STATE OF CALIFORNIA – DEPARTMENT OF BUSINESS OVERSIGHT

POSITION DUTY STATEMENT

DBO HRO 203 (Rev. 08-13)

EMPLOYEE	CLASS TITLE:	WORKING TITLE:	
Vacant	Attorney	Counsel	
DIVISION OR UNIT:	POSITION NUMBER:	COLLECTIVE BARGAINING:	MCR:
Enforcement	410-340-5778-XXX	R02	I
EFFECTIVE DATE:	CONFLICT OF INTEREST CATEGORY:	PROBATION:	
	2	12 months	
SALARY:	RANGE:	IMMEDIATE SUPERVISOR (Print)	
$5602 – $9760		Sean Rooney	

WORK SCHEDULE:					DAILY HOURS:	
Mon	Tues	Wed.	Thurs.	Fri.	Start:	a.m.
☒	☒	☒	☒	☒	Finish:	p.m.

1. Supervision Received:
Under the general supervision of the Deputy Commissioner or Assistant Chief Counsel.

2. Supervision Exercised: None

3. Physical Demands: see pages 3 - 4

4. Job Description: (Percentage of time performing each function)

Percent of Time	ESSENTIAL FUNCTIONS
40%	Performs with close supervision the investigation and prosecution of less complicated and sensitive litigation under the Corporate Securities Law; Franchise Investment Law; Check Sellers, Bill Payers and Proraters Law; California Residential Mortgage Lending Act, California Deferred Deposit Transaction Law; California Finance Lenders Law; Escrow Law and California Commodities Law consisting mostly of administrative matters and will include research, drafting of pleadings, preparation and argument of motions, discovery, settlement negotiations and conferences, hearings and trials, post-trial proceedings, and appellate level briefs and hearings relating to the administrative matters. Cases will include the issuance of Desist and Refrain Orders for violations of the law, actions to bar, suspend, revoke, censure and deny companies and individuals that are applying for or have licenses, actions to void loan transactions and to levy administrative penalties and obtain restitution for consumers and investors that have lost funds. Will issue subpoenas to banks and companies to obtain information necessary in the investigation of a case.
20%	Responsible for filing less complicated civil cases in state and federal courts for injunctive relief and where appropriate asset freezes and the appointment of a receiver and before the Office of Administrative Hearings and be responsible for less complicated pretrial, trial and post trial motions. Motions would include motions to limit testimony and admission of evidence and to compel persons to produce documents and testify in matters. Engage in less complicated administrative and civil discovery, including taking investigative testimony and conducting depositions, preparing and responding to requests for admissions and propounding and answering interrogatories in the less complicated cases. Will be responsible for all aspects on appeal include preparing writs of mandamus and appellate pleadings in the less complicated cases and will file and argue amicus curiae briefs in civil court on matters impacting the Department. Will appear before federal Bankruptcy Courts and represent the Department in matters relating to actions bought by the Department.
15%	Assists senior staff counsel on larger more complex investigations and civil and administrative matters. Assist law enforcement and other state and federal agencies and assisting senior counsel with discovery issues.

15%	Assists other agencies to effectively prosecute persons that violate the laws under the Department's jurisdiction. Prepares referrals for criminal prosecution; assists district attorneys and federal prosecutors in the preparation of criminal cases, and upon request presents criminal cases at preliminary hearings, grand jury hearings, trials, and related proceedings. Assists in less complicated trial, exhibit and witness preparation and legal strategy concerning the criminal case, including taking testimony, and providing expertise in the technical and complicated areas of securities and other laws subject to the Commissioner's jurisdiction. Under close supervision may be responsible for direct and cross examination of witnesses, opening and closing arguments and drafting of points and authorities and jury instructions relevant to the charges relating to the laws under the Department's jurisdiction. Drafts and responds to motions concerning the conduct of the criminal case.
5%	Prepares opinions and analyses of the law and facts in less complicated matters and recommends various types of enforcement action. Directs a multi-discipline staff including examiners, investigators and support in directing and conducting less complex and detailed investigations. Takes administrative testimony of witnesses and defendants during investigations and file actions to enforce subpoenas and interrogatories.
Percent of Time	NON-ESSENTIAL FUNCTIONS
5%	Performs other related duties as required.

PHYSICAL AND MENTAL REQUIREMENTS OF ESSENTIAL FUNCTIONS

Activity	Not Required	Less than 25%	25% to 49%	50% to 74%	75% or More
VISION: Reviewing mail; preparing various forms; proofreading documents; reading printed material, computer screens, and handwritten materials.				✓	
HEARING: Answering telephones; receiving verbal information from outside sources; understanding verbal instruction.				✓	
SPEAKING: Receiving visitors; answering inquiries and providing verbal information or instruction.				✓	
MOVEMENT: Delivering material to others; picking up materials from others; copying; faxing; distributing information; filing.		✓			
SITTING: At a computer terminal or desk; conferring with employees.					✓
STANDING:	✓				
BALANCING:	✓				
CONCENTRATING: Reviews and reads records/documents, researches, composes, analyzes, compiles, and updates technical documents; multi-tasking; prepares various forms and documents.					✓
COMPREHENSION: Understanding needs of co-workers, clients; understands procedures and practices; Understands laws, regulations related to their work.					✓
WORKING INDEPENDENTLY: Possesses ability to work independently as well as a team member, have good interpersonal and communication skills, ability to follow directions, take initiative, assume responsibility, and exercise good judgment and tact. Must be able to work alone without much guidance or interaction or interaction from other staff.					✓
LIFTING UP TO 10 LBS. OCCASIONALLY:		✓			

PHYSICAL AND MENTAL REQUIREMENTS OF ESSENTIAL FUNCTIONS					
Activity	**Not Required**	**Less than 25%**	**25% to 49%**	**50% to 74%**	**75% or More**
LIFTING UP TO 20 LBS. OCCASIONALLY AND/OR 10 LBS. FREQUENTLY:	✓				
LIFTING UP TO 20-50 LBS. OCCASIONALLY AND/OR 25-50 LBS. FREQUENTLY:	✓				
FINGERING: Pushing buttons on telephone; typing; copying.		✓			
REACHING: Answering phones.		✓			
CARRYING:		✓			
CLIMBING: stairs	✓				
BENDING AT WAIST:	✓				
KNEELING:	✓				
PUSHING OR PULLING:	✓				
HANDLING:	✓				
DRIVING:		✓			
OPERATING EQUIPMENT: Computer; telephone; copy machine; fax.				✓	
WORKING INDOORS:					✓
WORKING OUTDOORS:	✓				
WORKING IN CONFINED SPACE: Enclosed office environment.					✓

SIGNATURES

Certification of Applicant/Employee

Note – ***Do not*** sign certification if you have any concerns regarding your ability to perform the essential functions of this position. Contact the DBO Human Resources Office for additional information.

I certify that I possess essential personal certifications including integrity, initiative, dependability, good judgment, and ability to work cooperatively with others; and a state of health consistent with the ability to perform the assigned duties as described above with or without reasonable accommodation.

I have read and discussed these duties with my supervisor.

_____ _____
Employee's Signature *Date*

_____
Civil Service Title

I certify that the above accurately represents the duties of the position:

_____ _____
Supervisor's Signature *Date*

_____
Civil Service Title

Position classification approved:

_____ _____
Personnel Analyst's Signature *Date*