

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

2019-07-23

2. Department

Real Estate

3. Organizational Placement (Division/Branch/Office Name)

Executive Office

4. CEA Position Title

Assistant Commissioner, Communications & Publications

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

This position will be responsible for developing and overseeing the Department's public information goals and communication strategies in a manner that achieves maximum consumer protection, which is the Department's primary mandate pursuant to Business and Professions Code Section 10050.1. As a member of the Department's Executive team, this position will serve, as directed by the Commissioner and Chief Deputy Commissioner, on various external and internal task forces and provide guidance, input, and assist in the implementation of any approved initiatives related to public affairs. The position will function as the Department's contact person for legislative office constituent inquiries, as well as act as liaison between the Department, the Business, Consumer Services and Housing Agency, the Governor's Office, and other state and local agencies on matters related to communications and media. This position will also oversee the Education and Research Fund and will be responsible for oversight of all research projects administered through this fund.

6. Reports to: (Class Title/Level)

Chief Deputy Commissioner

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain):

8. Organizational Level (Select one)

- 1st
- 2nd
- 3rd
- 4th
- 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

The core function and legal mandate of the DRE is to protect the consumer and the public through the administration of the California Subdivided Lands Act [BPC Sections 11000-11287] and the Real Estate Law (BPC 10000-10580). BPC Section 10050(b) states, "It shall be the principal responsibility of the commissioner to enforce all laws in this part (commencing with BPC Section 10000) and Chapter 1 (commencing with BPC Section 11000) of Part 2 of this Division in a manner that achieves the maximum protection for the purchasers of real property and those persons dealing with real estate licensees."

In keeping with the DRE's mandate to protect the consumer and public, and under the direction of the Chief Deputy Commissioner of the Department of Real Estate (Department), the Assistant Commissioner for Public Affairs (CEA A) is responsible for overseeing the Department's public information goals and communication strategies in a manner that achieves maximum consumer protection.

This position will serve as a member of the Department's Executive Committee, and will function as the Department's Public Affairs Officer, Editor-in-Chief, and will oversee all departmental communications. This position will serve, as directed by the Commissioner and Chief Deputy Commissioner, on various external and internal task forces and provide guidance, input, and assist in the implementation of any approved initiatives.

The CEA will develop the Department's public information goals and create strategies for accomplishing those goals. The incumbent will serve as the Department's publications and website coordinator by planning and coordinating the development/updating of publications, consumer alerts, forms, website, and including the Real Estate Law book and the Real Estate Reference book. The CEA will direct research; coordinate data gathering from the Department's programs and other sources; and assist with responses to requests from the Legislature, the Office of the Governor, media, and the public on current issues and activities involving the Department. The incumbent will coordinate editing, development/review of all departmental newsletters, news releases, fact sheets, reports, etc.

The CEA will be responsible for the development and maintenance of the Department's Policy & Procedures manual and will work with the Information Security Officer to develop the Department's continuity plan, risk management plans, and emergency plans and procedures. The position will be responsible for the on-going development and implementation of the Department's strategic plan.

This position will advise the Commissioner, Chief Deputy Commissioner, and other executive staff regarding issues of media relations. The position will function as the Department's contact person for legislative office constituent inquiries, as well as act as liaison between the Department, the Business, Consumer Services and Housing Agency the Governor's Office, and other state and local agencies on matters related to communications and media. The CEA will coordinate media coverage and releases related to enforcement actions, workshops, seminars, public hearings and forums. The CEA will serve as the Department's spokesperson and liaison to the media and consumer groups, and will deliver speeches on behalf of the Department.

This position will serve on various external and internal task forces and provide guidance, input, and assist in the implementation of any approved initiatives. The CEA will provide oversight and direction on consumer information and outreach activities on behalf of the Department, and will design strategies and timeframes for activities and appearances by the Real Estate Commissioner, Chief Deputy Commissioner, and executive staff. Included in these are speechwriting, event coordination, media liaison, and project management.

This CEA will also oversee DRE's Education and Research Account. The Education and Research Account was established by legislation under Chapter 4, Statutes of 1956 (AB 5), under Business and Professions Code (BPC) section 10450.6 of the Real Estate Law. The Education and Research Account is a Governmental/Special Revenue Fund of which the revenue source comes from a percentage of licensing fees. BPC 10450.6 states that all monies paid into the Education and Research Account are available upon appropriation by the legislature for the advancement of education and research with any university in the State of California accredited by the Western Association of Schools and Colleges, or with any corporation or association qualified to perform such research.

The Education and Research Account furthers DRE's mission of providing maximum consumer protection by funding real estate research projects and to prepare educational materials for consumers or licensees. This CEA will be responsible for oversight of all Education and Research Account projects. This includes ensuring that all approved education research projects are conducted under the appropriate contracting methods according to the State Administrative Manual (SAM) guidelines. This CEA must determine that appropriated Education & Research funds will be subject to budgetary and fiscal controls such as expenditure authority and expenditure tracking reports, and that completed reports meet the intent of the law.

