



to receive different perspectives, he submitted all proposed name changes to competing businesses in the petitioner's community, and to all Board members, before making a final decision.

■ FUTURE MEETINGS

July 23 in southern California.
October 28 in northern California.

BOARD OF REGISTRATION FOR GEOLOGISTS AND GEOPHYSICISTS

Executive Officer:
Frank Dellechaie
(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. Recently, two vacant public member positions on BRGG were filled: Robert Lindblom was appointed to one of the vacancies by Governor Wilson, and Assembly Speaker Willie Brown appointed John Larson, former chair of the Fair Political Practices Commission, to the other vacant seat.

■ MAJOR PROJECTS

Hydrogeology Specialty Update. The Board is continuing to seek the creation of a hydrogeology specialty under its aegis; hydrogeology is the application of the science of geology to the study of the occurrence, distribution, quantity, and movement of water below the surface of the earth, especially the interrelationships of geologic materials and processes with water, and with particular emphasis given to groundwater quality. [12:4 CRLR 81] Only licensed geologists would be eligible for certification as a hydrogeologist, but an applicant could apply for both registration as a geologist and certification as a hydrogeologist at the same time. Although the Board has decided to commence the rulemaking process necessary to create the hydrogeology specialty, notice of BRGG's intent to adopt such regulations has not been published in the *California Regulatory Notice Register* at this writing. Also, the Board has yet to sponsor the necessary legislation enabling it to certify hydrogeologists and to permit—through a grandparent clause—certain qualified geologists presently practicing hydrogeology to be certified without having to pass the specialty examination (*see infra* LEGISLATION).

Examination Development and Validation Process Update. According to BRGG, the development and validation of its licensing examination by Donnoe & Associates is proceeding on schedule, and was expected to be presented to the Board by the scheduled deadline of January 1993. [12:4 CRLR 81] At its November 6 meeting, the Board discussed the exam, the first part of which contains 240 multiple choice questions designed to test the applicants' knowledge on a variety of topics including fundamental geology, California geology, investigative techniques including mapping, field data collection,

and lab analysis and procedures, and knowledge of legal and regulatory aspects of the practice of geology. Board members questioned why only 4% of the multiple choice questions is devoted to testing California-specific geology issues; staff explained that the entire examination tests what geologists in California are doing generally, and that the 4% can be viewed as testing knowledge regarding issues specifically unique to California as opposed to other states.

The second half of the examination will test applicants' ability to use their knowledge through essay questions of a practical problem-oriented type. Additionally, the written test will include a section on the understanding and interpretation of geologic reports and the communication of findings both to other professionals and to lay people. Besides testing the knowledge and competence of prospective geologists, the Board hopes that the new test will also determine the adequacy of geological educational programs in the state's universities.

The Board also noted that its new examination is designed to be graded on a curve; however, section 3031, Title 16 of the CCR, currently provides that "[e]very applicant receiving a grade of 70% or more in BRGG's licensing examination shall be deemed to have passed the examination." The Board noted that it may need to amend section 3031 to allow for a criterion passing score system.

BRGG Revises Application Procedures. At its November 6 meeting, the Board discussed its procedure for reviewing application files. Currently, all applicant files are forwarded to professional members of the Board for review. However, staff estimates that the annual number of applicants—already at 1,282—will continue to grow by 11–12% per year; the Board agreed that this places an undue burden on the professional Board members. Accordingly, the Board agreed that only the applications of candidates deemed to be unqualified will be given mandatory final review by the professional members; additionally, a small percentage of the files of qualified applicants will be reviewed by the professional members to ensure quality control.

Also, the Board noted that staff currently sends out requests for letters of reference on behalf of all applicants; BRGG agreed that the burden of obtaining letters of reference should be on the applicants themselves. Accordingly, the Board directed staff to inform applicants of their responsibility to obtain letters of reference and ensure that they are sent to BRGG within 45 days of the examination date.



Finally, the Board agreed to discontinue its current policy of allowing applicants who do not qualify for licensure to request a refund of 50% of their application fee; under the Board's new policy, unqualified applicants will not be entitled to receive any refund.

BRGG Releases Informational Brochure. BRGG has prepared and released a brochure for the general public defining the roles of geologists, geophysicists, and engineering geologists, the functions of BRGG, and how to file a complaint against a BRGG licensee. This brochure is part of the Board's effort to improve public awareness of BRGG and its enforcement activities.

BRGG Regulations. On November 30, the Office of Administrative Law approved BRGG's nonsubstantive amendment to section 3000, Title 16 of the CCR, which reflects the Board's new address; BRGG is now located at 400 R Street, Suite 4060, Sacramento, CA 95814.

