

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

December 16, 2025

FROM

JASON ANDERSON, District Attorney

SUBJECT

Trust Account with Wells Fargo Government and Institutional Banking for the District Attorney's Office

RECOMMENDATION(S)

1. Authorize the District Attorney to establish a trust bank account as a temporary holding account for funds confiscated from defendants or suspects in association with a crime, and monies paid by defendants such as fines, penalties, cost recovery restitution or remediation, and which will be distributed upon Court order as a result of criminal prosecution or civil litigation.
2. Authorize the Auditor-Controller/Treasurer/Tax Collector to execute the documents required to establish the Trust Account on behalf of the District Attorney with Wells Fargo Government and Institutional Banking.

(Presenter: Michael Fermin, Chief Assistant District Attorney, 382-3662)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

Operate in a Fiscally-Responsible and Business-Like Manner.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The Trust Account will temporarily hold monies in trust that have been confiscated as a result of a crime or received upon Court order from criminal prosecution or civil litigation, to be distributed pursuant to Superior Court judgments. The request to establish the trust account has no impact on the District Attorney's (Department) 2025-26 budget as these monies are temporarily held in trust and will not become part of the San Bernardino County's (County) treasury pool.

BACKGROUND INFORMATION

The Department is the public prosecutor and has the mandated responsibility to prosecute crimes committed within the County, including city jurisdictions, pursuant to Government Code 26500. The Department also provides services to victims of crime in accordance with Penal Code Section 13835 et seq. The Department's Special Units are comprised of Real Estate Fraud Unit, Asset Forfeiture Unit, Consumer Environmental Protection Unit and the California Department of Insurance grant programs. Special Units prosecutes cases which may result in court orders or final judgments against the defendant to pay fines, penalties, cost recovery, restitution and remediation to direct and indirect victims. Additionally, monies that suspects or

**Trust Account with Wells Fargo Government and Institutional Banking
for the District Attorney's Office
December 16, 2025**

defendants obtained as a result of a crime may be confiscated during the investigation of these crimes, including currency.

The California Rules of Professional Conduct and the California Business and Professions Code provide directives for managing these monies using what are referred to as Client Trust Accounts (CTA). The District Attorney already has a CTA within the County treasury pool with Wells Fargo Government and Institutional Banking (Wells Fargo). The Department deposits the funds into the CTA and distributes the funds according to Court judgments or applicable laws.

However, the California Supreme Court approved Rule 1.15 of the California Rules of Professional Conduct (Rule), to be effective January 1, 2023. This Rule changed the procedures for how the Department receives and holds funds in trust. This Rule requires all law firms, including the District Attorney's Office, to hold these funds in a separate trust account pending distribution. In addition, it stipulates that these funds cannot be co-mingled with other types of funds. The County treasury pool consists of monies from various governmental fund types and does not meet the requirements of the Rule. The State Bar requires that attorneys who are licensed to practice law must annually report to the State Bar if they are responsible for trust funds under this Rule.

Upon approval of this item, the Department will establish a trust bank account with Wells Fargo and transfer the funds from the existing CTA into the new trust account. The District Attorney will be responsible for managing and reconciling the account. The Department will follow and adhere to the bank account guidelines outlined in the Auditor-Controller/Treasurer/Tax Collector Internal Controls and Cash Manual for this account.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Daniella Hernandez, Deputy County Counsel, 387-5455) on October 23, 2025; Auditor-Controller/Treasurer/Tax Collector (Denise Mejico, Chief Deputy Auditor, 382-3183) on October 31, 2025; and County Finance and Administration (Elias Duenas, Administrative Analyst, 387-4052) on November 19, 2025.

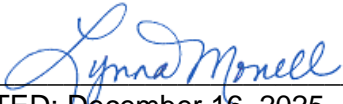
**Trust Account with Wells Fargo Government and Institutional Banking
for the District Attorney's Office
December 16, 2025**

Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Jesse Armendarez
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Curt Hagman, Joe Baca, Jr.
Absent: Dawn Rowe

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: December 16, 2025



cc: File - District Attorney
MBA 01/8/2026