



REGULATORY AGENCY ACTION

Governor on October 8 (Chapter 743, Statutes of 1991).

Future Legislation. During the second year of the current two-year legislative session, SPCB plans to pursue the following proposals:

-The Board may seek amendments to Business and Professions Code section 8516.1 to impose on Branch 4 licensees the same Section I/Section II reporting requirements now imposed on Branch 3 licensees, including the duty to report any evidence of active infestation or infection and conditions deemed likely to lead to such problems.

-The Board may seek amendments to Business and Professions Code sections 8569 and 8570, to allow a field representative to be a partner or officer of a registered company. According to the Board, the present statutes are inconsistent with actual practice, since a field representative may do everything but be an officer in a registered company. Moreover, SPCB's licensing procedures have permitted the issuance of registration certificates with a field representative as a partner or officer. By amending sections 8569 and 8570, the Board hopes to align statutes, licensing procedures, and actual practice.

-Business and Professions Code section 8519(a) does not address whether an operator must inspect inaccessible areas before issuing a certificate of inspection; the Board may pursue an amendment to section 8519(a) to so provide.

RECENT MEETINGS:

At its September 5 meeting, the Board reviewed its updated operator course outline, which sets forth the requisite areas of study for each branch pursuant to Business and Professions Code section 8565.5. The Board specifically focused on necessary revisions to Branch 4 courses on wood preservatives. Public comments from licensees emphasized that no oil-borne preservatives containing zinc are currently approved for use; however, such a preservative is listed on the Board's list of areas of study. The Board concurred that prospective licensees should not be tested on chemicals not authorized for use, and instructed staff to revise the list of preservatives.

Also at the September 5 meeting, the conflict between the duties of Branch 3 (Termite) and Branch 4 (Roof Restoration) operators was apparent during debate over the proposed format of SPCB's "Roof Restoration Inspection Report." The proposed form set forth fourteen conditions to be inspected, including dry rot, excessive moisture, and dry-

and dampwood termites. Because this form is designed for use by Branch 4 licensees exclusively, the Board adopted the form only after deleting six of the fourteen inspectable areas which are more properly within the jurisdiction of Branch 3 licensees.

Also on September 5, the Board adopted an amended version of staff's plan for evaluating new technologies and devices. The Board amended staff's plan by requiring that in the event of new technology failure, the registered company must agree to treat the property to the homeowner's satisfaction by a treatment method currently in regulation at no additional cost to the consumer. The Board also made other nonsubstantive revisions to the plan.

Also at its September 5 meeting, the Board assigned to the Technical Advisory Committee the task of examining section 1998(f), Division 19, Title 16 of the CCR, as it applies to Control Service Agreements. Section 1998(f) currently provides that the "treatment of any infestation or reinfestation covered under a control service agreement may be performed at the time of inspection without filing an inspection report or notice of completion if such treatment is performed without a charge other than the annual control service fee." Licensees have expressed confusion regarding whether a report is required if treatment is performed the next day or several days later, rather than "at the time of inspection." The Committee will examine this issue and present its recommendations at a future Board meeting.

Finally, on September 5, the Board unanimously elected Caryl Iseman as Board President for 1991-92.

FUTURE MEETINGS:

February 21 in Irvine.

TAX PREPARER PROGRAM

*Administrator: Jacqueline Bradford
(916) 324-4977*

Enacted in 1973, abolished in 1982, and reenacted by SB 1453 (Presley) effective January 31, 1983, the Tax Preparer Program registers approximately 19,000 commercial tax preparers and 6,000 tax interviewers in California, pursuant to Business and Professions Code section 9891 *et seq.* The Program's regulations are codified in Division 32, Title 16 of the California Code of Regulations (CCR).

Registrants must be at least eighteen years old, have a high school diploma or pass an equivalency exam, have com-

pleted sixty hours of instruction in basic personal income tax law, theory, and practice within the previous eighteen months, or have at least two years' experience equivalent to that instruction. Twenty hours of continuing education are required each year.

Prior to registration, tax preparers must deposit a bond or cash in the amount of \$2,000 with the Department of Consumer Affairs. Registration must be renewed annually, and a tax preparer who does not renew his/her registration within three years after expiration must obtain a new registration. The initial registration fee is \$50 and the renewal fee is \$40.

Members of the State Bar of California, accountants regulated by the state or federal government, and those authorized to practice before the Internal Revenue Service are exempt from registration.

An Administrator, appointed by the Governor and confirmed by the Senate, enforces the provisions of the Tax Preparer Act. He/she is assisted by a nine-member State Tax Preparer Advisory Committee which consists of three registrants, three persons exempt from registration, and three public members. All members are appointed to four-year terms.

MAJOR PROJECTS:

Governor Plans to Appoint New Committee Members. A September 18 telephone interview with recently-appointed Administrator Jacqueline Bradford revealed that Governor Pete Wilson intends to appoint nine new members to the State Tax Preparer Advisory Committee. The Committee last met on December 13, 1988, shortly before the terms of all Committee members expired on December 31, 1988; the program has been functioning without the Committee since then. According to Bradford, the Tax Preparer Program does not need the Advisory Committee to function and her six-member staff has handled many of the Committee's duties. However, Wilson has indicated that along with a new administrator, he would like to "start over" with the Advisory Committee. Although Bradford has no timetable, she expects the nominating process to begin soon and the Advisory Committee to be reformed by the end of the year.

RECENT MEETINGS:

The Advisory Committee has not met since December 13, 1988.

FUTURE MEETINGS:

To be announced.