



has been implemented. [14:2&3 CRLR 44; 14:1 CRLR 35] As of the August meeting, approximately 60 candidates had taken the electronic exam and reported that the new system is working well.

Also at the August meeting, the Board approved a standard complaint closure letter for use in closing disciplinary complaints filed against BBSE licensees in connection with their preparation of court-ordered evaluations in child custody disputes. This idea was introduced by then-Executive Officer Kathleen Callanan at BBSE's May meeting after she met with family court personnel in Alameda County. According to Dr. Callanan, an increasing number of malicious complaints are being filed against BBSE licensees by disgruntled litigants who are unhappy with a custody order in the family court system. Unless the complaints contain allegations which could be grounds for disciplinary action, they are closed without investigation. The closure letter explains the Board's reasons for closing the complaint and the litigant's alternative remedies, such as judicial review of the judgment.

■ FUTURE MEETINGS

November 17–18 in Sacramento.

February 23–24, 1995

(location to be announced).

May 18–19, 1995

(location to be announced).

August 24–25, 1995

(location to be announced).

November 16–17, 1995

(location to be announced).

CEMETERY BOARD

Executive Officer:

Raymond Giunta

(916) 263-3660

The Cemetery Board's enabling statute is the Cemetery Act, Business and Professions Code section 9600 *et seq.* The Board's regulations appear in Division 23, Title 16 of the California Code of Regulations (CCR).

In addition to cemeteries, the Cemetery Board licenses cemetery brokers, salespersons, and crematories. Religious cemeteries, public cemeteries, and private cemeteries established before 1939 which are less than ten acres in size are all exempt from Board regulation.

Because of these broad exemptions, the Cemetery Board licenses only about 188 cemeteries. It also licenses approximately 142 crematories, 200 brokers, and 1,200 salespersons. A license as a broker or salesperson is issued if the candidate

passes an examination testing knowledge of the English language and elementary arithmetic, and demonstrates a fair understanding of the cemetery business.

The Board is chaired by industry member Keith Hargrave. Other Board members include industry member Steve Doukas and public members Herman Mitschke, Lilyan Joslin, Brian Armour, and Linda Trujillo.

■ MAJOR PROJECTS

Funding for Cemetery Board Dies With Merger Bill. Intense pressure by the death services industry to defeat a bill to merge the Cemetery Board with the Board of Funeral Directors and Embalmers (BFDE) recently backfired, and resulted in the defunding of both boards effective January 1, 1995.

SB 2037 (McCorquodale), as amended April 5, included a provision to merge the Cemetery Board and BFDE into a single bureau within the Department of Consumer Affairs (DCA). At its May 25 meeting, the Board voted unanimously to oppose the bill. On June 29, Senator McCorquodale amended SB 2037 to create a merged Board of Funeral and Cemetery Services, rather than a merged bureau; this amendment sought to ameliorate industry opposition to "bureau-izing" the boards, as voiced at a May 9 hearing before the Senate Business and Professions Committee. [14:2&3 CRLR 45–46]

In late June, the legislature underscored its support for the merger proposed in SB 2037 by including, in the 1994–95 Budget Act, a provision appropriating only six months' worth of funding to both boards. On July 7, Senator McCorquodale again amended SB 2037 to include—along with the merger provision—funding for the merged board for the second half of fiscal year 1994–95. Thus, SB 2037 moved into the Assembly as a budget trailer bill, with the funding provision clearly tied to the merger provision; deletion of the merger provision would jeopardize the funding provision.

Instead of accepting its fate and the legislature's compromise agreement to merge the boards into one board instead of a bureau, the Cemetery Board met on July 28, agreed to continue its opposition to SB 2037, and began to organize a campaign to convince the Assembly to kill the merger provision. The death services industry also intensified its pressure on the Assembly, and was successful in that the Assembly Consumer Protection Committee deleted the merger provision after an August 10 hearing, thus requiring return of the bill to the Senate for concurrence in the Assembly's amendments. On August

31, the Senate refused to concur in the Assembly's removal of the merger provision; SB 2037 died on the Senate floor, taking with it the funding for both boards beyond January 1, 1995. (See COMMENTARY on page 4 for related discussion.)

