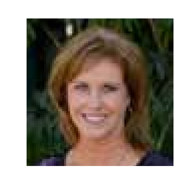

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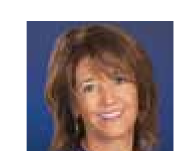

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NEW MEMBER REPORT

PLEASE JOIN US IN WELCOMING OUR NEWEST PFAC MEMBERS!

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San Francisco

General

Bennett Hong
San Francisco

Noel Parker
Oakland

Roger Boaz
Contra Costa

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UPCOMING **EVENTS**

JANUARY

Friday, January 19
San Mateo Chapter Meeting
Working With Your Financial Advisor
Pending - 1.0 CEU (Practice Management)
12:00–1:00 PM
Hobee's Restaurant, Belmont
Click here for details and registration

Tuesday, January 23
Placer County Chapter Meeting
Firearms & Fiduciaries
Approved - 1.0 CEU (Estate) / 1.0 MCLE
11:30 AM–1:00 PM
Max's Restaurant, Auburn
Click here for details and registration

Wednesday, January 24
Silicon Valley Chapter Meeting
Mobilehome as a Housing Solution
Approved - 1.0 CEU (Practice Management)
7:30–9:30 AM
Holder's Country Inn, Cupertino
Click here for details and registration

Thursday, January 25
Southern Region Attorney Mixer
No Credits
6:30–8:30 PM
Manufacturers Bank, Newport Beach
Click here for details and registration

FEBRUARY

CEU/MCLE MEETINGS

Friday, February 2
Sonoma County Chapter Meeting
Topic - TBD
8:30–9:30 AM
Council on Aging, Santa Rosa
Details to follow

BOARD MEETINGS

Thursday, February 8
Northern Region Board and Dinner Meeting
San Mateo/Silicon Valley
Details to follow

Friday, February 23
State Board Meeting
Orange County
Details to follow

Saturday, February 24
San Diego Region Meeting
Mini Edu Day: Tools and Techniques to Maximize Benefits & Stretch Resources
Pending - 3.0 CEU (Estate) / 2.0 MCLE
1:00–5:00 PM
Carlsbad by the Sea, Carlsbad
Click here for details and registration

MARCH, 2018

CEU/MCLE MEETINGS

Friday, March 2
Sonoma County Chapter Meeting
Topic - TBD
8:30–9:30 AM
Council on Aging, Santa Rosa
Details to follow

Thursday, March 8
East Bay Chapter Meeting
Topic - TBD
Details to follow

PFAC NORTHERN REGIONAL REPORT

Meredith Taylor
Northern Region President

Happy New Year from the Northern Region!

I want to give a big thank you to the Sonoma County Chapter for hosting our November Regional meeting. It was a wonderful event and we received great feedback on a job well done! At our November Regional board meeting we addressed some of the happenings in our Region including our next Nor Cal Education Day, which will be held on September 12, 2018 at the South San Francisco Conference Center. We also reviewed our statewide Strategic Plan and ways in which our members are participating on meeting the deadlines set for this plan. If you are interested in learning more about this strategic plan please go to the Members only section on the PFAC website and you can find it under "organizational documents".

In October, I, along with our Regional Director Michael Storz, attended the State Board meeting in Riverside at the venue where our next Annual PFAC Conference will be held. We were honored to be a part of the planning of this wonderful conference. The dates for the conference are May 30th – June 2nd, 2018. It will be held at the beautiful, newly renovated Riverside Convention Center. Registration is open and all of the conference committees are busy working on making this the best and most comprehensive conference to date. Our next State Board meeting will be held in February. In attendance at these meetings are your PFAC State Board and the Presidents and Regional Directors from our three Regions. These meetings are very lively and exciting as we address all areas of concern and need for PFAC's future.

Mark your calendars! We will be having our next PFAC Regional Meeting on Thursday, February 8th, 2018. It will be hosted by the San Mateo and Silicon Valley Chapters. Thank you in advance for all of your hard work. Be on the lookout for more details and registration information. Before each Regional Meeting, we hold our in-person Regional Board meetings. These are mandatory for our PFAC Regional Board members and we welcome and encourage Chapter participation by inviting all Chapter Presidents or their representatives to attend. This meeting is where we try to bring the PFAC State, Regional and Chapter goals together.

