



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 three full-time employees (Executive Officer Frank Dellechaie and two clerical staff members) and two part-time personnel. The Board's committees include the Professional Practices, Legislative, and Examination Committees. BRGG is funded by the fees it generates. Currently, two public member positions on BRGG are vacant.

MAJOR PROJECTS:

BRGG Adopts Regulatory Amendments. Having received no written or oral public comment, the Board unanimously adopted regulatory amendments to sections 3005, 3025, 3036, and 3037, Division 29, Title 16 of the CCR, at its October 7 meeting. The proposed revisions would increase the Board's revenue by increasing application, registration, and renewal fees, and discontinuing the 50% refund of the application fee previously given to applicants who lack the qualifications required for admission to the examination. (See CRLR Vol. 11, No. 4 (Fall 1991) pp. 78-79 and Vol. 11, No. 3 (Summer 1991) pp. 78-79 for detailed background information.) The additional revenue generated by the amended regulations will enable the Board to hire additional staff for examination processing and enforcement activities (*see infra* for more information). After receiving approval by the Department of Consumer Affairs (DCA), the Board submitted the amendments to the Office of Administrative Law (OAL), which was scheduled to complete its review during January. If approved by OAL, the revised fee schedules and related changes will be in effect by May, the next time application and registration renewal forms are submitted.

BRGG Examination Development and Validation Process Update. BRGG has awarded the contract for validating its geologists' examination to Donnoe & Associates of Sacramento. According to BRGG, Donnoe & Associates has an excellent record with DCA, having validated other DCA boards' examinations. The validation process requires the contractor to determine the "state of the industry" and then ensure that the Board's current examination properly tests the knowledge, skills, and abilities necessary to function within that industry. (See CRLR Vol. 11, No. 4 (Fall 1991) p. 79 for background information.) The Board expects the validation process to commence in early January and be completed by the end of 1992. BRGG is enthused by the prospect of having a validated examination because, in addition to keeping pace with other boards, it may deter many examination appeals in which applicants argue that the test is not current enough. Also, although the present contract is for validating the geologists' examination only, the Board intends to validate all of its examinations in the future.

Although the 1992 examination (currently scheduled for October 27) will not benefit from the validation process,

the validating company will assist BRGG in preparing that examination by installing a computer-automated exam generating program on the Board's newly purchased computer. By developing its own exam, the Board hopes to save enough money to administer its exams twice per year.

Budget Change Proposal for Hiring Additional Staff. The Department of Finance and the Governor's office have approved budget change proposals (BCPs) which enable BRGG to hire two additional staff members for examination processing and enforcement purposes. Specifically, the two positions are an office technician and enforcement analyst. The office technician's primary responsibility will be to assist the Board in achieving its longstanding objective of administering its examinations twice per year; the enforcement analyst will respond to complaints and ensure that the Board's disciplinary process is effective. Although the Board had submitted BCPs for three new staff members—one for exam processing and two for enforcement, the Board expects that the two new positions will greatly assist it in carrying out its mandate. Executive Officer Frank Dellechaie expected to begin conducting job interviews in the first part of the year and have the new staff in operation by early March.

Enforcement. At its October 7 meeting, the Board announced that it had sent five warning letters to unlicensed practitioners, one warning letter to a licensed practitioner, and settled one enforcement case since its meeting on July 9. Since its October meeting, the Board reports that it has maintained roughly the same pace, although a breakdown is not available. As a result of the increase in the Board's fees, BRGG expects to dramatically increase its efforts in the enforcement arena, especially in license revocation cases; the Board states that until now, it simply could not afford to prosecute license revocation cases, which could potentially cost it up to \$20,000.

LEGISLATION:

AB 892 (Tanner), as amended May 15, would rename the Geologist and Geophysicist Act as the Earth Scientist Act and would revise and recast specified provisions to authorize BRGG to regulate the practice of groundwater hydrology. BRGG would become the Board of Registration for Earth Scientists and provide for the registration of groundwater hydrologists. This two-year bill is pending in the Senate Business and Professions Committee.



