



several flaws in the proposal. Because California has geological problems unique to the rest of the country (such as earthquakes), such a standardized exam may not address enough California problems, resulting in registered geologists unable to deal with California's unique geological features. One solution would be to administer a smaller, supplemental California exam. The national exam also conflicts with the Board's strong desire to avoid standardized, machine-graded exams. The Board decided that the Examination Committee should work with the AIPG, but state that California has reservations about such a national exam.

Enforcement. At its October meeting, the Board unanimously agreed to adopt the stipulation by Ken Masero regarding his license surrender. In New Mexico, Mr. Masero defrauded investors in a company in which he had a financial interest by misrepresenting the value of that company's gold mining operations, and was convicted of felony fraud practices. Masero's conviction in New Mexico state court constitutes cause for disciplinary action against his California geologist license. Because the factual circumstances surrounding his conviction of felony fraud practices are substantially related to the function, qualifications, and duties of a geologist, Masero was required, among other things, to surrender his geologist's license. The Board agreed not to file an accusation against Masero if he agreed to the stipulation, which includes a provision that for purposes of license reinstatement, Masero's license surrender will be treated as a license revocation. The Board has no authority to impose civil penalties on Masero because the violation occurred in New Mexico.

Proposed Regulatory Changes. The Board recently published in the *Notice Register* a notice of its intent to adopt new section 3022, Chapter 29, Title 16 of the CCR. Under existing law, an applicant for registration as a geologist or geophysicist is required to meet specified educational requirements at a school or university whose curricula meet criteria established by the Board. The Board's existing regulations do not specify its criteria for approval of curricula in geology or geophysics or a procedure by which the Board can evaluate an applicant's educational background where it has been obtained in a foreign country. This regulatory proposal would provide for such criteria and procedures.

Under new section 3022, a school which was accredited by specified accrediting agencies at the time the student attended the school will be deemed approved by the Board. Additionally, an applicant attending a foreign school must submit a certified transcript and other applicable documents showing his/her geology or geophysics coursework. If the Board is unable to evaluate the course content, the applicant must pay for an approved evaluation service to evaluate his/her credentials. The Board may consider certified copies of other documents which establish the applicant's eligibility when circumstances beyond the control of the applicant prevent him/her from furnishing the Board with the required documents. Any document submitted in a language other than English shall be accompanied by a certified translation performed by someone other than the applicant who will attest to the accuracy of the translation under penalty of perjury.

The Board also recently published notice of its intent to amend regulatory section 3005, to increase the fee for application for registration as a geologist or geophysicist from \$40 to \$60. All other fees (renewal, delinquency, etc.) will remain the same.

Additionally, the Board seeks to adopt sections 3028 and 3029 to implement the Permit Reform Act of 1982, which requires the Board to specify the period of time between receiving a permit application and notifying the applicant as to whether his/her application is complete and accepted or whether the application is deficient. The Act also requires the Board to specify the minimum, median, and maximum times for processing an application for licensure, from receipt of the initial application to the final decision, based on the Board's actual performance during the previous two years. Sections 3028 and 3029 would set forth the required processing times.

The Board was scheduled to hold a hearing on these proposed regulatory actions in Los Angeles on January 10.

LEGISLATION:

The following is a status update on bills reported in CRLR Vol. 9, No. 4 (Fall 1989) at page 68:

AB 469 (Harvey) would increase the maximum fee for the filing of an application for registration as a geologist or geophysicist from \$60 to \$100, the renewal fee for a geologist or geophysicist from \$100 to \$200, and the specialty renewal fee from \$20 to \$50. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 48 for background information.) This bill is pending in the Senate Rules Committee.

AB 459 (Frizzelle) would have provided that a previously licensed individual may renew his/her license at any time after license expiration upon payment of the applicable fees and upon satisfaction of continuing education requirements. This bill was dropped by its author.

RECENT MEETINGS:

A representative of the Oregon Board of Registration for Geologists attended BRGG's October 3 meeting to discuss exam reciprocity. BRGG state that it is open to such discussions and unambiguously agreed to exchange exams with Oregon. Both boards will compare the exams and try to work out some sort of reciprocity procedure.

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 Chapter 22, Title 16 of the California Code of Regulations (CCR).