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The core function and legal mandate of the DRE is to protect the consumer and the public in a manner that achieves the maximum protection for the purchasers of real property and those persons dealing with real estate licensees. As the largest regulator of real estate licensees in the United States, DRE is at the forefront of industry trends and offers valuable insight into the current real estate conditions. The CEA is responsible for overseeing the Department's public information goals and communication strategies in a manner that will achieve maximum consumer protection by providing accurate and timely information to consumers and licensees, especially as it relates to providing information regarding trends in fraudulent real estate practices.

The CEA works towards collaborative information sharing, and cooperation with other state and federal agencies, to help determine best practices regarding information sharing across jurisdictions. Working with other agencies, trade groups and organizations, as well as law enforcement agencies, the CEA will enhance the DRE's role of ensuring the maximum protection for consumers.

The CEA plays a vital role in developing a communication strategy and failure to make appropriate/correct decisions has a crucial consequence of error due to the high visibility level of decision-making, and the formulation of policies that govern the DRE. This would generate complaints to the Department's Executive Office, Agency, and the Governor's Office which would shed negative light on the Department and harm the Department's consumer protection efforts.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

In 2012, Governor Brown submitted the Governor's Reorganization Plan #2 to the Legislature with the intended goal to improve efficiencies within state government. As a result, on July 1, 2013, the then independent Department of Real Estate became a bureau within the Department of Consumer Affairs (DCA) and was renamed the Bureau of Real Estate (CalBRE).

On October 15, 2017, Governor Brown signed Senate Bill 173, which re-established the Department of Real Estate within the Business, Consumer Services & Housing Agency and removed it from under DCA. The end of bureau operations and a separation from DCA was effective on July 1, 2018.

In order for DRE to function again as a stand alone Department and meet required departmental mandates, the requested core positions need to be filled, including this CEA position. This CEA position was one of the positions identified in the Budget Change Proposal for Senate Bill 173, and was a position that had been previously a CEA position at the Department of Real Estate.

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

- 1). The CEA will have direct control of creating and updating all DRE policies pursuant to Government Code Section 13403. All state agencies are required to have internal controls in place to provide assurance that the state agency objectives will be achieved. One component of internal control is information and communication, which means the quality of vital information used and communicated to achieve our objectives. Another component of internal control covers the establishment of policies and procedures to mitigate risks to the Department by ensuring all employees are aware of policies.
- 2). The CEA will have direct control of DRE's media policy (#0208). The CEA will ensure proper protocols are followed by staff regarding media interactions and that there is a consistent process for all media relation activities. This includes ensuring that media representatives receive accurate, authoritative, and timely responses to their requests. This CEA will protect DRE and its employees from potential liability that may result from unauthorized release of non-public information to the media. Failure of employees to adhere to the Department's media policy may subject employees to administrative action, up to and including dismissal.
- 3). The CEA will be responsible for all website content, social media, publications and forms. The CEA must ensure that the department website conforms to current State of California agency standards, including ensuring the website is in compliance with Government Code Section 7405 regarding Web Content Accessibility Guidelines. The CEA must ensure that all public forms also meet the United States Rehabilitation Act (United States Code, Title 29, Chapter 16). Failure to ensure the website and public forms are accessible to all individuals may result in legal actions taken against the Department.
- 4). The CEA will be responsible for oversight of the Education and Research Fund. The Education and Research Account is a Governmental/Special Revenue Fund and the revenue source is up to 8 percent of licensing fees. The Education and Research Fund is outlined in Business and Professions Code Section 10450.6, which states that all monies paid into the Education and Research Account are available upon appropriation by the legislature for the advancement of education and research with any university in the State of California accredited by the Western Association of Schools and Colleges, or with any corporation or association qualified to perform such research. The CEA will be decision making authority responsible for approving research projects in keeping with the statutory mandate, and must ensure that appropriated Education & Research funds will be subject to budgetary and fiscal controls, and appropriate contracting methods according to the State Administrative Manual (SAM) guidelines.

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

As a member of DRE's Executive Team, the CEA participates in management decisions and the formulations of policies and procedures that impact all DRE employees.

The CEA will have full decision making authority for the content on the Department's website and over Department publications, consumer alerts, and forms, as well as overseeing DRE's communication protocol in disseminating information to the public and the media.

This position will oversee DRE's social media platforms to ensure stakeholders receive accurate and timely information regarding matters of interest or consumer protection. The communication policies enacted by this position will support DRE's mission of consumer protection being the highest priority.

The CEA will be decision making authority responsible for approving research projects in keeping with the statutory mandate, and must ensure that appropriated Education & Research funds will be subject to budgetary and fiscal controls, and appropriate contracting methods according to the State Administrative Manual (SAM) guidelines.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

The CEA will be responsible for developing and implementing both new policy and existing policy. As part of our return to Department status, new department policies must be created and implemented. The CEA will review, develop and create new policies to ensure the Department is in compliance with State Manager's Accountability Act, as well as Government Code Section 13400, et seq.

The CEA will be responsible for developing and implementing new communication strategies as communications methods evolve. This position will handle all media related items, including press releases and consumer alerts to real estate licensees and the general public.

As part of this CEA's role as public information officer, the CEA will support DRE's mission of consumer protection being the highest priority by issuing press releases related to trends in real estate fraud. This CEA will coordinate media coverage and releases related to enforcement actions, workshops, seminars, and forums. This CEA will deliver speeches on behalf of the Department and will be attending statewide legislative town hall meetings to provide information to consumers on real estate scams.