We want to encourage everyone to take a look at PFAC's on-line educational resource center called "Fiduciary Academy" accessible through PFAC's website, www.pfac-pro.org. The Fiduciary Academy allows our members to have access to on-line and on-demand educational opportunities in order to fulfill your CEU requirements for both PFAC and the Fiduciary Bureau. More classes will be added soon!

Please feel free to reach out to me anytime with ideas or concerns about our Northern California Region. I am very proud to be serving as your President.

PFAC SOUTHERN REGIONAL REPORT

LeAndra McCormick
Southern Region President

Hello PFAC members,

Happy New Year!

The Southern Region Attorney Mix and Mingle in Calabasas and Los Angeles were a success. The generous sponsorships of PFAC Affiliates Manufactures Bank, Shuster Financial, Campbell & Jacobs: National Trust and Probate along with the participation of Old World Vines are making these events possible. I have received emails from fiduciaries grateful for the marketing opportunity and attorneys thanking SRPFAC for the invitations. The next one is in Orange County and the last Mixer of the year will be in the San Gabriel Valley or Inland Empire. The event registration is limited to the first 20 PFAC members and their attorney. (You will be asked to identify which attorney you are going to invite when you register). The PFAC member will be responsible for inviting the attorney to this event. The price includes hors d'oeuvres and wine tasting for you and your attorney. We have appreciation gifts for each attorney and an evening of fun and networking. Come mix and mingle for the cost of $25.00 which includes the PFAC member and their attorney. We hope to see you at one of next mixers! Last two dates are 1-25-2018 and 3-8-2018.

The Southern Region Elections are coming up. If you are interested in volunteering for a board position, please contact one of the current board members for information. You can find their contact information on the PFAC Website. Elections will be in the early spring.

I want to continue to encourage you to go to local chapter meetings, get involved, be a part of our growing community. Keep a look out for events to spring up on the calendar or on list serve.

The 2018 PFAC Educational Conference is in Riverside this year. I hope to see you there!

Thomas Behr
San Diego Region President

Susanna Starcevic
San Diego Region Director

PFAC SAN DIEGO REGIONAL REPORT

Did you know that we are the only PFAC Region with a sole Chapter? That's because a majority of the County's population is concentrated in the City of San Diego while the rest are spread throughout our large county. In fact, San Diego County is larger than Los Angeles County with about 30% of their population—and is also larger than Delaware or Rhode Island.

So, being a sole Chapter leads to the unique situation that we are one large fiduciary family that enjoys its time together networking, learning and socializing. To foster that, the Board enjoys developing monthly meetings that benefit our members' education and provide a variety of interesting venues, whether they be at care facilities (who also contribute great meals), restaurants or our partners' meeting rooms.

Which leads us to our last quarter, where we:

- Financially supported and attended The Probate Prom, an annual dinner put on by the Probate Attorneys of San Diego that brings together attorneys, judges and fiduciaries for a casual, fun evening.
- Held a program at Belmont Village, a care facility, titled "Ethics of Investing & The Fiduciary Standard" presented by Scott MacDonald and Donovan Filpi of Merrill Lynch.
- Held a program at the Ronald McDonald House titled "It's More than Kumbaya: A Fiduciary's Guide to Mediation" presented by Tim Riley, Esq. and our own Claudia Powell, CLPF. Afterwards, the parents of a very sick child being treated at nearby Children's Hospital movingly described their experiences while residing at the House. The parents' presentation led to a commitment by PFAC San Diego to contribute $500 and provide PFAC members to serve dinner to residents.
- Held our Annual Appreciation Dinner at the San Diego Zoo to recognize the service providers who work tirelessly for us during the year. There was something special about dining at night and hearing the sounds of the animals. But even more special was a live animal presentation that included cuddling koalas and boa constrictors alike. And, almost 90 people attended.
- Fielded a great team for the annual Alzheimer's Walk. In only our second year of participating, we were the sixth largest fund-raising group.

All in all, a good quarter.