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

MAJOR PROJECTS:

Implementation of SB 2229. Pursuant to Business and Professions Code section 7218, enacted in 1988, the Board is conducting a study of the feasibility of developing programs to license



REGULATORY AGENCY ACTION

providers of signal dogs for the deaf and service dogs for the physically disabled. The Board is currently evaluating accessibility laws guaranteeing the rights of guide, signal, and service dog users to travel unimpeded and to enter all places of public accommodation. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 59; Vol. 9, No. 1 (Winter 1989) p. 48; and Vol. 8, No. 4 (Fall 1988) p. 56 for background information.)

In addition to numerous hearings last summer and fall, the Board held public hearings on these issues on November 2 in Sylmar; November 3 in Santa Barbara; December 4 in San Diego; and January 17 in San Jose. The concerns presented at the hearings focused on statutory definitions of the terms "deaf," "physically disabled," "signal dogs," "service dogs," and "trainers" of those dogs; costs and burdens placed on schools and trainers if regulated by the Board; level of certification and licensing for schools and trained animals; and public accessibility of signal and service dogs and their owners.

The January 17 hearing concluded the schedule of public hearings. The Board is currently planning a meeting to discuss the issues raised at the hearings. The Board is to identify areas of the law requiring legislative attention, note its concerns, and make appropriate recommendations. The Board must complete its study and report back to the legislature on or before June 30.

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 (BHF) is charged with regulating the home furnishings and insulation industries in California. As a division of the state Department of Consumer Affairs, 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, insulation, and dry cleaning industries. The

Bureau is established in Business and Professions Code section 19000 *et seq.*

The Bureau establishes rules regarding furniture and bedding labeling and sanitation. To enforce its regulations, which are codified in Chapter 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 Attorney 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.

The Bureau is also charged with the registration of dry cleaning plants throughout the state. The registration process includes submission of information regarding the plant's onsite storage, treatment, and disposal of toxic wastes. The Bureau, however, has no enforcement authority regarding this function.

The Bureau is assisted by a thirteen-member Advisory Board consisting of seven public members and six industry representatives.

MAJOR PROJECTS:

Consumer Assistance Program. The Bureau recently completed a full restructuring of its Consumer Assistance Program. BHF Consumer Assistant Jo Hakala, with the assistance of Chief Damant, redesigned the way in which the Bureau responds to consumer complaints regarding furniture and bedding licensees. Hakala described the revamped system at the Advisory Board's December 5 meeting in Los Angeles.

Previously, consumer complaints regarding licensees were required to be submitted in written form. Once received, the Bureau would forward the complaint to the subject firm for its comments and possible solutions. The process proved to be time-consuming and generally ineffective. Under the new system, Hakala attempts to resolve all disputes over the telephone. Written complaints are not required unless the level of complexity demands it.

The restructured program should benefit both consumers and licensees. Consumers are now offered quicker and more effective assistance with their problems. Additionally, consumer complaints often involved expenditures of licensee time and money. The Bureau is now able to expedite resolution of the

dispute. Advisory Board Chair John McNeill requested that Hakala report back to the Board at a future meeting with specific numbers regarding the program's effectiveness.

Update on Other BHF Projects. During spring 1990, the Bureau plans to re-propose regulations regarding higher flammability standards for furniture used in public occupancy buildings. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 59 for background information.)

In other action, the Bureau's long-awaited question and answer booklets were finally made available in December. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 61 for background information.) The two booklets, entitled *Don't Remove The Tag* and *Check The Tag*, address the most common concerns of consumers and licensees.

RECENT MEETINGS:

At the Advisory Board's December meeting, Chief Damant announced that two recent disciplinary actions against product manufacturers have ended in settlement. Purofied Down Products of Ridgefield, New Jersey, and HTB Contemporary/Hickory Tavern Furniture of Conover, North Carolina, have agreed to pay \$47,000 and \$34,000, respectively, in civil penalties. The Bureau's inspectors found that although Purofied was labeling certain products as containing a minimum of 75% down, the products in fact contained on average only 50% of the fill material. Regarding HTB, the Bureau had charged the manufacturer with violating various furniture flammability and labeling requirements.

Also at the December 5 meeting, the Bureau's Advisory Board elected Raymond Curry as Chair and Valerie Celestin as Vice-Chair. The two will serve throughout 1990.

FUTURE MEETINGS:

June 12 in San Diego.

September 11 in San Francisco.

December 11 in Los Angeles.

BOARD OF LANDSCAPE ARCHITECTS

Executive Officer: Jeanne Brode
(916) 445-4954

The Board of Landscape Architects (BLA) licenses those who design landscapes and supervise implementation of design plans. To qualify for a license, an