



# California Corporate & Securities Law

## Welcome To Jan Owen, California's Newest Commissioner Of Corporations!

By Keith Paul Bishop on December 22, 2011

Yesterday I was very pleased to read that California's Governor Jerry Brown had announced the appointment of Jan Owen to fill the Commissioner's seat that Preston DuFauchard will be leaving at the end of the year.

I've known Jan since my days at the California [Business, Transportation & Housing Agency](#). At that time, she was serving as Chief Committee Consultant for the California Senate. Later, she was the Executive Director of the California Department of Insurance and then Acting Commissioner of the [Department of Financial Institutions](#). Jan also has many years of experience in the private sector with companies such as Apple, Inc. and Washington Mutual.

### **The Clock Will Soon Begin Ticking**

California's system of appointments subject to Senate confirmation differs from the federal system. In California, an appointee can assume office before she is confirmed. Under Government Section 1774, the Governor must submit the appointee's name to the Secretary of the Senate within 60 or 90 days depending on whether the Senate is in recess. If, for whatever reason, the Governor fails to do so, the office becomes vacant. Generally, there is a 365 day clock on Senate confirmations. Failure to confirm within 365 days after the day the appointee first began performing the duties of the office results in the office becoming vacant. When the office becomes vacant depends on whether the Senate refused to confirm or simply failed to confirm.

### **In Under The Wire**

Usually, the Senate likes to take its time on confirmations. If for no other reason, delaying confirmation gives the Senators more time to see how the appointee is behaving. In the case of my own appointment as Commissioner, it was very close - I received a 37-0 vote in favor of confirmation on the very last day of the 365 day period.

The confirmation process typically involves one or more hearings before the Senate Rules Committee, which may submit interrogatories to the appointee. Depending on the circumstances,

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confirmation hearings can continue over several days. Members of the public can and do submit letters either favoring or opposing confirmation and they may testify at the confirmation hearing.

### **Details, Details**

Jan will also be required to take the oath of office prescribed in Article XX, Section 3 of the California Constitution. As discussed in this earlier blog [posting](#), failure to do so results in a forfeiture of office. Pursuant to the Department's Conflict of Interest Code, 10 CCR § 250.30, she will also be required to file a Statement of Economic Interests with the Department's Manager of Human Resources. The Manager is required to forward a copy of the Statement to the [California Fair Political Practices Commission](#). The statement will be available for public inspection.

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