■ LEGISLATION

Anticipated Legislation. During the 1993-94 legislative session, BRGG is expected to sponsor a bill which would authorize it to create a hydrogeology certification program (*see supra* MAJOR PROJECTS). BRGG may attempt to include this proposal in the Department of Consumer Affairs' (DCA) 1993 omnibus bill. BRGG may also sponsor legislation that would allow the implementation of a criterion passing score system for its new exam.

■ RECENT MEETINGS

At its November 6 meeting, BRGG discussed the effect that the ongoing state budget crisis will have on the Board's ability to operate. The Board noted that other DCA agencies have agreed to limit full board meetings to four or five per year, in order to cut costs; the Board generally agreed to maintain a similar meeting schedule unless circumstances warrant otherwise.

■ FUTURE MEETINGS

To be announced.

BOARD OF GUIDE DOGS FOR THE BLIND

Executive Officer: Manuel Urena
(916) 445-9040

The Board of Guide Dogs for the Blind has three primary functions. The Board protects the blind guide dog user by

licensing instructors and schools to ensure that they possess certain minimum qualifications. The Board also enforces standards of performance and conduct of these licensees as established by law. Finally, the Board polices unlicensed practice.

The Board, authorized by Business and Professions Code section 7200 *et seq.*, consists of seven members, two of whom must be dog users. In carrying out its primary responsibilities, the Board is empowered to adopt and enforce regulations, which are codified in Division 22, Title 16 of the California Code of Regulations (CCR).

The Board currently licenses three guide dog schools and 48 trainers.

■ RECENT MEETINGS

The Board has not conducted a meeting since July 24. [12:4 CRLR 82]

■ FUTURE MEETINGS

To be announced.

BUREAU OF HOME FURNISHINGS AND THERMAL INSULATION

Chief: Gordon Damant
(916) 920-6951

The Bureau of Home Furnishings and Thermal Insulation (BHFTI) is charged with regulating the home furnishings and insulation industries in California. As a division of the state Department of Consumer Affairs (DCA), the Bureau's mandate is to ensure that these industries provide safe, properly labeled products which comply with state standards. Additionally, the Bureau is to protect consumers from fraudulent, misleading, and deceptive trade practices by members of the home furnishings and insulation industries; the Bureau is also responsible for toy safety testing for the state of California. The Bureau is established in Business and Professions Code section 19000 *et seq.*

The Bureau establishes rules regarding furniture and bedding labeling and sanitation. The Bureau enforces the law by conducting extensive laboratory testing of products randomly obtained by Bureau inspectors from retail and wholesale establishments throughout the state. To enforce its regulations, which are codified in Division 3, Title 4 of the California Code of Regulations (CCR), the Bureau has access to premises, equipment, materials, and articles of furniture. The Bureau may issue notices of violation, withhold products from sale, and refer cases to the At-

torney General or local district attorney's offices for possible civil penalties. The Bureau may also revoke or suspend a licensee's registration for violation of its rules.

■ MAJOR PROJECTS

Bureau Accepts Responsibility for Toy Safety Testing. Bureau Chief Gordon Damant recently signed a cooperative agreement with the federal Consumer Product Safety Commission, under which BHFTI will be responsible for toy safety testing in California. [12:4 CRLR 84] Among other things, the Bureau will enforce federal safety laws in California as they pertain to the following products and activities: imported children's toys decorated with paint containing lead; toys containing small parts that can be ingested by small children; babies' pacifiers, which must pass a nipple strength test and which must include breathing holes in the pacifier shield; bean bag cushions, some of which have caused the suffocation of small children; bicycle safety; the labeling of hazardous substances; the design of children's beds, including the slat size and the design of the headboard; and children's hinged toy chests.

Bureau Seeks Input on Draft Citation/Telephone Disconnect Regulations. Business and Professions Code section 125.9 authorizes BHFTI to establish, by regulation, a system for the issuance to a licensee of a citation containing an order of abatement and/or an order to pay an administrative fine where the licensee is in violation of the Bureau's licensing act or any regulation adopted pursuant thereto. [12:1 CRLR 65]

Pursuant to SB 2044 (Boatwright) (Chapter 1135, Statutes of 1992), BHFTI is also authorized to adopt regulations establishing a system for the issuance of an administrative citation to an unlicensed person who is acting in the capacity of a licensee under BHFTI's jurisdiction. SB 2044 also provides that if, upon investigation, BHFTI has probable cause to believe that a person is advertising in a telephone directory with respect to the offering or performance of services which require a license from BHFTI but without being properly licensed by BHFTI, the Bureau may issue a citation containing an order of correction which requires the violator to cease the unlawful advertising and notify the telephone company furnishing services to the violator to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising. If the person to whom a citation is issued notifies BHFTI in writing that he/she intends to contest the citation, the