



who is handling the funeral arrangements or the responsible party a copy of any preneed agreement which has been signed and paid for in full or in part by or on behalf of the deceased and is in the possession of the funeral director. CFDA's questions about this requirement concern when the funeral director must present the copy of the preneed contract to the survivor or responsible party, the role of the Board in enforcement when violations are subject to civil penalties, and whether the Board may include sanctions for violation of this section in its citation and fine regulations. [13:1 CRLR 36] Unable to agree on the answers to these questions, the Board referred the issue back to its Pre-need Committee.

Also at the February meeting, a discussion arose during the public comment period regarding the Board's enforcement responsibilities. Several members of the audience spoke about their personal experiences with the funeral industry and criticized the Board for its inaction. Executive Officer Jim Allen responded to some of the comments by noting that several of the funeral homes being complained about were under investigation and that, unfortunately, the Board lacks the authority to initiate disciplinary actions in the interim.

■ FUTURE MEETINGS

October 28 in San Francisco.

BOARD OF REGISTRATION FOR GEOLOGISTS AND GEOPHYSICISTS

Executive Officer:
Frank Dellechaie
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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.

■ MAJOR PROJECTS

Hydrogeology Specialty Update.

After years of discussing the possibility of creating a special hydrogeology classification and examination to test and regulate hydrogeological practice in California [13:1 CRLR 39; 12:4 CRLR 81], BRGG took steps to accomplish its goal this spring by introducing legislation authorizing it to regulate the new category and drafting rulemaking to implement the legislation.

Hydrogeology is the interdisciplinary science of the study of water and its interrelation with rocks, soil, and humans, with an emphasis on groundwater. Hydrogeologists are concerned with the laws governing the movement of subterranean water, the mechanical, chemical, and thermal interaction of this water with the porous solid, and the transport of energy and chemical constituents by the flow. The practice of hydrogeology in California has grown exponentially over the last decade, leading some to express concern that not all those who are holding themselves out to practice hydrogeology are qualified to do so, to the possible detriment of the public. At present, there is no state regula-

tion of hydrogeology, and BRGG cites an urgent need to establish a hydrogeologist specialty certification for registered geologists to ensure that groundwater studies are conducted in a professional and competent matter.

As a result, BRGG has drafted and is sponsoring SB 433 (Craven), which would authorize BRGG to define hydrogeology, establish criteria to determine whether a geologist is qualified in hydrogeology for purposes of practicing hydrogeology and supervising persons seeking hydrogeologist certification, and administer a hydrogeologists' certification examination and licensing program. The bill would also allow BRGG to "grandparent in" currently-registered geologists as certified hydrogeologists without examination if they have specified experience (*see* LEGISLATION).

Additionally, on March 24, BRGG held a public hearing on proposed regulations to implement SB 433. Specifically, the Board seeks to amend section 3003, Division 29, Title 16 of the CCR, to define "hydrogeology" to mean "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, as it relates to the interrelationships of geologic materials and process with water, with particular emphasis given to groundwater quality."

BRGG also seeks to adopt new section 3042 to create a specialty certification in hydrogeology. Applicants for certification must be registered as a geologist in California and have a knowledge of and experience in the geology of California; geologic factors relating to the water resources of the state; principles of groundwater hydraulics and groundwater quality (including the vadose zone); applicable state, federal, and local laws and regulations; principles of water well, monitoring well, disposal well, and injection well construction; elementary soil and rock mechanics in relation to groundwater, including the description of rock and soil samples from wells; and interpretation of borehole logs as they relate to porosity, permeability, or fluid character. An applicant for certification as a hydrogeologist must submit an application and three reference letters from either registered hydrogeologists or registered geologists who are qualified to practice hydrogeology. An applicant may be required to submit one or more hydrogeology reports prepared by him/her or which he/she was closely associated with during its preparation. The section would exempt registered civil engineers from the need to obtain certification.



At this writing, BRGG has not yet adopted these proposed regulations; they have tentatively been placed on the Board's August agenda.

Other BRGG Rulemaking. Also on March 24, the Board held a public hearing on its proposal to adopt new regulatory sections 3062 and 3063, to implement its authority to cite and fine licensees for violations of BRGG's statutes and regulations. These regulations are intended to provide the Board with a tool to resolve minor violations of the Geologists and Geophysicists Act which do not warrant the suspension or revocation of a registration or specialty certificate.