At this writing, the Board is scheduled to discuss its future at a September 29 meeting; the Board is expected to consider options for obtaining additional funding or ensuring that essential Board functions continue after its existing funds are depleted.

Board Raises License Fees to the Statutory Ceilings. On May 25, the Board held a public hearing on its proposal to amend sections 2310–24, Title 16 of the CCR, to increase virtually all of the fees it charges its licensees to the statutory maximums established in Business and Professions Code sections 9750–70. The Board proposed the fee increases to compensate for a projected operating deficit for 1993–94 and further projected shortfalls in coming years. [14:2&3 CRLR 46] At the May 25 hearing, some Board members expressed concern that not all of the individuals on the Board's mailing list had received notice of the proposed action. The Board adopted the proposed amendments contingent upon confirmation that the action had been properly noticed; the Board's legal counsel later verified that the notice provided was indeed sufficient. At this writing, staff is preparing the rulemaking file for submission to the DCA Director and to the Office of Administrative Law for review and approval.

Updated Consumer Guide Not Forthcoming. The Board's revised *Guide to Cemetery Purchases and Cremation Services* was initially scheduled for completion during the fall of 1993, but has been repeatedly delayed. The *Guide's* purpose is to answer questions consumers frequently ask concerning cemetery and cremation services. [14:2&3 CRLR 46] Speaking at the Board's July 28 meeting on behalf of the Guide Subcommittee, Board member Steve Doukas stated that final revisions are still a few months away, and that the *Guide* cannot be completed until the final disposition of pending amendments to the Cemetery Act is known. At this writing, a status report on the *Guide* is not on the agenda for the Board's September 29 meeting, so further delays are expected.

■ LEGISLATION

The following is a status update on bills reported in detail in CRLR Vol. 14, Nos. 2 & 3 (Spring/Summer 1994) at page 47:

SB 2037 (McCorquodale), which would have—among other things—merged



the Cemetery Board and BFDE into a single Board of Funeral and Cemetery Services, appropriated funding for the new board for the period of January 1–June 30, 1995, required the new board to adopt specified requirements to ensure the competence of persons handling preneed trust funds and endowment care funds, and tightened the specifications for appointment as a public member to the new board, died on August 31 after the Senate refused to concur in the Assembly's removal of the merger provision (*see* MAJOR PROJECTS).

SB 2036 (McCorquodale), as amended August 26, was signed by the Governor on September 26 (Chapter 908, Statutes of 1994). The bill creates a "sunset" review process for occupational licensing boards within DCA, requiring each to be comprehensively reviewed every four years. SB 2036 imposes an initial "sunset" date of July 1, 1997 on the Cemetery Board; however, the 1994–95 Budget Act defunds the Board as of January 1, 1995, and the provisions of SB 2036 regarding the Board will be moot unless legislative action is taken to restore funding to the Board (*see* MAJOR PROJECTS).

AB 1392 (Speier). Existing law provides that any contract for goods or services offered by a funeral director, a cemetery authority, or crematory shall prominently disclose specific information. As amended August 17, this bill provides that the information must appear on the first page of the contract.

Existing law provides generally for the disposition of cremated remains and specifically requires crematory licensees to pay regulatory charges for each crematory, plus an additional charge of up to \$0.50 per cremation, and requires cemetery authorities to pay regulatory charges for each cemetery, plus an additional charge of up to \$1 per cremation. This bill requires crematory licensees to pay instead an additional charge of up to \$1 per cremation and makes other clarifying changes to these provisions.

Existing law provides that a funeral director or cemetery director shall have complete authority to control disposition of human remains and to proceed to recover usual and customary charges if certain circumstances exist. One necessary circumstance is the public administrator's failure to assume responsibility for disposition of the remains within 24 hours after having been given written notice. This bill extends the time limit from 24 hours to seven days from receipt of notice.

