



ing the Board to increase its efficiency and efficacy in regulating the funeral industry. Conran applauded the Board for adopting citation and fine regulations [13:1 CRLR 35; 12:4 CRLR 79], but noted that the Board has a long way to go in protecting consumers. Conran suggested that it may be more efficient if inspectors were shared by BFDE and the Cemetery Board; however, Conran deferred further discussion of ways to make the Board more efficient and reactive to consumer complaints to the September "Death Summit" (see MAJOR PROJECTS).

The Board met on September 2 in Sacramento to discuss the qualifications of applicants for its executive officer position; at this writing, a new executive officer has not been selected.

■ FUTURE MEETINGS

To be announced.

BOARD OF REGISTRATION FOR GEOLOGISTS AND GEOPHYSICISTS

Interim Executive Officer:
Vickie Mayer
(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 per-

son 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.

In September, Governor Wilson appointed Monta K. Huber of Escondido as a new public member, and Seena N. Hoose of Cupertino as a new geologist member of BRGG.

■ MAJOR PROJECTS

Hydrogeology Specialty Update. BRGG is continuing to pursue its proposal to create a special hydrogeology certification program to test and regulate hydrogeological practice in California; hydrogeology is the interdisciplinary science of the study of water and its interrelation with rocks, soil, and humans, with an emphasis on groundwater. [13:2&3 CRLR 72; 13:1 CRLR 39; 12:4 CRLR 81] BRGG is sponsoring SB 433 (Craven), which would authorize BRGG to begin a certification program in this area, and to "grandparent in" currently registered geologists as certified hydrogeologists without examination if they have specified experience (see LEGISLATION). At its August 20 meeting, BRGG discussed a recent hearing on SB 433 before the Assembly Consumer Protection Committee, at which the bill was stalled and became a two-year bill. Committee members saw no reason for the bill, as BRGG is already authorized to create specialty certifications; further, the Committee is hostile to the "grandparent" clause and will probably request that it be removed. BRGG will consider whether it needs and/or wants to continue to sponsor SB 433 without the "grandparent" clause at a future meeting.

The Board also proposes to adopt new section 3042, Title 16 of the CCR, which would implement BRGG's authority to create a specialty certification in hydrogeology, and amend section 3003, Title 16 of the CCR, to define the term "hydrogeology" to mean "the application of the science of geology to the study of the occur-

rence, 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."

To be certified under proposed section 3042, applicants 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 federal, state, 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. Applicants would also have to submit an application and three reference letters from either registered hydrogeologists or registered geologists who are qualified to practice hydrogeology. Further, an applicant may be required to submit one or more hydrogeology reports prepared by him/her or with which he/she was closely associated during its preparation. Proposed section 3042 would exempt registered civil engineers from the need to obtain certification. At this writing, BRGG has not yet adopted the proposed regulation; staff is in the process of compiling and responding to all the comments made during the public comment period and preparing the Final Statement of Reasons on the proposed rulemaking, which will be presented for formal Board action at a future meeting.

Consulting Engineers and Land Surveyors of California (CELSOC) has lodged its opposition to proposed section 3042; CELSOC represents 1,200 firms throughout California, many of which are engaged in groundwater contaminant assessment and remediation, an area which may fall within the scope of section 3042. In defense of its position, CELSOC contends that section 3042 is not needed to protect the consumer; between the two of them, BRGG and the Board of Registration for Professional Engineers and Land Surveyors now adequately regulate hydrogeology; section 3042 would have little or no deterrence value; section 3042 would not increase the competence of hydrogeologists; hydrogeology is an interdisciplinary area which is not exclusive to the field of geology; and registration in this area by BRGG would invade the realm of several engineering disciplines.



Cite and Fine Update. At its August 20 meeting, BRGG again discussed its proposal to adopt new sections 3062 and 3063, Title 16 of the CCR, to implement its authority to cite and fine licensees for violation of BRGG's statutes and regulations. [13:2&3 CRLR 73] The proposed regulations would establish 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 has caused the death or of 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 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); and a "C" citation (punishable by a fine ranging from \$50-\$500 per violation) may be issued for a violation 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. BRGG is expected to review the language of the proposed regulations with its staff and legal counsel and consider them for adoption at a future meeting.