P. S. Looking at our events and being prideful of our Region, we encourage all PFAC members to consider a get-away trip to enjoy our scenery and earn a few CEUs at the same time. You won't be disappointed if you do.

Shawn Nejad
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REAL ESTATE LEASE CHANGES AND ECONOMIC FORECASTS FOR 2018

For those of your clients who own residential rental properties in California, you should be aware of an upcoming change:

On July 1, 2017, residential landlords were required to provide a written bed bug disclosure (in at least 10-point font type) to any prospective tenant prior to creating a new tenancy that contained general information about bed bug identification, behavior and biology, the importance of cooperation for prevention and treatment, and the importance of and for prompt written reporting of suspected infestations to the Landlord. Beginning January 1, 2018, all Landlords are required to provide this same disclosure to all existing tenants who did not receive the disclosure provided after July 1, 2017. In addition, the Landlord is prohibited from showing or renting vacant units if the landlord knows it has a current bed bug infestation. However, there is no duty on a landlord to inspect a dwelling unit or the common areas of the premises for bed bugs if the landlord has no notice of a suspected or actual bed bug infestation. To receive a full copy of the Bed Bug Disclosure, please feel free to contact me.

Also the legislature passed a new law SB 2, that provides a permanent source of funding for affordable housing. Starting January 1, 2018 a flat $75 fee per document recording shall be paid on every real estate instrument that is NOT part of a sale transaction. In this way, SB 2 is written to ensure that the fee will not burden home purchase transaction. The fee will be capped at $225 per transaction.

Real estate instruments, paper, or notice means a document relating to real property such as deed, grant deed, trustee's deed, deed of trust, conveyance, quit claim deed, assignment of deed of trust, or notice of trustee sale. SB 2 dictates 20% of the funds generated to affordable workforce housing and 70% of revenue to local governments for housing.

On the economic front, real estate economists predict the housing demand should remain strong and we should see an incremental boost in California's housing market for 2018.

The California Association of Realtors forecasts a gain in existing single-family home sales of 1.0% next year to reach 426,200 units, slightly higher from the 2017 projected sales. The California Median home price is forecasted to increase 4.2 percent to $561,000 in 2018, following a projected 7.2 percent increase in 2017 to $538,500.

"This year's housing market can be told as a tale of two markets – the inventory constrained lower end and the upper end that's non-inventory constrained," had said C.A.R. Chief Economist Leslie Appleton-Young. "This trend is likely to continue into 2018 as active listings have declined across all price ranges for the past two years, but is most obvious at the lower end.

"With tight inventory being the new 'norm' for the past few years and at least the upcoming year, we'll continue to see fierce competition driving up prices, leading to lower affordability and weaker sales growth."

For more information about any of the above, please contact me.

Phil Seymour,
The Seymour Group/
Elite Properties,
Beverly Hills, CA
310.612.9800

TIPS TO GET THE MOST OUT OF YOUR REAL ESTATE BROKER

Due to the effect of the economy starting in 2008 the receivership business grew, which in turn created an infusion of professionals eager to be Receivers. As a result, there was a new group of real estate brokers looking to represent Receivers in the sale of real property. Having been a member of the Receivership Forum for an extensive period of time, representing Receivers, and participating in many panels over the years including being on the faculty for Loyola II, III and IV Conferences, I thought this article would be timely and beneficial.

What is different about a conventional and a receivership sale actually quite a bit? Other than Court Confirmation, the Seller has no emotional or personal history with the property which has a direct effect of making the negotiating process more efficient and effective.

In marketing receivership properties maximizing the value while minimizing the perceived negativity of a sale that is Subject to Court Confirmation and Possible Overbid. Look for value added components to create a strong connection to the potential buyer.

Overcoming resistance from brokers and principles to court confirmation and overbid while emphasizing the market value of the property. Anybody can sell a property that is priced under the market. Engage Brokers and Principals in all marketing materials to inquire about the features of the property and the sale process.

Brokers should be aware that their monthly marketing updates to the Receiver must be as detailed as possible, because they are included in the Receiver's monthly reports to the court. There are always parties to the litigation that are opposing the sale and would like to get rid of the Receiver.

