

POSITION DUTY STATEMENT

DFPI-HR0 203 (Rev. 08-21)



NAME	EFFECTIVE DATE
CLASSIFICATION TITLE Attorney, Assistant Chief Counsel	POSITION NUMBER 410-140-5871-XXX
WORKING TITLE Assistant Chief Counsel	DIVISION/OFFICE/UNIT/SECTION Enforcement
BARGAINING UNIT M02	GEOGRAPHIC LOCATION Los Angeles/Sacramento/San Diego/San Francisco

General Statement: Under the general direction of the Deputy Commissioner of the Enforcement Division, the Attorney, Assistant Chief Counsel, is responsible for supervising the work of legal and legal support personnel engaged in assuring compliance with the various laws and regulations under the jurisdiction of the Department of Financial Protection and Innovation, for the Enforcement Division. Duties include, but are not limited to, the following:

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

45%(E) Supervises, plans, organizes, directs, coordinates, and reviews the work of professional legal and support personnel in the Enforcement Division. Responsible for the day-to-day operations of the offices under the jurisdiction of the Assistant Chief Counsel. Provides ongoing review and advice to staff to ensure that cases are moving forward to a satisfactory resolution. Reviews all actions, orders and pleadings prepared by staff to ensure that they comply with departmental policies and properly support the Department's legal and factual theories of the case. Determines the sufficiency of the evidence to ensure that the Department's position is supported by competent and admissible evidence before actions are taken. Participates in high level task forces and works closely with other state and federal regulatory and prosecutorial agencies. Responsible for maintaining data of the public actions and cases handled by staff and to provide reports on the activities of the division for internal management purposes and for legislative and budget needs.

20%(E) Coordinates workflow among the staff in cooperation with the Supervising Examiner and Supervising Investigator in the Enforcement Division and supervisory staff in other divisions. Engages in the review of referrals from other divisions and assists staff with the appropriate remedies for violations of law. Reviews new cases to determine if they are appropriate for handling by the Enforcement Division. Assigns cases to staff and provides initial legal and investigative strategies and analysis to be followed by staff assigned to the matter.

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15%(E) Provides and arranges training for staff and for other divisions in the accumulation and sufficiency of evidence necessary to support actions involving licensees subject to other divisions licensing and supervision. Maintains operating policies and procedures consistent with departmental policies and directives, and determines new policies and procedures necessary to maintain the orderly functioning of the division and implements new and revised changes to operating procedures.

10%(E) Formulates legal policies and determines the appropriateness of legal positions being formulated and prosecuted by staff. May act as lead or co-counsel in high profile proceedings. May be assigned to large financial frauds and working with other agencies to effectively prosecute persons that violate the laws under the Department's jurisdiction. Supervises staff in trial, exhibit and witness preparation and legal strategy concerning administrative, civil or criminal cases. Reviews and analyses pending legislation to determine its sufficiency and whether it conflicts with existing or proposed enforcement authority.

5%(E) 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 enforcement issues and how they impact other programs. Provides updates to Executive Staff on matters pending in the Enforcement Division and advises others on the probability of success of matters before the department and legal and policy considerations to take into account when making determinations on enforcement matters.

5%(M) Performs other job-related duties as required.

B. Supervision Received

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

C. Supervision Exercised

The Assistant Chief Counsel closely supervises the work of all attorney classifications, legal secretaries, and any classification in the Legal Analyst series throughout the state.

D. Administrative Responsibility

The Assistant Chief Counsel is responsible supervising and directing the work of professional legal and support personnel in the Enforcement Division and is responsible for the day-to-day operations of the staff under the jurisdiction of the Assistant Chief Counsel.

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E. Personal Contacts

The Assistant Chief Counsel will interact daily with Enforcement staff including examiners, investigators, attorneys and paralegals and supervisors. The Assistant Chief Counsel will interact daily with staff in other program areas including line staff, Assistant Chief Counsels in the Legal Division and Deputy Commissioners in other programs; other governmental agencies and non-governmental agencies, trade associations, consumer groups, and law enforcement both local, state and federal. Will interact multiple times monthly with general public and executive staff, and will work with Agency and Legislative staff/Governor's Office on an as needed basis.

F. Actions and Consequences

When the job is inadequately performed, the Department's ability to protect investors and borrowers will be compromised. The Department will not be able to ensure all licensees meet regulatory requirements, detect fraud and abusive practices resulting from unlicensed activity, which may cause harm to the public. Consequences include the inability to complete examinations and investigations of unlicensed activity, bring administrative orders; and civil injunctive actions to enjoin violations of the laws, obtain equitable remedies including rescission, restitution and penalties against violators, and assist in the criminal investigation and prosecution of laws, and refer criminal violations to the appropriate entity for prosecution.

G. Functional Requirements

The incumbent works 40 hours per week in an office setting, with artificial light and temperature control. The use of a personal computer, telephone, copier, and fax machine 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.

H. Other Information

Exercises good judgment in decision-making, exercises creativity and flexibility in problem identification and resolution, and manages time and resources effectively. Works well with others, under changing priorities, and work irregular hours when workload dictates. Regular attendance and punctuality are essential. Possesses good written and verbal communication skills.

Exercises the principles of leadership and supervision. Knowledge of Equal Employment Opportunity (EEO) policies and regulations to ensure that personnel actions are in compliance. Knowledge of personnel management procedures to effectively manage subordinate staff.

Skills to analyze legal documents (e.g. pleadings, motions, briefs), evaluate arguments, and determine an appropriate actions, and analyze case files (e.g. investigative reports,

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discovery materials, administrative record) to determine appropriate actions. Skill to analyze legal principles and precedents and apply them to complex legal and administrative problems.

The incumbent is required to travel to the Department's offices statewide for supervision of staff using various methods of transportation, both locally and out-of-town, (approximately 12 times per year). It is a remote or in office position.

CONFLICT OF INTEREST

This position is subject to Title 10, § 250.30 of the California Code of Regulations, the Department of Financial Protection and Innovation's Conflict of Interest Regulations. 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.

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.)

Employee Signature

Date

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.

Supervisor Signature

Date

Supervisor's Printed Name, Classification