Search for an Executive Officer Continues. In response to the resignation of Frank Dellechaie—which was effective September 1, BRGG appointed members Robert Lindblom and Karen Melikian to the Executive Officer Selection Committee. In the meantime, the Board named BRGG Associate Governmental Program Analyst Vickie Mayer to serve as Interim Executive Officer. [13:2&3 CRLR 73]

At its August 20 meeting, BRGG reviewed a report prepared by the Department of Consumer Affairs' Division of Investigation (DOI) on the circumstances surrounding Dellechaie's resignation. At the time Dellechaie resigned, allegations surfaced that the Board President and/or Board members have attempted to interfere with or otherwise impede the investigation and enforcement of complaints received by the Board. DOI's report stated that "[i]nvestigation disclosed that neither the Board President nor any other Board member interfered with or impeded the investigation and enforcement procedures against any subject of a complaint."

BRGG Finds ASBOG Exam to be Deficient. At its August 20 meeting, BRGG agreed that the licensing examination given by the Association of State Boards of Geology (ASBOG) is not the equivalent of

BRGG's exam. Specifically, BRGG decided that the depth of material is insufficient; the lack of an essay section is unacceptable; and the problem solving section is not comparable to the Board's exam. Due to these findings, BRGG has declined to administer this national exam and will continue to administer its own. [13:2&3 CRLR 73]

Because the Board found the ASBOG exam to lack equivalency, BRGG decided not to extend reciprocity to applicants from Arizona, Georgia, and Maine; all pending reciprocity applicants will be notified of this decision.

LEGISLATION

SB 842 (Presley), as amended July 14, permits BRGG to issue interim orders of suspension and other license restrictions, as specified, against its licensees. This bill was signed by the Governor on October 5 (Chapter 840, Statutes of 1993).

AB 1392 (Speier), as amended July 1, would—among other things—provide that BRGG's executive officer is to be appointed by the Governor, subject to Senate confirmation, and that the Board's executive officer and employees are under the control of the Director of the Department of Consumer Affairs. [S. B&P]

SB 433 (Craven), as amended July 13, would provide that prior to January 1, 1994, professional geological work shall qualify 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; require BRGG to establish, by regulation, criteria to determine whether a geologist is qualified in hydrogeology for purposes of supervising persons seeking certification in hydrogeology; 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; and exempt from registration any person, other than a registered geologist, who does not use the title of a registered certified hydrogeologist and who is licensed by this state and whose licensed scope of practice includes those activities performed by a registered certified hydrogeologist, insofar as he/she practices within the scope of his or her licensed practice.

The Geologist and Geophysicist Act exempts certain individuals from registration under the Act; the Act requires applicants for certification in a specialty in geology to have certain experience in pro-

fessional geological work. This bill would exempt from registration any person, other than a registered geologist, who does not use the title of a registered certified specialty geologist and who is licensed by this state and whose licensed scope of practice includes those activities performed by a registered certified specialty geologist, insofar as he/she practices within the scope of his/her licensed practice. [A. CPGE&ED]

SB 746 (Rogers). Under the Geologist and Geophysicist Act, the terms "geology" and "responsible charge of work" are defined. As amended August 26, this bill would revise the definition of the term "geology." This bill would also revise the definition of the term "responsible charge of work" to include supervision or review and approval of geologic or geophysical work on behalf of the public.

Existing law provides that the State Personnel Board (SPB) shall prescribe classifications in the state civil service, as well as create and adjust classes of positions. This bill would require the SPB, in cooperation with BRGG, to revise the job specifications for certain engineering geologist positions to require certification by BRGG as an engineering geologist. [S. B&P]

AB 1807 (Bronshvag), as amended September 8, 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 BRGG 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. Inactive File]

RECENT MEETINGS

At its August 20 meeting in San Diego, BRGG approved the Guidelines for Geophysical Reports and the Guidelines for Groundwater Investigation Reports; the Guidelines, which were prepared by BRGG's Professional Affairs Committee, present the general procedures used by geologists in reporting on groundwater and geophysical investigations. While



they do not constitute a complete listing of all the reporting methods for such studies, the guidelines attempt to include all major topics for the particular field.

