

## Department of Consumer Affairs

### Position Duty Statement

HR-041 (new 7/2015)

<b>Classification Title</b>	<b>Board/Bureau/Division</b>
Attorney III	Legal Affairs Division
<b>Working Title</b>	<b>Office/Unit/Section / Geographic Location</b>
Attorney III	Legal Affairs / Sacramento County
<b>Position Number</b>	<b>Name and Effective Date</b>
645-110-5795-001	

General Statement: Under general direction of an Assistant Chief Counsel, the Attorney III serves as the Bureau of Real Estate Appraisers' (BREA) general counsel supporting, among other things, functional separation between advisory functions and the disciplinary functions which are currently performed by the Office of the Attorney General (AG) and promoting a timely process to the licensee. The Attorney III may also receive guidance in the performance of legal work from the Deputy Director of the DCA Legal Affairs Division, or a designee, and the Attorney III's legal advice is subject to review by the Deputy Director or designee.

The Attorney III reviews investigative files, draft pleadings, orders, legal memoranda, and related documents; at times, negotiates the settlement of matters and prepares the appropriate documentation. The Attorney III must stay on top of federal changes to ensure the Bureau's compliance with federal laws, regulations, policy, and requirements. The Attorney III must be able to recognize key issues in appraisal disciplinary or other cases, marshal relevant evidence and testimony in a reasoned, logical, and coherent manner to support allegations set forth in the pleading subject to the disciplinary action and to also present reasoned, logical, and coherent legal arguments based on the evidence.

The Attorney III responds orally and in writing to external and internal inquiries relating to the Business and Professions Code Section 11300, et seq, and the regulations contained in the California Code of Regulations (CCR) Title 10, Chapter 6.5, Sections 3500, et seq, relevant federal law, the regulations implementing the law and related sections of other code provisions. The responses must be reasoned, clear, understandable, and based on past or present office policy or interpretations of laws and regulations. All of the above must be done in accordance with office policy and procedures.

#### **A. Specific Assignments [Essential (E) / Marginal (M) Functions]:**

#### **55% GENERAL COUNSEL (E)**

- Advise and consult with BREA staff on issues relating to Business and Professions Code Section 11300, et seq, and the appraisal regulations contained in the California Code of Regulations (CCR) Title 10, Chapter 6.5, Sections 3500, et seq, and relevant sections of federal law. Provide legal advice to and perform legal work for the Bureau Chief upon request and when appropriate. **(20%)**

- Review and analyze changes to federal laws, regulations, policy, and requirements; communicate with executive management regarding the impact of the federal changes on the Bureau; draft changes to law and regulation to ensure compliance with federal changes. Complete a detailed review and comparison of BREA regulations versus policies, procedures, and practices to guide and reform BREA's regulatory future direction. Review and/or write legislative proposals/analyses and/or revisions. **(20%)**
- Review, analyze and make recommendation on complex federal law changes; draft memoranda and correspondence in matters relating to those areas of the law. **(10%)**
- Respond to requests for records pursuant to subpoena and under the California Public Records Act; respond to general law questions from the public and employees. **(5%)**

**25% ENFORCEMENT COUNSEL (E)**

- Advise the investigative staff on matters relative to the investigation process. Obtain and review evidence gathered during investigations to determine whether disciplinary charges should be filed, whether complaints should be closed for lack of evidence or other appropriate action should be taken. Negotiate and draft stipulations/settlement agreements. Review all matters to be submitted to the AG for prosecution.
- Consult with the AG on disciplinary actions against licensees, license suspension cases, reinstatement cases, probation modification and termination cases, and injunctive proceedings.

**20% LITIGATION/HEARING (E)**

- Respond to discovery requests and prehearing motions. Set up hearing dates promptly in contested cases, as appropriate. Conduct civil judicial reviews arising out of administrative litigation, civil subpoena enforcement actions, interlocutory writs and appeals. Prepare cases for formal hearing by: 1) Issuing such subpoenas as necessary and appropriate; 2) Preparing witnesses to testify; 3) Conducting research on legal issues likely to arise at the hearing and when necessary, prepare legal memoranda on such issues; 4) Organize legal argument in a reasoned, logical and coherent manner; 5) Present in a reasoned, logical and understandable manner (written or oral) when necessary based on issues arising at the hearing or informal conferences; 6) Respond to post-hearing matters such as, motions, petitions for reconsideration, notices of rejection of proposed decisions, etc. as appropriate and necessary under the circumstances of the case.

**B. Supervision Received**

Reports to an Assistant Chief Counsel. The Attorney III may also receive assignments from the Bureau Chief and other executive staff.

**C. Supervision Exercised**

None; however, lead responsibilities for other support staff.

**D. Administrative Responsibility**

Provide legal advice and work for Bureau Chief and Administrative and Licensing Deputy Bureau Chief. Prepare legislative and regulation proposals and/or revisions. Create/influence policy affecting BREa.

**E. Personal Contacts**

BREa staff, general public, licensees, private attorneys, federal regulator agencies, control agencies, AG's office, other State agencies and the Legislature.

**F. Actions and Consequences**

Failure to carry out responsibilities can result in BREa not meeting federal licensing and enforcement requirements and lead to decertification of California appraisers to perform appraisals for federally related transactions. Actions may set legal precedence that impacts the California and/or national Real Estate Appraisal industry.

**G. Functional Requirements**

Work in a building/office with artificial light and temperature control when not teleworking (subject to supervisor approval). In-person work is essential to establishing and maintaining rapport with Bureau and Legal Division staff, effectively communicating and collaborating with staff, assuring assimilation, knowledge transfer, and accountability for work projects, maintaining consistency with other parts of the DCA, and for professional development. Remain in a stationary position while working on a computer for prolonged periods of time, consistent with office work. Dress in accordance with an office environment when at the office or when attending video meetings. Select, access, and use necessary information, data, and communications-related technologies daily, such as personal computer applications, telecommunications equipment, Internet, voicemail, etc. Understand and follow DCA, BREa and control agencies policies, procedures, and guidelines.

**H. Other Information**

Must maintain membership in the California State Bar.

The incumbent is a Work Week Group SE employee and is expected to work an average of 40 hours per week each year and may be required to work specified hours based on the business needs of the office.

The incumbent routinely works with sensitive and confidential issues and/or documents and is expected to maintain the privacy and confidentiality of documents and topics pertaining to individuals or to sensitive program matters at all times. The incumbent must have the ability to work independently. The incumbent must have the ability to follow and understand the Department of Consumer Affairs, BREa, and control agency policies, procedures, and guidelines.

**SPECIAL REQUIREMENTS:** This position is subject to the Department of Consumer Affairs' Conflict of Interest Regulations. The incumbent is required to submit a Statement of Economic Interests (Form 700) within 30 days of assuming office, annually by April 1<sup>st</sup> and within 30 days of leaving office.

In all job functions, employees are responsible for creating an inclusive, safe, and secure work environment that values diverse cultures, perspectives, and experiences, and is free from discrimination. Employees are expected to provide all members of the public equitable services and treatment, collaborate with underserved communities and tribal governments, and work toward improving outcomes for all Californians.

**I have read and understand the duties listed above and I can perform these duties with or without reasonable accommodation.** (If you believe reasonable accommodation is necessary, discuss your concerns with the hiring supervisor. If unsure of a need for reasonable accommodation, inform the hiring supervisor, who will discuss your concerns with the Health & Safety analyst.)

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Employee Signature

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Date

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Print Name

**I have discussed the duties of this position with and have provided a copy of this duty statement to the employee named above.**

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Supervisor Signature

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Date

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Print Name

**Revised: June 10, 2024**