REGULATORY AGENCY ACTION

SB 958 (Rogers), as amended April 11, would amend Public Resources Code section 2774, which currently specifies that those conducting surface mine inspections must be state-registered geologists, state-registered civil engineers, state-licensed architects, or state-registered foresters. SB 958 would delete the requirement for state registration or licensure, and states that the proposed inspections would be conducted by a qualified professional with experience in land reclamation. This two-year bill is pending in the Senate Committee on Natural Resources and Wildlife.

Future Legislation. BRGG's Professional Practices Committee recently completed draft legislation which would amend its enabling act to allow the Board to certify hydrogeologists as a specialty. The certification of hydrogeologists would be similar to the Board's current Certified Engineering Geologist (CEG) specialty, and would require an applicant to first meet all of the requirements for geologist registration before being eligible to take the specialty examination. The legislation is proposed as a replacement for AB 892 (*see above*).

The difference between the Board's proposal and AB 892 (and the source of ongoing discussions between the Board and Assemblymember Sally Tanner) is that AB 892, unlike the Board's proposal, would not require hydrologists to meet the Board's current requirements for geologists, but would instead provide for their registration by establishing separate requirements including the administration of an entirely different examination. Although BRGG would be required to develop a new specialty examination even under its own proposal, the Board believes that the requirements should emphasize skills in geology (below surface), rather than traditional hydrology (above surface), in order to remain within its field of expertise; that distinction illustrates the difference between a hydrogeologist and hydrologist. Another interested party is the Board of Registration for Professional Engineers and Land Surveyors, which appears to be concerned with the scope of both proposals—especially AB 892.

At this writing, BRGG does not know which legislator might introduce its proposal, but is hopeful that Assemblymember Tanner will simply adopt BRGG's proposal in lieu of AB 892. The Board was scheduled to vote on the legislative proposal at its January 13 meeting.

RECENT MEETINGS:

At its October 7 meeting, the Board discussed its recent efforts to encourage

the Wilson administration to fill its two public member vacancies; the administration has reportedly assured the Board that the appointments are forthcoming.

The Board also agreed to send a letter to its equivalent board in Maine in an attempt to reestablish the examination reciprocity they once shared. Examination reciprocity enables the boards to become informed on national developments in the profession by exchanging examinations and examination techniques. BRGG maintains reciprocity with Georgia, Arizona, and Idaho.

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.

LEGISLATION:

AB 567 (Hunter), as amended April 18, would abolish the Board of Guide Dogs for the Blind and require the trainers of guide, signal, or service dogs to register with the Department of Consumer Affairs (DCA); these registered trainers would be permitted to authorize other personnel to train the dogs. DCA would be required to establish and maintain a registry of these persons and issue registration certificates. This two-year bill is still pending in the Assembly Human Services Committee.

SB 756 (Marks) would change the composition of the Board by providing that one member shall be the Director of the Department of Rehabilitation or his/her representative, one shall be a veterinarian, one shall be a member of the general public, and the remaining

members shall be blind persons who use guide dogs. This two-year bill is still pending in the Senate Business and Professions Committee.

RECENT MEETINGS:

At its October 18 meeting in Los Angeles, the Board decided that the annual production costs for each guide dog school should be calculated based on all funds expended for the year, regardless of whether they were expended for original training, retraining, or home visits of the person/dog unit. The Board is required to report the guide dog schools' production costs to the legislature each year. (See CRLR Vol. 11, No. 2 (Spring 1991) p. 77 for background information.)

Also at the October meeting, the Board passed a motion to study the issue of ownership of the guide dogs. Currently, under Business and Professions Code section 7215.5, guide dog schools usually maintain ownership of a trained dog even after placement with a blind person in order to conduct follow-up interviews and intervene in cases of abuse. As an alternative, the Board may pursue legislation to enable it to act as the decisionmaker in disputes over rightful ownership. The Board's October action is encouraging; although guide dog ownership issues have been presented to the Board in the past, it has disclaimed jurisdiction over the issue. (See CRLR Vol. 7, No. 2 (Spring 1987) p. 52 and Vol 7, No. 1 (Winter 1987) p. 45 for background information.)

At the October meeting, the Board elected its 1992 officers: Kay Cook was elected president, Mary Anne Thomas was elected vice-president, and Manuel Urena remains secretary.

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