



tions are found in Chapter 24, Title 16 of the California Code of Regulations (CCR).

BCSR licenses and disciplines shorthand reporters; recognizes court reporting schools; and administers the Transcript Reimbursement Fund, which provides shorthand reporting services to low-income litigants otherwise unable to afford such services.

The Board consists of five members—three public and two from the industry—who serve four-year terms. The two industry members must have been actively engaged as shorthand reporters in California for at least five years immediately preceding their appointment.

MAJOR PROJECTS:

Education Committee. The Board's Education Committee, which was formed to study the Board's school curriculum requirements as set forth in section 2411, Chapter 24, Title 16 of the CCR, was formerly composed primarily of representatives from various shorthand reporter schools. The Board currently seeks to involve shorthand reporter firm owners in the Education Committee. Because firm owners see the end product of shorthand reporter schools, they should be able to add valuable insight to this Committee. Executive Officer Richard Black will contact firm owners and ask them to serve on the Committee. As soon as the Committee is reformed, it will resume study of section 2411, with possible informational hearings to follow. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 79 and Vol. 9, No. 2 (Spring 1989) p. 75 for background information.)

English Examination. The Board has awarded a contract for the review of its English exam to Hoffman Research. Although the Board is generally pleased with the English portion of its exam, it is seeking input from Hoffman as to possible improvements.

School Visitations. Three schools (Achieve Success in Nevada City and Barclay College in Cypress and Los Angeles) recently applied for recognition by BCSR. Board members will select dates to visit these schools and develop a site visit schedule. Achieve Success in Auburn and Barclay College in Lawndale recently gained provisional recognition.

LEGISLATION:

AB 1438 (Burton) would require the

official reporter of felony cases, unless otherwise directed by the court, to certify a daily transcript of the proceedings if the court estimates that the case will involve twenty court days or more. This bill is pending in the Senate Judiciary Committee.

AB 1439 (Burton) would require all criminal proceedings in open court in superior, municipal, and justice court involving a defendant charged with a felony to be conducted on the record with a stenographic reporter in attendance. This bill is pending in the Senate Judiciary Committee.

AB 459 (Frizzelle) would have allowed a BCSR licensee whose license has expired to renew that license at any time, without regard to length of delinquency and without requirement of reexamination, so long as continuing education requirements have been fulfilled and the appropriate fees have been paid. This bill was dropped by its author.

SB 1186 (Stirling) would provide that, notwithstanding any other provisions of law, an appellate court may grant an extension of time for the preparation of a reporter's transcript in a civil appeal to that court upon a showing of good cause. This bill is pending in the Assembly Judiciary Committee.

Future Legislation. The Board's Transcript Reimbursement Fund, originally established in 1981, provides shorthand reporting services to low-income litigants in civil cases. In the last nine years, the Fund disbursed \$1.9 million. Because the Fund is scheduled to sunset on June 30, 1991, the Board plans to introduce a bill extending the Fund for an additional five years.

RECENT MEETINGS:

At BCSR's November 10 meeting, Sue Coleman from West Valley College asked the Board how it would administer the certified shorthand reporter written exam to a blind examinee, since a blind student who attends her school will be eligible to take the exam next year. Since the volume of material an examinee must absorb during the written exam is so great, merely reading the test to a blind examinee may disadvantage him/her. The Board currently has no policy to cover such a situation and will discuss this issue at a future Board meeting.

The Board's October 27 Planning Session in San Francisco was postponed due to the earthquake. The Board

rescheduled this planning session for February 9-10 in Santa Clara.

Representatives from appellate courts attended the Board's December 16 meeting to discuss delinquent transcripts. These representatives will be working in conjunction with Board members and other interested parties to determine how to reduce the number of delinquent transcripts.

FUTURE MEETINGS:

May 18 in San Francisco.

STRUCTURAL PEST CONTROL BOARD

Registrar: Mary Lynn Ferreira
(916) 924-2291

The Structural Pest Control Board (SPCB) is a seven-member board functioning within the Department of Consumer Affairs. The SPCB is comprised of four public and three industry representatives. SPCB's enabling statute is Business and Professions Code section 8500 *et seq.*; its regulations are codified in Chapter 19, Title 16 of the California Code of Regulations (CCR).

SPCB licenses structural pest control operators and their field representatives. Field representatives are allowed to work only for licensed operators and are limited to soliciting business for that operator. Each structural pest control firm is required to have at least one licensed operator, regardless of the number of branches the firm operates. A licensed field representative may also hold an operator's license.

Licensees are classified as: (1) Branch 1, Fumigation, the control of household and wood-destroying pests by fumigants (tenting); (2) Branch 2, General Pest, the control of general pests without fumigants; (3) Branch 3, Termite, the control of wood-destroying organisms with insecticides, but not with the use of fumigants, and including authority to perform structural repairs and corrections; and (4) Branch 4, Roof Restoration, the application of wood preservatives to roofs by roof restorers. Branch 4 was enacted by AB 1682 (Sher) (Chapter 1401, Statutes of 1989); licensing and regulation of individuals practicing in Branch 4 will commence after July 1, 1990. An operator may be licensed in all four branches, but will usually specialize in one branch and subcontract out to other firms.



SPCB also issues applicator certificates. These otherwise unlicensed individuals, employed by licensees, are required to take a written exam on pesticide equipment, formulation, application and label directions if they apply pesticides. Such certificates are not transferable from one company to another.

SPCB is comprised of four public and three industry members. Industry members are required to be licensed pest control operators and to have practiced in the field at least five years preceding their appointment. Public members may not be licensed operators. All Board members are appointed for four-year terms. The Governor appoints the three industry representatives and two of the public members. The Senate Rules Committee and the Speaker of the Assembly each appoint one of the remaining two public members.