Brokers opinion of value (BOV) should be in coordination with the review of title and the Court order appointing the Receiver. The order shows the basis for the Receivership and the parties involved. If no Equity then the likelihood no one will get paid.

All marketing materials must include "Subject to Court Confirmation". Rather than possible overbid replace with "call agent for details." WHY? It creates an opportunity to explain to the brokers and principles the process in detail to encourage offers. (no escrow, no court confirmation).

Whenever escrow becomes non-contingent the Receiver petitions the court for approval. Brokers should not interrupt any of their marketing campaign because they need to exhaust the market for a potential overbid.

The form and the content of the Purchase and Sale Agreement should be established before taking the property to market. The receivers choice of all terms and conditions along with any addendums attached thereof should be totally familiar to the broker. "If the broker doesn't know it…he or she will not be able to explain it." Many are not familiar with receivership sales and its various "As Is" Sale Contracts. It is your Brokers responsibility to overcome any actual or perceived barriers to purchase.

Specific to Single Family Residential Sales

Most properties are listed with local Multiple Listing Service (MLS). One of their rules is that when a property enters escrow the status has to be changed from "Available" to "In Contract" or "Looking for Backup Offers", which chills Brokers and Principal inquiries. I have been successful in pleading my case to the MLS because I have to demonstrate to the Court that I have achieved the highest possible purchase price and need MLS support in the process to encourage overbids, so they allow the status to state "Available". Encourage your Broker to try this. It will only help create a better result.

Even if they have worked for other receivers, no two approach their cases exactly the same, as no two receiverships are exactly alike.

If your broker is new to representing a receiver don't feel you are insulting them by suggesting that they read materials that will expand their knowledge and understanding of receiverships.

These are just a few, but very important actions your broker should take to achieve the best result from your real property sales. The broker who covers these bases will better protect the interest of the receiver and the court and will earn respect and future business of their client. More positive results come from a proactive interaction with your real estate broker.

I am sharing the benefit of my experience with receivers over the years.

"Laughter is the sun that drives winter from the human face."

–Victor Hugo

Kris & Danelle Land
Silver Oak South
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WHY IS MUSIC SO IMPORTANT?

The Power of Music

Music has power — especially for individuals with Alzheimer's disease and related dementias. And it can spark compelling outcomes even in the very late stages of the disease. When used appropriately, music can shift mood, manage stress-induced agitation, stimulate positive interactions, facilitate cognitive function, and coordinate motor movements.

This happens because rhythmic and other well-rehearsed responses require little to no cognitive or mental processing. They are influenced by the motor center of the brain that responds directly to auditory rhythmic cues. A person's ability to engage in music, particularly rhythm playing and singing, remains intact late into the disease process because, again, these activities do not mandate cognitive functioning for success.

Top Ten Picks

Selections from the individual's young adult years—ages 18 to 25—are most likely to have the strongest responses and the most potential for engagement. Unfamiliar music can also be beneficial because it carries no memories or emotions. This may be the best choice when developing new responses, such as physical relaxation designed to manage stress or enhance sleep.

Sound of Music

Typically, "stimulative music" activates, while "sedative music" quiets. Stimulative music, with percussive sounds and fairly quick tempos, tends to naturally promote movement, such as toe taps. Look to dance tunes of any era for examples. Slightly stimulative music can assist with activities of daily living: for example, at mealtime to rouse individuals who tend to fall asleep at the table or during bathing to facilitate movement from one room to another.

On the other hand, the characteristics of sedative music—ballads and lullabies—include unaccented beats, no syncopation, slow tempos, and little percussive sound. This is the best choice when preparing for bed or any change in routine that might cause agitation. Responses that are opposite of those expected can occur and are likely due to a person's specific associations with the piece or style of music.

Emotional Closeness

As dementia progresses, individuals typically lose the ability to share thoughts and gestures of affection with their loved ones. However, they retain their ability to move with the beat until very late in the disease process.

Ambulatory individuals can be easily directed to couple dance, which may evoke hugs, kisses or caresses; those who are no longer walking can follow cues to rhythmically swing their arms. They often allow gentle rocking or patting in beat to the music and may reciprocate with affection. An alternative to moving or touching is singing, which is associated with safety and security from early life. Any reciprocal engagement provides an opportunity for caregivers and care receivers to connect with one another, even when the disease has deprived them of traditional forms of closeness.

