

**POSITION DUTY STATEMENT**

DFPI-HRO 203 (Rev. 08-21)



<b>NAME</b>	<b>EFFECTIVE DATE</b> [Date position filled]
<b>CLASSIFICATION TITLE</b> Assistant Chief Counsel	<b>POSITION NUMBER</b> 103-5871-010
<b>WORKING TITLE</b> Assistant Chief Counsel	<b>DIVISION/OFFICE/UNIT/SECTION</b> Legal
<b>BARGAINING UNIT</b> M02	<b>GEOGRAPHIC LOCATION</b> San Francisco, Los Angeles, Sacramento, or San Diego

**General Statement:** Under the general direction of the Deputy Commissioner of the Legal Division, the Assistant Chief Counsel is responsible for supervising the most complex and sensitive legal assignments in the Legal Division and coordinating the daily work of the division. Duties include, but are not limited to, the following:

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

**40% [E]** Supervises, plans, organizes, directs, coordinates, and reviews the work of professional legal and support personnel in the Legal Division in all of the Department’s offices. Manages the day-to-day legal matters under the Digital Financial Assets Law and other laws administered by the Department. Assigns matters to staff and provides initial legal strategies and analysis to be followed by staff assigned to matters. Provides ongoing review and advice to staff to ensure that matters are moving forward to a satisfactory resolution. Reviews all opinions, legal and legislative analyses, regulations, and orders prepared by staff to ensure that they comply with departmental policies and properly support the Department’s legal and policy positions. Ensures that staff follow departmental policies and procedures when performing their duties and ensures that counsel actions are consistent with the law and the facts.

**25% [E]** Advises the Commissioner, Deputy Commissioner of the Legal Division, the Digital Financial Assets Law Program and other Department programs, and executive staff on interpretations of law, policies, and procedures pertaining to the Digital Financial Assets Law and the other laws administered by the Department. Reviews and helps finalize enforcement actions related to the Digital Financial Assets Law and the other laws administered by the Department. Provides oral briefings and presentations to the Commissioner, Executive Staff, Agency, and the Governor’s Office on sensitive issues, policy differences, and legal and regulatory matters. Participates in high level task forces and works closely with other state and federal regulatory agencies. Responsible for maintaining records related to division activity and providing reports on the activities of the division for internal management purposes and for legislative and budget needs.

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**15% [E]** Recruits and hires staff. Performs functions necessary for the oversight of staff including probation and performance reviews, timekeeping, setting forth expectations, and documenting performance. Reviews staffing needs and submits requests for additional resources as needed.

**10%[E]** Coordinates workflow among the staff in cooperation with the supervisory staff in other divisions. Reviews requests for legal assistance received from other divisions and assists other divisions with determining appropriate legal responses and conclusions under the law. Provides and arranges training for other divisions on new laws and regulations.

**5% [E]** Maintains operating policies and procedures consistent with departmental policies and directives and acts as legal advisor to top management of the Department. Determines new policies and procedures necessary to maintain the orderly functioning of the division and implements new and revised changes to operating procedures. Coordinates on IT solutions for the effective administration of the division and the Department. Participates as a member of top management in the development of department policy and programs. Provides input and assistance to the Deputy Commissioner and others involving legal and policy issues and how they impact other programs. Provides updates to Executive Staff on matters pending in the Legal Division and advises others on the Department’s legal options available and legal and policy considerations to consider when making determinations on legal matters.

**5% [M]** Other job-related duties as required.

**A. Supervision Received**

The Assistant Chief Counsel reports directly to and receives most assignments from the Deputy Commissioner of the Legal Division; however, direction and assignments may also come from the General Counsel, the Chief Deputy, or the Commissioner.

**B. Supervision Exercised**

The Assistant Chief Counsel closely supervises the work of Attorney Vs, VIs, IIIs, and Is, Graduate Legal Assistants, Staff Services Managers, Associate Government Program Analysts, Staff Services Analysts, and Legal Secretaries.

