



REGULATORY AGENCY ACTION

inal penalties for a violation of Business and Professions Code Article 9 relating to preneed funeral trusts, impose liability on any violating party whether or not he/she is a BFDE licensee, and subject licensees to possible additional disciplinary action under Business and Professions Code section 7686. [S. Appr]

RECENT MEETINGS

BFDE scheduled a public meeting on April 22 in Sacramento; however, due to the late posting of the notice, the Board canceled that meeting and scheduled an emergency meeting for the same date and time. The Board cited Government Code section 11125.5(f) (part of the Bagley-Keene Open Meeting Act) as its rationale for the emergency meeting; that provision allows an agency to convene an emergency meeting to consider proposed legislative action which may be taken prior to the next regularly scheduled meeting of the agency. At the emergency meeting, the Board discussed AB 597 (Speier) and resolved to support the bill as it then read, but to oppose it if it is later expanded in scope to areas beyond the merger provision, such as preneed trusts. Executive Officer Yanes also presented reports on the Board's budget, funding, and personnel matters; Yanes indicated that the Board would be able to issue licenses and license transfers, and conduct routine business at normal levels within three to four months. Yanes also discussed the difficulties of obtaining staff in light of the uncertain existence of the Board, as well as the minimal enforcement abilities of the unfunded Board over the past few months.

FUTURE MEETINGS

June 22 in Sacramento.
September 22 in Woodland Hills.

BOARD OF REGISTRATION FOR GEOLOGISTS AND GEOPHYSICISTS

Executive Officer: Dalton Pollard
(916) 445-1920

The Board of Registration for Geologists and Geophysicists (BRGG) is mandated by the Geologist and Geophysicist Act, Business and Professions Code section 7800 *et seq.* The Board was created by AB 600 (Ketchum) in 1969; its jurisdiction was extended to include geophysicists in 1972. The Board's regulations are found in Division 29, Title 16 of the California Code of Regulations (CCR).

BRGG licenses geologists and geophysicists, and certifies engineering geologists and hydrogeologists. In addition to successfully passing the Board's written examination, an applicant must have fulfilled specified undergraduate educational requirements and have the equivalent of seven years of relevant professional experience. The experience requirement may be satisfied by a combination of academic work at a school with a Board-approved program in geology or geophysics, and qualifying professional experience. However, credit for undergraduate study, graduate study, and teaching, whether taken individually or in combination, cannot exceed a total of four years toward meeting the requirement of seven years of professional geological or geophysical work.

The Board may issue a certificate of registration as a geologist or geophysicist without a written examination to any person holding an equivalent registration issued by any state or country, provided that the applicant's qualifications meet all other requirements and rules established by the Board.

BRGG is authorized to investigate and discipline licensees who act in violation of the Board's licensing statutes. The Board may issue a citation to licensees or unlicensed persons for violations of Board rules. These citations may be accompanied by an administrative fine of up to \$2,500.

The eight-member Board is composed of five public members, two geologists, and one geophysicist. BRGG's staff consists of five full-time employees. The Board's committees include the Professional Affairs, Legislative, and Examination Committees. BRGG is funded by the fees it generates. In January 1995, Governor Wilson reappointed public member Monta Huber to BRGG for a four-year term.

MAJOR PROJECTS

BRGG Publishes Newsletter. In May, the Board published a licensee newsletter, noting that 1994 marked the twenty-fifth anniversary of the registration of geologists in California. The newsletter contains historical information about the first licensees of the Board and the first BRGG members; letters from BRGG President Robert Lindblom and Executive Officer Dalton Pollard; biographies of current Board members; examination and enforcement reports; and answers to the most frequently-asked questions about BRGG's new hydrogeologist certification program (*see below*).

Use of the "Certified Hydrogeologist" Title. At BRGG's April 21 meet-

ing, Department of Consumer Affairs (DCA) legal counsel Gary Duke outlined DCA's recent legal opinion on the use of the titles "certified hydrogeologist" and "hydrogeologist," now that the Board has adopted regulations creating a specialty certification program for hydrogeologists. [14:4 CRLR 58] According to Duke and DCA, only geologists who have passed the specialty examination and been certified as hydrogeologists by BRGG may use the title "certified hydrogeologist"; geologists registered by BRGG may use the title "hydrogeologist" but not "certified hydrogeologist"; and unregistered persons may not use either title.

Citation and Fine Regulations Pending. On April 26, BRGG finally submitted the rulemaking file on its adoption of new sections 3062-3063.4, Title 16 of the CCR, its citation and fine regulations, to the Office of Administrative Law (OAL) for approval. Over two years in the making, the regulations—if approved—would permit the Board to issue citations and/or fines to registrants for minor violations of the Geologist and Geophysicist Act and the Board's regulations, and to nonlicensees for engaging in activities for which registration or certification is required. [15:1 CRLR 57; 14:4 CRLR 58; 14:2&3 CRLR 59] At this writing, OAL has 30 working days in which to approve or reject the Board's citation and fine regulations.

LEGISLATION

SB 914 (Alquist), as amended April 6, would require BRGG, the Board of Architectural Examiners, and the Board of Registration for Professional Engineers and Land Surveyors to develop, adopt, and enforce regulations on or before July 1, 1996, applicable to the state and local enforcement agencies that regulate building standards and that, pursuant to the bill, have, on staff or under contract, appropriately licensed architects and registered geologists and registered professional engineers with demonstrated competence to review plans, specifications, reports, or documents for the design and construction of all architectural, engineering, and geological work regulated by building standards.