Also on August 20, BRGG selected public member Art Letter to serve as Board President and petroleum geologist Robert Lindblom to serve as Vice-President.

■ FUTURE MEETINGS

To be announced.

BOARD OF LANDSCAPE ARCHITECTS

*Executive Officer: Jeanne Brode
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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; 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 may be a combination of education from 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.

On June 21, Governor Wilson appointed Michal Moore as a new public

member of the Board; Moore is a self-employed consulting economist.

■ MAJOR PROJECTS

PELA Administered for First Time.

At its July 23 meeting in Sacramento, BLA reviewed test results from the June 1993 PELA, the first administration of the Board's own exam. [13:1 CRLR 42; 12:4 CRLR 86] The PELA has three sections—one objective and two graphic performance problem sections. Section I has 200 multiple choice questions which test a wide range of knowledge; candidates are given four hours to complete this section. Section II tests the candidate's ability to complete a site analysis and site design on two separate base sheets in a five-hour time period. The last section of the exam requires the candidate to complete five base sheets; candidates are given nine hours to complete this section, which requires completion of a grading plan, a layout/dimension plan, an irrigation plan, a planting plan, and a base sheet on construction details.

BLA announced that 360 candidates took the exam, 100 of whom were taking a landscape architect's licensing exam for the first time. The pass rate for candidates taking Section I only was 57%; 100% for Section II only; and 29.7% for Section III only. The pass rate for candidates taking all three sections was 42%. BLA also offered Section IV for reciprocity and retake candidates who had not passed the California section of previous exams; the pass rate for candidates taking Section IV only was 80%. The next administration of the PELA is scheduled for December 13-14 in southern California.

Rulemaking Update. On June 23, the Office of Administrative Law approved BLA's adoption of sections 2614 and 2615, amendments to sections 2606, 2623, 2671, and repeal of sections 2624, 2625, and 2626, Title 16 of the CCR. [13:2&3 CRLR 76]

BLA is still reviewing proposed changes to section 2620, which defines how candidates seeking to sit for the PELA can meet BLA's education and training credits requirements. Section 2620 sets forth various combinations of education and experience a candidate can meet in order to sit for the licensing exam. Currently, the requirements allow a licensed landscape contractor seeking to become licensed as a landscape architect only one year of credit towards this requirement, no matter how many years of actual experience he/she may have in landscape design; the California Landscape Contractors Association (CLCA) has expressed concern that this requirement is unrealistic and unfair,

since very few extension schools which offer certificates in landscape architecture exist throughout the state. CLCA also contends that requiring a landscape contractor to leave his/her full-time job and move to an area where a certificate program is offered or serve in a six-year program with a licensed landscape architect constitutes a severe hardship on the landscape contractor.

In response to CLCA's concerns, BLA President Larry Chimbole set up a Special Committee on Eligibility Requirements which met on June 25 to review whether the Board unnecessarily establishes an artificial entry barrier through its eligibility requirements, especially to landscape contractors. Among other things, the Committee attempted to define how BLA can determine whether a landscape contractor has had sufficient experience in landscape design to justify admission to its licensing exam. CLCA suggested that the Board grant landscape contractors 50% credit for the years of experience they have, up to a maximum of five years, and require them to obtain their sixth year by some means as described in section 2620. Further, landscape contractors would need to submit affidavits from clients for whom they have done landscape design work. CLCA also suggested that a BLA committee or subcommittee review design work submitted by such applicants. CLCA conceded that the committee or subcommittee review would be subjective, but suggested that the Board establish an appeals process for applicants who feel that they were unfairly denied the opportunity to sit for the exam; CLCA argued that the exam itself should primarily determine whether an applicant is competent to practice landscape architecture.

At its July 23 meeting, the Board discussed the proposals generated at the Committee meeting. Richard Ratcliff of the California Council of the American Society of Landscape Architects (CCASLA) commented that the Board should continue to require applicants to qualify for the exam by having both education and experience, except for candidates who have six years of experience working under the supervision of a licensed landscape architect. BLA Executive Office Jeanne Brode noted that if the Board agreed with CCASLA's suggestion about requiring an educational component, then it must define the minimum educational component that will be required. Following discussion, BLA referred the item back to the Committee for further review and revision; the Board is expected to review the Committee's suggestions at its November meeting.