**C. Administrative Responsibility**

The Assistant Chief Counsel has administrative responsibility for the positions supervised, in accordance with Department policies. These responsibilities including onboarding, hiring, training, ensuring access to resources, ensuring Human Resources requirements including timekeeping and performance and probation reviews are performed timely, addressing accommodation requests, addressing EEOC-related matters, addressing FMLA requests, accounting for inventory assigned to employees, ensuring employees have updated duty statements and are meeting expectations, pursuing corrective measures for

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underperforming employees, and ensuring employees are following Department policies, including policies related to conflicts of interest and safety and security, and IT-related policies, among others.

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**D. Personal Contacts**

The Assistant Chief Counsel interacts with staff and management of all levels throughout the Department, Department leadership, trade industry representatives, consumer advocates, licensees, prospective licensees, stakeholders and other interested parties, investors and consumers, other governmental agencies including control agencies, staff and legislators, and Governor’s office staff. The interactions may involve highly sensitive material and communications that will be frequent and time-sensitive.

**E. Actions and Consequences**

Inadequate performance of duties includes but is not limited to duties that are performed untimely, incomplete (including omitting material information), inaccurate (including errors), or in a manner lacking sound judgment or sound consideration of the consequences and risks of the recommended course of action. The consequences of failing to perform duties adequately include potential direct and indirect economic harm to impacted persons including, but not limited to, vulnerable populations and small businesses, the Department, licensees, and other impacted parties; reputational harm to the Department and potentially the Administration; and other harm to the Department such as lost time and resources for the inadequate performance and the lost time and resources to remedy the inadequate performance, both within and outside the division and the Department. Inadequate performance of duties may result in significant or critical harm.

**F. Functional Requirements**

An Assistant Chief Counsel is expected to work all hours necessary to accomplish assignments and fulfill the responsibilities of the position. An Assistant Chief Counsel will normally average forty (40) hours of work per week including paid leave; however, longer hours may often be necessary. The Assistant Chief Counsel works in an office setting, with artificial light and temperature control. The use of a personal computer, telephone, printer and copier is essential to the duties of this position. The position requires bending and stooping to retrieve files, sitting and standing consistent with office work, and light lifting of no more than 25 lbs.

**G. Other Information**

The position requires active membership in the California State Bar. Occasional travel and public speaking may be required.

In performing the duties herein, the Assistant Chief Counsel does the following:

Exercises good judgment in decision-making, exercises creativity and flexibility in problem identification and resolution, and manages time and resources effectively. Works well

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with others, under changing priorities, and works irregular hours when workload dictates. Regular attendance and punctuality are essential. Possesses exceptional written and verbal communication skills. Maintains outstanding interpersonal skills.

Possesses knowledge of legal research methods and performing research; legal principles and their application; scope and character of California statutory law and of the provisions of the California Constitution; principles of administrative (including rulemaking) and constitutional law; trial and hearing procedure; rules of evidence; court procedures; the conduct of proceedings before administrative bodies; legal terms and forms in common use; statutory and case law literature and authorities; and provisions of laws and Government Code sections administered, enforced, or applicable to the Department's jurisdiction.

Possesses the ability to research, analyze, appraise, and apply legal principles, facts, and precedents to legal problems; analyzes situations accurately and adopts an effective course of action; prepares and presents statements of fact, law, and argument clearly and logically in written and oral form; prepares correspondence involving the explanation of legal matters; drafts opinions, pleadings, rulings, regulations, and legislation; negotiates effectively and conducts crucial litigation; works cooperatively with a variety of individuals and organizations while maintaining the confidence and respect of others; and works effectively under pressure.

**CONFLICT OF INTEREST**

This position is subject to Title 10, section 250.30 of the California Code of Regulations, the Department of Financial Protection and Innovation's Conflict of Interest regulation. The incumbent is required to submit a Statements of Economic Interests (Form 700) within 30 days of assuming office, annually by April 1st and within 30 days of leaving office.

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**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

Date

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Employee's Printed Name, Classification

**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

Date

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Supervisor's Printed Name, Classification