



SB 2036 (McCorquodale), as amended August 26, creates a "sunset" review process for occupational licensing agencies within DCA, requiring each to be comprehensively reviewed every four years. SB 2036 imposes an initial "sunset" date of July 1, 1997 on BFDE; however, the 1994-95 Budget Act defunds BFDE 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).

■ LITIGATION

Funeral Security Plans, Inc. v. State Board of Funeral Directors and Embalmers is still pending in the Third District Court of Appeal, awaiting its third decision by that court. *Funeral Security Plans* is an important case interpreting several provisions of the Bagley-Keene Open Meeting Act, Government Code section 11120 *et seq.*, the statute governing meetings of state agencies. The case involves several critical issues: the scope of the "pending litigation" exemption to the open meeting requirement and the procedural requirements accompanying its use; the scope of the attorney-client privilege once the "pending litigation" exemption is properly invoked; the extent to which agencies subject to the Bagley-Keene Act may meet in closed session to discuss and decide whether to adopt an administrative law judge's proposed disciplinary decision, approve stipulated settlements, and grant petitions to terminate license probation and petitions to reinstate licenses or reduce penalties; and the legality of closed sessions of two-member advisory committees of state bodies subject to the Bagley-Keene Act. [14:2&3 CRLR 58; 14:1 CRLR 45; 13:4 CRLR 49] At this writing, a decision is expected in early October.

■ RECENT MEETINGS

At its June meeting, BFDE elected Barbara Repa as its new president and Lottie Jackson as its new vice-president and interim secretary. BFDE also said farewell to Virginia Anthony and Carol Weddle, two longtime Board members whose terms have expired.

At its August meeting, Executive Officer Richard Yanes presented newly-formatted "service reports" in several subject matter areas, including license actions; complaints, citations, and inspections; cases pending at the Attorney General's Office; notices of warning; and citations and fines.

Also in August, Executive Officer Yanes described the contents of a proposed Board newsletter which would be a means of communicating with licensees and the public. The newsletter would contain information on disciplinary actions, answers to questions which industry members may have regarding regulations and statutes, and tips for consumers on questions to ask a BFDE licensee. Yanes stated that he hopes to have the newsletter ready before the end of the year.

■ FUTURE MEETINGS

November 17 in Sacramento.

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).

The Board licenses geologists and geophysicists and certifies engineering geologists. 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.

The Board has the power 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 Practices, Legislative, and Examination Committees. BRGG is funded by the fees it generates.

Governor Wilson recently appointed John Barna and James Rezowalli to BRGG; Barna is Director of College Relations at



Harvey Mudd College in Claremont, and Rezowalli is a licensed geophysicist and owner of JR Associates.

MAJOR PROJECTS

Parrish Resigns; BRGG Selects New EO. On June 30, John Parrish resigned as BRGG's Executive Officer; he had served in that position for less than eight months. During July and August, Michal Moore served as the Board's Interim EO. At its August 26 meeting, BRGG selected Dalton Pollard to serve as its new EO; Pollard has a bachelor of science degree from Stanford and a master of arts degree from the University of California at Los Angeles, both in geology. He worked as a subsurface petroleum geologist for Texaco in Canada from 1958 to 1962, and for Dow Chemical in California from 1962 to 1964; he has been a consulting geologist since 1964, except for a three-year period during which he was the exploration manager and president of a small oil company, managing its exploration and production activities in California, the mid-continent, and Gulf Coast areas.

Hydrogeology Regulations Approved. In March 1994, the Office of Administrative Law (OAL) disapproved BRGG's adoption of new section 3042 and amendments to section 3003, Title 16 of the CCR; the regulatory package defines the term "hydrogeology" and establishes a specialty certification program within BRGG for hydrogeologists. OAL's rejection of the proposed regulatory action was based on its findings that section 3042(c) was unclear, and that BRGG failed to properly respond to all of the comments received during the public comment period. Following OAL's disapproval, BRGG amended the proposed language and released the modified version for an additional 15-day public comment period. [14:2&3 CRLR 60; 14:1 CRLR 46; 13:4 CRLR 50] At its June 3 meeting, BRGG adopted the revised rulemaking package, which was approved by OAL on July 18.