In section 3062, BRGG proposes three categories of citations. An "A" citation (punishable by a fine ranging from \$1,501-\$2,000 per violation) may be issued where a violation of the Act has caused the death of or bodily injury to another person (or where a person has committed a "B" violation and has two or more prior "B" violations). A "B" citation (punishable by a fine ranging from \$501-\$1,500 per violation) may be issued where a violation of the Act has caused physical damage to a structure, building or real property, or monetary damage to a client or members of the public (or where a person has committed a "C" violation and has two or more prior "C" violations). A "C" citation (punishable by a fine ranging from \$50-\$500 per violation) may be issued for a violation of the Act which does not cause death or great bodily injury to another person, physical damage to a structure, building, or real property, or monetary damage to a client or member of the public. In assessing the amount of the penalty, the BRGG executive officer must consider the good or bad faith exhibited by the cited person, the nature and severity of the violation, evidence that the violation was willful, the history (if any) of violations of the same or similar nature, the extent to which the cited person cooperates with the Board's investigation, the extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by the violation, and other matters as justice may require.

Proposed section 3063 sets forth the process whereby a cited person may challenge a citation by requesting an informal conference with the executive officer; a cited person may also request a full Administrative Procedure Act hearing to contest the issuance of a citation and/or fine.

At this writing, BRGG has not yet adopted these proposed regulations; they have tentatively been placed on the Board's August agenda. Several Board

members have expressed concern about the fact that the regulations give the executive officer sole discretion in issuing citations and fines and ruling on appeals; others oppose implementation of a citation and fine system altogether.

Examination Development and Validation Process Update. At BRGG's February 19 meeting, the Board heard a presentation by Donnoe and Associates, the firm which is in the process of preparing and validating the Board's new licensing exam. [13:1 CRLR 39] Dr. Donnoe reported that the validation is complete and each examination question is linked to critical knowledge, skills, and abilities which must be possessed by a competent geologist. However, the Board's plan to change the new exam's passing grade from a straight 70%, which is required by current law, to a criterion-reference passing score system has proven difficult than originally contemplated. The new exam is designed so that applicants may, at their option, answer a subset of questions which conforms to their own practice and experience. The variable nature of the answers resulting from such a test format has complicated the application of a criterion-reference passing grade system. BRGG, staff, and the exam contractor will continue to pursue such a grading system, but for the time being will continue to impose a straight 70% pass point.

BRGG Joins National Organization. At its February 19 meeting, BRGG decided to join the Association of State Boards of Geology (ASBOG), at a cost of \$2,868.75 per year, effective July 1. Although some members expressed doubt about the usefulness of such an action, Board President Howard "Buzz" Spellman noted that ASBOG membership would enable BRGG to establish reciprocity with other states, decide whether California should administer a national exam, and keep abreast of national legislation and other items of interest.

Executive Officer Submits Resignation. Frank Dellechiaie recently submitted his resignation as BRGG Executive Officer, effective September 1, in order to pursue other ventures. BRGG has created a search committee to establish procedures for selecting a new executive officer.

LEGISLATION

SB 433 (Craven). The Geologist and Geophysicist Act requires applicants for certification in a specialty in geology to have certain experience in professional geological work. As amended May 18, this bill would provide that prior to January 1, 1994, professional geological work

shall qualify for an applicant seeking certification as a hydrogeologist if performed under the supervision of a geologist qualified in hydrogeology. The bill would require BRGG to define, by regulation, professional geological work for purposes of persons seeking certification in hydrogeology. The bill would also require the Board to establish, by regulation, criteria to determine whether a geologist is qualified in hydrogeology for purposes of supervising persons seeking certification in hydrogeology. The bill would allow BRGG to waive the examination requirement for certification as a hydrogeologist if the applicant is registered as a geologist and has specified experience, prior to January 1, 1994. This bill would also exempt from the certification requirement, any person, other than a registered geologist, who is licensed by this state and whose licensed scope of practice includes activities performed by a certified hydrogeologist, as specified. [S. Floor]

SB 746 (Rogers). Under the Geologist and Geophysicist Act, the term "responsible charge of work" is defined. As introduced March 3, this bill would revise that definition to include supervision or review and approval of geologic or geophysical work on behalf of the public. [S. B&P]

AB 1807 (Bronshvag), as amended May 3, would authorize BRGG to issue citations if, upon investigation, it has probable cause to believe that a person is advertising in a telephone directory with respect to the offering or performance of services without being properly licensed, and to require the violator to cease the unlawful advertising.

The Contractors State License Law provides that it does not apply to licensed architects, professional engineers, or structural pest control operators. This bill would also make that law inapplicable to licensees operating within the scope of the Geologist and Geophysicist Act.

Existing law authorizes the refund of 50% of the amount of the application fee for a geologist or geophysicist that BRGG finds lacks the qualifications required for admission to the examination for registration. This bill would repeal that provision. [13:1 CRLR 40] [A. W&M]

SB 842 (Presley), as amended April 13, would permit BRGG to issue interim orders of suspension and other license restrictions, as specified, against its licensees. [A. CPGE&ED]

FUTURE MEETINGS

To be announced.