How-To of Music Therapy

Early stage

- Go out dancing or dance in the house.
- Listen to music that the person liked in the past—whether swing or Sinatra or salsa. Recognize that perceptual changes can alter the way individuals with dementia hear music. If they say it sounds horrible, turn it off; it may to them.
- Experiment with various types of concerts and venues, giving consideration to endurance and temperament.
- Encourage an individual who played an instrument to try it again.
- Compile a musical history of favorite recordings, which can be used to help in reminiscence and memory recall.

Middle stage

- Play music or sing as the individual is walking to improve balance or gait.
- Use background music to enhance mood.
- Opt for relaxing music—a familiar, non-rhythmic song—to reduce sundowning, or behavior problems at nighttime.

Late stage

- Utilize the music collection of old favorites that you made earlier.
- Do sing-alongs, with "When the Saints Go Marching In" or other tunes sung by rote in that person's generation.
- Play soothing music to provide a sense of comfort.
- Exercise to music.
- Do drumming or other rhythm-based activities.
- Use facial expressions to communicate feelings when involved in these activities.

Jessica Pettitt, M.Ed., CSP
www.goodenoughnow.com

I DON'T KNOW WHAT I DON'T KNOW. TELL ME…

I am honored to work with PFAC for the next year to address, improve, and serve the diverse clients, families, co-workers, members, and licensed fiduciaries of California.

Throughout the year, the Diversity and Inclusion Coalition, Board of Directors, Executive Director, Staff, Community Partners, and I will be offering educational opportunities, readings, and discussion opportunities. This is an exciting time for all and it all starts with being comfortable (or getting comfortable) with the knowledge that we don't know everything.

When working with your clients, navigating a grocery store, conversing with friends and family, and supporting one another, we must acknowledge three types of knowledge, before we do anything else.

I know this

There is information that you absolutely know. The birth of your own child. Your favorite pizza toppings – if you even like pizza. You know these answers. You may also know what is your current work load or when your next deadline is. You may know what you ought to know – what you should be doing today at work and/or at home. There is so much security in knowing what we know.

I know I don't know this

Like all solo-preneurs and those that run small businesses, we know we don't know when the phone is going to ring or where our next client will come from. We may go to networking events, roll out marketing plans, work on referral plans, and at the base, we know we don't know if anything is going to work. This is part of the adrenaline high and risk involved in our roller coaster ride of entrepreneur work. We may know we don't know the specifics and we are comfortable knowing we don't know.

I don't know what I don't know

How can I? If I was aware that I didn't know then this piece of information would be in a different category. Imagine what would happen if we could develop a sense of comfort in knowing that there is and will always be more information that we don't know we don't know no matter how much we learn. For every answered question, there are still more questions we didn't think of asking and answers we have yet to uncover. Can you practice the discomfort of the possibility that you will never know what you don't know?

To learn more, watch the FREE 1 CEU webinar recording that PFAC offered December 7th, Introduction to Cultural Humility for more information.

As we all continue to get more comfortable with what know and don't know, I encourage us, me included, to take notice of what we know, know we don't know, and then the areas where we don't even know we don't know anything about. As we make connections with others, pay attention to when we are comfortable and when we get uncomfortable. Where is our current comfort level and what do we have left to learn?

- Age?
- Ability?
- Gender Identity/Expression?
- Sexual Identity?
- Diversity of Thought?
- Size?
- Xenophobia?
- Race?
- Language?
- Beliefs like Religion or Politics?
- Mental Health?
- Difficult Family members?
- Homophobia?
- Evangelical Christian?
- Progressive Liberals or Tea Party Conservatives?
- Immigration issues?
- Refugee Status?
- Incarcerated persons or those with a criminal history?

Take note of what you know you know and what you know you don't know. Then utilize the PFAC community to listen and figure out what it is you don't even know you don't know! Instead of aiming for perfection or "competence", it is with great humility that you can take your knowledge and experience to initiate a connection to learn what you don't even know you don't know. Your experience helps you feel safe and prepared in any conversation, yet it is your humility to listen and learn from the connection that will lead to better connections and conversations that matter.

