

POSITION DUTY STATEMENT

DBO HRO 203 (Rev. 08-13)



EMPLOYEE Vacant		CLASS TITLE: Attorney IV		WORKING TITLE: Senior Counsel	
DIVISION OR UNIT: Enforcement		POSITION NUMBER: 240-5780-xxx		COLLECTIVE BARGAINING: R02	MCR:
EFFECTIVE DATE:		CONFLICT OF INTEREST CATEGORY: 2		PROBATION: 12 Months	
SALARY: \$10,453-\$13,421		RANGE: A		IMMEDIATE SUPERVISOR (Print) Daniel O'Donnell	
WORK SCHEDULE:				DAILY HOURS:	
Mon <input checked="" type="checkbox"/>	Tues <input checked="" type="checkbox"/>	Wed. <input checked="" type="checkbox"/>	Thurs. <input checked="" type="checkbox"/>	Fri. <input checked="" type="checkbox"/>	Start: a.m. Finish: p.m.
1. Supervision Received: Under the general direction of the Assistant Chief Counsel and may receive direction from the Deputy Commissioner.					
2. Supervision Exercised: None					
3. Physical Demands: See pages 4 - 5 Travel is required, sometimes with short notice.					
4. Job Description: (Percentage of time performing each function)					
<i>Percent of Time</i>	ESSENTIAL FUNCTIONS				
40%	Performs independently and with broad discretion, legal work of the most complex and sensitive nature, by conducting the most difficult and complex litigation, appellate cases, settlements, pre-trial negotiations, legal research, and hearings under the Corporate Securities Laws; Franchise Investment Law; Check Sellers, Bill Payers and Proraters Law; California Residential Mortgage Lending Act, California Finance Lenders Law; Escrow Law; Deferred Deposit Transaction Law; and California Commodities Law; Financial Institutions Law; Banking Law; Business and Industrial Development Corporations Law; California Credit Union Law; Industrial Loan Law and Money Transmission Act. Responsible for filing civil and administrative cases in state and federal courts and before the Office of Administrative Hearings. Drafts complicated complaints to be filed in court concerning violations of the law, and draft pretrial, trial and post-trial motions. Engage in extensive administrative and civil discovery, including taking investigative testimony and conducting depositions, preparing and responding to requests for admissions and propounding and answering interrogatories. Responsible for all aspects on appeal include preparing writs of mandamus and appellate pleadings. Responsible for the most complex and sensitive cases including 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. Appears before federal Bankruptcy Courts and represent the Department in matters relating to actions brought by the Department. Demonstrates a working knowledge of the laws and government codes regulated and enforced by the Department in order to perform the duties of the position. Demonstrates a working knowledge of the California Code of Civil Procedure in order to perform the duties of the position. Travels to various locations with required materials to appear in court, interview witnesses, conduct depositions, and attend meetings and conferences, etc.				

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25%	<p>Responsible for some of the more detailed and extensive investigations involving large numbers of consumers and investors, voluminous documents, coordinating with law enforcement and other state and federal agencies and assisting other counsel with complex litigation issues. Issues subpoenas to banks and companies to obtain information necessary in the investigation of the case. Takes administrative testimony of witnesses and defendants during investigations. If subpoenas and interrogatories are not complied with, will be responsible for filing the appropriate civil action to compel compliance. Assist as co-counsel or as expert witness and participate in grand jury proceedings in criminal prosecutions and provide litigation assistance. Demonstrates a working knowledge of the Rules of Evidence in order to perform the duties of the position. Is assigned to large financial frauds and working with 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 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. 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. Responsible for drafting and responding to motions concerning the conduct of the criminal case.</p>
20%	<p>Acts as the primary resource for the Department by providing expertise in enforcement cases involving all laws under the department's jurisdiction, enforcement cases involving ponzi schemes investments, exotic securities and bankruptcy matters; contact with the legislature, other high level governor's appointees, and constitutional officers; trains new and existing staff; and acts as team leader over para-professionals, other attorneys and other professionals (Corporations Examiners and Investigators) in these areas; advises various members of the Department on legal issues and policy making. Works directly with the Commissioner, Deputy Commissioners, General Counsel and other Executive staff on special projects which deal with legal analysis on pending investigations and litigations; legislative analysis of proposed new and revised legislation and input on new departmental policy in subject matter areas unique to the Department.</p>
5%	<p>Prepares opinions and analyses of the law and facts and recommends various types of enforcement action. Achieves positive results based on the decisions, recommendations, and direction in enforcement actions taken. Assists other staff and less senior attorneys and acts in a lead capacity with less senior attorneys. Takes on new and challenging matters concerning cases and acts as a point person for the more complicated and high profile cases under the Corporate Securities Laws; Franchise Investment Law; Check Sellers, Bill Payers and Proraters Law; California Residential Mortgage Lending Act, California Finance Lenders Law; Escrow Law; Deferred Deposit Transaction Law; and California Commodities Law, Banking Law; Business and Industrial Development Corporations Law; California Credit Union Law; Industrial Loan Law and Money Transmission Act. Actively participates in statewide or national agencies and groups, on working groups, task forces, boards or similar groups related to the laws enforced by the Department.</p>

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5%	Directs and conducts investigations consisting of a multi-discipline staff including examiners, investigators, support staff and other attorneys. Directs the operational activities of examiners, legal assistants and support staff in enforcement activities. Responsible for developing the most complex and sensitive investigation and litigation plans to determine violations of the law and also review and analyze the work product prepared by the examiners, legal assistants, support staff and lower level attorneys.
<i>Percent of Time</i>	NON-ESSENTIAL FUNCTIONS
5%	Performs other related duties as required.

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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:		✓			

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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.					✓

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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