Also at its June 3 meeting, BRGG agreed to establish, under the direction of the Executive Officer, a special committee to develop and administer a one-time hydrogeology examination to identify qualified individuals who can prepare and administer the regular hydrogeology specialty certification examination.

Citation and Fine Regulations. On May 19, BRGG's Professional Affairs Committee held a public hearing on the Board's proposed adoption of new sections 3062, 3062.1, 3062.2, 3062.3, 3062.4, 3063, 3063.1, 3063.2, 3063.3, and 3063.4, Title 16 of the CCR, which would implement BRGG's authority under Business and Pro-

fessions Code sections 125.9 and 148 by establishing a citation and fine system for the intermediate discipline of registrants and certificants for minor violations and of nonregistrants and noncertificants for engaging in activity for which registration or certification is required. [14:2&3 CRLR 59; 14:1 CRLR 46]

Under the proposed regulatory scheme, BRGG's Executive Officer would be empowered to issue citations, which may be accompanied by orders of abatement and/or a fine of at least \$500 but not more than \$2,500; the regulations specify ranges of fines for particular violations. In determining the fine, the Executive Officer must consider the gravity of the violation, the good faith of the person cited, and the history of previous violations. The citation must be in writing, must describe with particularity the offense for which it is being issued, must be served by certified mail on the cited individual, and must inform the cited individual of his/her right to appeal the citation by requesting an informal conference with the Executive Officer. If the Executive Officer affirms the citation after the informal conference, the cited individual is entitled to request a hearing before an administrative law judge.

At its June 3 meeting, BRGG adopted the proposed regulations, which await review and approval by OAL.

LEGISLATION

The following is a status update on bills reported in detail in CRLR Vol. 14, Nos. 2 & 3 (Spring/Summer 1994) at page 60:

SB 2036 (McCorquodale), as amended August 26, 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 for BRGG; creates a Joint Legislative Sunset Review Committee which will review BRGG's performance approximately one year prior to its sunset date; and specifies 11 categories of criteria under which BRGG's performance will be evaluated. Following review of the agency and a public hearing, the Committee will make recommendations to the legislature on whether BRGG should be abolished, restructured, or redirected in terms of its statutory authority and priorities. The legislature may then either allow the sunset date to pass (in which case BRGG would cease to exist and its powers and duties would transfer to DCA) or pass legislation extending the sunset date for another four years. This bill was signed by the Governor on September 26 (Chapter 908, Statutes of 1994).

AB 1392 (Speier), as amended August 17, is no longer relevant to BRGG.

RECENT MEETINGS

At its June 3 meeting, BRGG noted that the Department of Parks and Recreation released a request for proposals (RFP) for various services including "water witching," the practice of using bent twigs or sticks to find buried springs or deep underground streams. Because the RFP also calls for geological investigative work to be performed, the Board stated that it is calling for a non-qualified person to practice geology. The Board directed its Executive Officer to notify the Department that the services required in its RFP are inconsistent with state law regarding the regulation of the practice of geology.

Also at its June meeting, the Board discussed its application review process; under the current process, an incoming application is reviewed by BRGG staff, then by the Executive Officer, and then by a professional member of the Board. The Board agreed to simplify this process so that the Executive Officer will refer applications to a professional member of the Board only if he has a problem or question regarding the file.

Also at the June meeting, then-Executive Officer John Parrish reported on BRGG's enforcement activities. According to Parrish, BRGG no longer has a backlog of enforcement cases; it has one case pending at the Attorney General's Office; and it is not receiving complaints at the same rate as in the past.

At its August 26 meeting, BRGG elected geologist Robert Lindblom as Board President and geologist Seena Hoose as Vice-President.

FUTURE MEETINGS

November 18 in Los Angeles.

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 Registration 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;