PFAC **LEGISLATIVE UPDATE**
JANUARY 12, 2018

Jerry Desmond
PFAC Legislative Advocate,
Desmond & Desmond, LLC

LEGISLATURE RECONVENES FOR SECOND YEAR OF SESSION

The State Legislature reconvened on January 3 for the second year of the 2017-2018 legislative session.

The activities this year are already being shaped by a number of developments including:

Election Year – for all statewide offices as well as one-half of the Senate and all eighty Assembly seats. With Governor Jerry Brown termed-out [after four terms], competitive races should lead to interesting choices for the state's voters in both the June primary and November run-off.

Bureau Sunset Review – PFAC is preparing for the Legislature's review of the Professional Fiduciaries Bureau and consideration of whether it should be continued past December 31, 2018.

Harassment Procedures – the "We Said Enough" effort commenced in October of 2017 with a letter signed by 140 women including legislators, political party personnel, legislative staff and lobbyists. Allegations of sexual harassment have led two Assembly Members to resign and a Senator has gone on a leave of absence. The Legislature has announced new procedures – and more action is anticipated.

2,500 Measures – are projected to be introduced prior to a February 16 deadline. The PFAC legislative committee is convening its first meeting on January 18 with constituent visits in the State Capitol, and the committee will be reviewing and preparing recommended positions and strategies to the PFAC Board of Directors on the newly-introduced legislation.

November 15, 2017 Professional Fiduciaries Bureau Advisory Committee

Updates from the Department – The Department of Consumer Affairs [DCA] continues to conduct quarterly meetings with the leadership of Boards and Bureaus within the DCA – including the Professional Fiduciaries Bureau - in order to create an open dialogue.

DCA developed and released its Strategic Plan last July. The Plan can be found on the Department's website under the publications link.

Legislative Update – the Department's legislative unit confirmed that no legislation was introduced in 2017 that was directly related to the Bureau.

Discussion was held regarding the following legislative measures:

- AB 492 [Grayson] Chaptered 9/26/2017 – Advertising and Solicitations: Government Documents; and
- AB 1380 [Santiago] Two-Year Bill – Development Services: Regional Center Services

The Committee requested that the Legislative Unit look into the specified convictions that AB 1380 references with regard to those convictions identified in background checks performed of prospective employees of in-home respite providers, and to report back to the committee its findings at the next meeting.

Sunset Review – Bureau Chief Rebecca May reported that the draft Sunset Review report to the Legislature has been reviewed by the Agency and is pending in the Governor's office. There is a December 1, 2017 deadline for the review to be received by the Senate at which time the Senate will post the review on its website. A hearing has not been scheduled at this time but the Bureau expects in to be held in the Spring of 2018.

Client Notification Regulations – Bureau Chief May noted that the Bureau has pulled back from the Office of Administrative Law its proposed client notification regulations and has drafted new language. The Bureau expects the regulations to be resubmitted and to proceed in an expedited manner. It was mentioned that the Bureau considers the current draft to be fluid and welcomes additional input.

It was noted that the Office of Administrative Law took exception to the definition of client in the previously submitted regulations. The Bureau has acknowledged that some clients do not possess clear capacity and may not be the appropriate person to notify.

Occupational Analysis – The Bureau noted that it is hoping to have the analysis completed in the Spring of 2018. The Chief thanked everyone who contributed their time and expertise.

Strategic Plan – The Bureau reported that the Bureau's next Strategic Plan reflects is goals for the next four years and expects it to be completed by the Spring of 2018.

Code of Ethics – Bureau Chief May asked the committee to review the Code of Ethics and to suggest possible approaches to improve the code.

There was discussion regarding instances where a court calls in a fiduciary to act as a neutral party and the fiduciary is compelled to comply with Section 4482 (b). DCA Legal Counsel indicated that it would review this situation and report back at the next meeting.

Bureau Finances – The Bureau noted that the Fund Condition Report reflects an upward trend for the months in reserve through Budget Year 2019-20.