Existing law provides that a crematory regulated by the Cemetery Board shall knowingly cremate only human remains

in cremation chambers, along with cremation containers and items used for disease control. This bill provides that the cremation chambers may also be used to cremate personal effects of the deceased.

Existing law requires that, within a specified time period after a licensed crematory takes custody of a body, the crematory must store the body at a certain temperature, except as provided. This bill makes this requirement applicable only in cases in which a licensed crematory takes custody of a body that has not been embalmed. This bill was signed by the Governor on September 15 (Chapter 570, Statutes of 1994).

SB 1562 (Mello). Existing law defines the terms "burial" and "grave" for purposes of the law governing public cemetery districts. As amended April 27, this bill would have required a district that inter a decedent in a manner other than burial in the ground, as prescribed, to comply with certain requirements pertaining to the regulation of private cemeteries. This bill died in committee.

RECENT MEETINGS

At the Board's May 25 meeting, Executive Officer Ray Giunta reported that, after receiving numerous complaints, the Board had inspected Sunnyside Cemetery, found it to be in deplorable condition, and seized the cemetery's endowment care fund pursuant to Business and Professions Code section 9656.2. Further investigations revealed that the fund, which now contains less than half of the \$1 million it held in 1987, was used by the licensee for personal and professional expenses. Giunta stated that the Attorney General had been informed and was reviewing the case for purposes of license discipline. According to Giunta, the licensee has assigned all interest in the fund to the Board and intends to transfer the real property to the Board and cooperate with investigators. At its July 28 meeting, the Board authorized a group called "Friends of Sunnyside" to enter the office at Sunnyside Cemetery in order to organize the records, and approved a licensed contractor's bid for maintenance of the grounds.

At the Board's July meeting, Executive Officer Giunta announced several internal policy changes to the Board's complaint process, including his goals to open mail on a daily basis, acknowledge consumer complaints within three days, and provide preliminary findings within fourteen days. Giunta also secured Board approval to purchase new office equipment, including a fax machine, video camera, and two laptop computers and software; and introduced two new staff members.

FUTURE MEETINGS

September 29 in Sacramento.

CONTRACTORS STATE LICENSE BOARD

Registrar: Gail W. Jesswein
(916) 255-3900

Toll-Free Information Number:
1-800-321-2752

The Contractors State License Board (CSLB) licenses contractors to work in California, handles consumer complaints, and enforces existing laws pertaining to contractors. The Board is authorized pursuant to the Contractors State License Law (CSLL), Business and Professions Code section 7000 *et seq.*; CSLB's regulations are codified in Division 8, Title 16 of the California Code of Regulations (CCR).

The thirteen-member Board—consisting of seven public members, two B-general building contractors, two C-specialty contractors, one A-general engineering contractor, and one member from a labor organization representing building trades—generally meets four times per year. The Board currently has five committees: administration/consumer education, enforcement, licensing, strategic planning, and legislation.

On August 4, Governor Wilson appointed Marilyn J. Dailey of Escondido and Douglas Barnhart of San Diego to CSLB; Dailey is a self-employed consultant, and Barnhart is president and chief executive officer of Douglas Barnhart, Inc., a contracting firm. Both appointments are subject to Senate confirmation; at this writing, the confirmation hearings have not yet been scheduled.

MAJOR PROJECTS

CSLB Continues to Crack Down on Illegal Contracting Activity in Earthquake Area. During the summer, CSLB's Unlicensed Activity Unit for the Southern Region continued to work with a multi-agency task force to catch unlicensed contractors soliciting earthquake victims and performing unlicensed construction repairs in the Los Angeles area; the task force commenced "sting" operations soon after the January 17 Northridge earthquake and Governor Wilson's call for greater consumer protection against unlicensed contractors operating in the affected area. [14:2&3 CRLR 48] CSLB investigators are receiving assistance from the Department of Consumer Affairs (DCA), the Employment Development Department, and