This bill would also provide that, notwithstanding existing law, every state and local enforcement agency shall have, on staff or under contract, appropriately licensed architects, registered professional geologists, and registered professional engineers with demonstrated competence to review the plans, specifications, reports, or documents for the design and construction of all architectural, geological, or engineering work related by building stan-



dards, prior to agency approval of this work. The bill would also provide that, notwithstanding existing law, all state and local enforcement agencies shall return any incomplete building plans, specifications, reports, or documents, accompanied by a statement to the applicant identifying the part or parts of the plans that are incomplete, and specifying the actions required to be taken by the architect, engineer, geologist, or building designer to complete the plans, specifications, reports, or documents prior to any resubmission. [S. H&LU]

RECENT MEETINGS

At its February 3 meeting in South San Francisco, BRGG unanimously voted to change the format of future license examinations, effective October 1995. Under the new format, the exam's morning session will consist of a four and one-half hour problem solving section; the afternoon session will consist of a two and one-half hour multiple choice section.

At BRGG's April 21 meeting in San Diego, the Ad Hoc Committee on Sunset Review announced that it is developing information for the Board's report to the Joint Legislative Sunset Review Committee, which is due by October 1. [15:1 CRLR 57] According to Ad Hoc Committee Chair Seena Hoose, the report will include, among other things, a statement of the Board's mission, goals, and objectives, and justifications for the existence of the Board and its licensing requirement. The Committee anticipates that the legislature will particularly scrutinize the Board's low level of enforcement activity; as of the April meeting, only one complaint had been received since November 1994.

FUTURE MEETINGS

June 23 in Sacramento.
August 18 in El Segundo.
October 6 in Sacramento.
December 7-8 in San Francisco.

BOARD OF LANDSCAPE ARCHITECTS

Executive Officer: Jeanne Brode
(916) 445-4954

Authorized in Business and Professions Code section 5615 *et seq.*, the Board of Landscape Architects (BLA) licenses those who design landscapes and supervise implementation of design plans. Prior to 1993, applicants were required to pass the written examination of the national Council of Landscape Architectural Reg-

istration Boards (CLARB) in order to qualify for licensure. However, following years of dissatisfaction, BLA decided in May 1992 to discontinue its use of CLARB's exam; commencing in 1993, applicants must instead pass the Board's own Professional Examination for Landscape Architects (PELA) in order to qualify for licensure. [12:4 CRLR 86] In addition, an applicant must have the equivalent of six years of landscape architectural experience. This requirement may be satisfied by a combination of education at a school with a Board-approved program in landscape architecture and field experience.

In addition to licensing landscape architects, the Board investigates verified complaints against landscape architects, prosecutes violations of the Practice Act, and establishes criteria for approving schools of landscape architecture. BLA's regulations are codified in Division 26, Title 16 of the California Code of Regulations (CCR).

BLA consists of seven members who serve four-year terms. One of the members must be a resident of and practice landscape architecture in southern California, and one member must be a resident of and practice landscape architecture in northern California. Three members of the Board must be licensed to practice landscape architecture in the state of California. The other four members are public members and must not be licentiates of the Board.

MAJOR PROJECTS

BLA Prepares for Sunset Review. BLA continues to work towards addressing the legislature's proposed elimination of the Board and the deregulation of the landscape architect profession, which could take place in 1997 following the "sunset" review process mandated by SB 2036 (McCorquodale) (Chapter 908, Statutes of 1994) if BLA does not convince the legislature that it is both a necessary and effective regulatory board. [15:1 CRLR 57-58; 14:4 CRLR 59]

At its February 3 meeting in Burbank, BLA expressed frustration about being too understaffed to address the sunset legislation as well as perform its daily duties. The Board noted that the California Chapter of the American Society of Landscape Architects (CC/ASLA)—instead of Board members and staff—has been working on addressing the specific criteria set forth in SB 2036, and briefly considered the fact that such input would give the appearance that the Board is more licensee-oriented than consumer-oriented, and that the trade association would appear to be justifying the need for regulation rather than the

Board, which was created to protect consumers' interests. Following discussion, the Board identified three goals to pursue regarding the sunset legislation: documentation of the Board's current strengths; analysis of the Board's effectiveness and efficiency; and suggestion(s) for an alternative regulatory structure.

At its May 12 meeting, BLA authorized Board President Sandra Gonzalez-Fiorenza and Executive Officer Jeanne Brode to prepare a request for proposals for \$10,000 to be used to hire a consultant to assist Brode in gathering information and writing a comprehensive sunset report to be presented to the legislature by October 1, as required by SB 2036.

Enforcement Priorities Clarified. At BLA's February 3 meeting in Burbank, Executive Officer Jeanne Brode recognized the Enforcement Committee's long struggle to define the scope of practice of landscape architects, to enable the Board to properly regulate the practice of landscape architecture; Brode stated that the Board's primary mission is consumer protection and reiterated that the Board will give highest priority to pursuing consumer complaints against licensed landscape architects, with consumer complaints against unlicensed persons and landscape architect complaints against unlicensed persons receiving second and third priority, respectively.

The Board noted, however, that it receives very few complaints from consumers—against either BLA licensees or unlicensed persons performing landscape architecture; BLA claimed that homeowners wronged by landscape architects tend to seek relief in small claims court. The Board also cited misinformation and misunderstanding as frequent bases for consumer disputes with landscape architects, and noted that written contracts have been extremely helpful in preventing such complaints.

With regard to landscape architects' frequently anonymous complaints against unlicensed persons, the Board urged the licensee population to file complaints, especially if the landscape architect suspects consumer fraud or a threat to the welfare of the consumer.

Also at the February 3 meeting, Department of Consumer Affairs (DCA) legal counsel Don Chang stated that the Board may accept anonymous complaints as long as staff can substantiate the evidence without involving the complainant. If the case were to proceed to DCA's Division of Investigation or to hearing, however, Chang stated that the identity of the complainant must be revealed or the case must be dropped.