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Fiscal 2017/18 Year to Date Statistics [through October 31, 2017]

- AG cases initiated: 1
- Citations issued: 5
- Complaints received: 49
- Complaints closed: 56
- Complaints pending: 34
- Average days to close: 217
- New licenses: 24
- Active licenses: 734
- Total licensed issued: 1019

It was noted that only 24 new licenses were issued since the last report. The Bureau assured the committee members that historically the number of active licensees has hovered around 700 – 730 and that the numbers are a good indicator that the profession is holding steady.

The Committee also requested that the Bureau provide additional information on the one case initiated by the Attorney General at the next meeting.

Licensees by County – as requested at the last meeting the Bureau provided a breakdown of the number of licensees by County.

Outreach Events – the Bureau provided the Committee with a report of the events it has recently attended as well as events is has scheduled for the near future. Committee members were encouraged to bring to the attention of the Bureau events they are aware of as well as attend events themselves if their participation does not affect the Bureau's budget.

2018 Chair and Vice Chair – Hang Le To was elected as Chair and Kathleen Thomson was elected as Vice Chair.

Future Meeting Dates

Wednesday, February 7, 2018

Wednesday, May 16, 2018

Wednesday, August 15, 2018

Wednesday, November 7, 2018

Future Agenda Items (included)

- AB 1380 [Santiago] – definition of specified convictions
- Attorney General case initiated – allegations

23RD ANNUAL
PFAC CONFERENCE

HOW WE'VE USED YOUR FEEDBACK TO IMPROVE THE 2018 ANNUAL PFAC CONFERENCE

You wrote; we listened. Each year, at the completion of the annual conference, we send a survey to attendees asking what they liked, didn't like, and what they would like to see changed. Some of the things we've read over the past few years have been fairly consistently repeated by many attendees. Here's how we're responding.

"I want tasty and plentiful food."

We hear you! You'll enjoy hot breakfasts, hot and cold buffet lunches and bountiful break snacks. Coffee carts will be located in the Exhibit Hall where you can make your own custom coffee. Prefer hot chocolate in the morning, or a little squirt of caramel in your brew? That will be available too. The Coffee Cart will be in addition to regular coffee and tea service in the morning and at breaks.

"I come to the conference to socialize and network with fiduciaries from across the state."

We hear you! We've added more opportunities to do just that. On Thursday evening, you'll have options to join a group on a docent tour of the historic Mission Inn and enjoy dinner at one of their fabulous restaurants. Or, you can choose a tour and dining at the brand-new Riverside Food Lab located just across the street from the Convention Center. Learn about the historic building housing the Lab, the concept and design behind the Lab, and enjoy culinary creations from some of the many purveyors in the building.

"I'd like PFAC to provide mentoring opportunities."

We hear you! Each main session block of the conference will include a session of mentoring around a particular topic. Panels of professional fiduciary "experts" in the category will facilitate the sessions where you can get some of your most urgent questions answered on topics related to trusts, conservatorships, estate issues, and practice management. In addition, we are allocating tables in the Lunch Time Lecture sessions for you to participate in mentoring time relevant to particular topics.

"I never go to the dinner – it's boring."

We hear you! This year's dinner will be like nothing you've experienced before with PFAC. We'll be dining "al fresco" in a farm-style meal experience. It's an outdoor barbecue with signature cocktails, games on the green, s'mores over fire pits, and live music from Midnight Whiskey. Try your hand on the Bocce court, play some oversized chess or checkers, challenge your friends to some giant Jenga or test your surgical skills on the oversized Operation table. It's going to be a fun time that you won't want to miss.

"I like the quality education from seasoned experts."

We hear you! This year's conference offers a full track on Practice Management; a full track on Mental Health; two sitting probate judges; and nationally recognized experts in trust, estate, and conservatorship issues. This year's pre-conference intensives offer the opportunity to obtain your Firearms Safety Certification, including handling of actual firearms and a new session titled "30 60 90" – where you should be on a case at 30, 60, and 90 days in with Frank Acuna. The full conference offers 14 CEs of education with an additional 3 CEs adding a pre-conference intensive.

Register for the conference by January 31 and receive a gift of a complimentary Fiduciary Academy class of your choice

Keep talking and we'll keep listening! I hope to see you in Riverside.

Professional Fiduciary Association Of California

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