MAJOR PROJECTS:

Inspection Form Revised. Section 1996(a), Title 16 of the CCR, requires all inspections for structural pests to be reported in compliance with section 8516 of the Business and Professions Code. Section 8516 presently requires a registered structural pest control company to prepare a written inspection report when an inspection has been made on any premises. Prior to 1988, this statute did not require a specific report format; consequently, diverse formats are currently used in the industry. Such diversity creates confusion for the consumer and possible inconsistencies in the reports themselves.

AB 4274 (Bane), signed into law September 1988, amends section 8516, and requires changes in the contents of the inspection reports. The bill also requires a form which can be easily understood for escrow purposes. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 81; Vol. 9, No. 3 (Summer 1989) p. 72; and Vol. 9, No. 1 (Winter 1989) p. 65 for background information on AB 4274.) The Board recently proposed an amendment to regulatory section 1996(a), to require the use of a standardized inspection report form which would comply with AB 4274, and would be used by all industry members.

On October 13, the Board held a public hearing to address the proposed form and amendment to section 1996(a). Some industry members expressed concern that the proposed changes in the form are incompatible with dot matrix printers, and would require industry

members to purchase laser printers, resulting in an overall cost increase to the consumer. However, the majority of the Board stated there was not sufficient evidence that dot matrix printers were inadequate. They further stated that increased costs, if any, were not great enough to offset the benefit to the consumer. The Board adopted the form and the proposed amendment; at this writing, the rulemaking record is being prepared for submission to the Office of Administrative Law (OAL). If the regulatory action is approved by OAL, the revised form will be put into use by January 1, 1991.

Changes in Report Form Guidelines. AB 4274 also requires that, upon request, a company must state on the inspection report the conditions causing infestation. At its August 1989 meeting, the Board adopted guidelines consistent with this legislation, creating a Section I/Section II separated report format. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 81 and Vol. 9, No. 1 (Winter 1989) p. 65 for background information.) Under the guidelines, areas in a structure which are visibly infested or infected, or which reveal structural weakening, must be listed in Section I. Section II items include those areas in a structure found to be conducive to infestation or infection. At its August 1989 meeting, the Board voted to designate sheet rock and particle board which had been damaged by water as Section I items. However, the California Association of Realtors subsequently expressed its view that these materials should be classified as Section II items. The realtors opined that these materials, when damaged by water, rarely show evidence of infestation, but are only conducive to developing infestation. During its November 1989 meeting, the Board voted to reclassify water-damaged sheet rock and particle board as Section II items.

Branch 4 Implementation. AB 1682 (Sher) (Chapter 1401, Statutes of 1989) establishes a new branch of pest control practice—Branch 4 (Roof Restoration). Roof restoration requires the application of fungicidal agents to roofs to prevent the deterioration and destruction of wood structures. After July 1, 1990, the bill requires that individuals practicing in this field be licensed and regulated. Prior to July 1990, SPCB must prepare an examination for this new group of licensees. As this licensing category will be an entirely new program for which there is currently no funding, the Board

has requested additional funding to implement this program.

Certified/ Applicator Examination/ Certification. AB 908 (Killea), signed by the Governor in September 1989 (Chapter 641, Statutes of 1989), requires that certified applicators be retested every third year and that all current certified applicators be retested between January 1, 1990 and January 1, 1991. Recertification on a three-year basis will require applicators to stay current with changes in chemical application technology. The Board is requesting additional funding in order to implement the retesting/recertification requirement.

Draft Regulatory Change Approved. At its October 13 meeting, SPCB also approved draft language for an amendment to section 1970.4, Chapter 19, Title 16 of the CCR. The amendment would require the owner or designated agent of any multiple-unit dwelling to provide certification to a structural pest control company that all occupants have been informed of a scheduled fumigation pursuant to the requirements of section 1970.4; no work may commence until the certification is provided. This proposed language will be published and noticed for a public hearing in the near future.

LEGISLATION:

AB 459 (Frizzelle) would have enabled Board licensees who have allowed their licenses to expire to renew those licenses at any time, regardless of the length of delinquency and with no reexamination requirement, so long as continuing education requirements are fulfilled and the appropriate fees are paid. This bill was dropped by its author.

Proposed Legislation. The Pesticide Control Operators of California plans to propose legislation which would require the SPCB to approve of all materials, methods, and procedures used for structural pest control in California.

RECENT MEETINGS:

At its November 30 meeting, SPCB discussed its current fund condition and the need to re-establish fees for inspection and completion stamps. The Board moved to have staff prepare language which would establish the fee for the Pesticide Use Stamp at \$4. The Board also moved to have the staff prepare language which would establish the fee for Inspection and Completion Stamps at \$1. Both these items were scheduled for



public hearing at the February Board meeting in San Francisco.

At its October 13 meeting, the Board held open elections for SPCB's officers. Dr. Irene Fabrikant, a public member of the Board since November 1985, was unanimously elected President, replacing James Steffenson. William Jones, an industry Board member since September 1986, was elected Vice-President. Both officers will serve for two years.

FUTURE MEETINGS:

May 4 in Orange County.

TAX PREPARER PROGRAM

Administrator: Don Procida
(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 Chapter 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 completed 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.

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 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.

RECENT MEETINGS:

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

FUTURE MEETINGS:

To be announced.

BOARD OF EXAMINERS IN VETERINARY MEDICINE

Executive Officer: Gary K. Hill
(916) 920-7662

Pursuant to Business and Professions Code section 4800 *et seq.*, the Board of Examiners in Veterinary Medicine (BEVM) licenses all veterinarians, veterinary hospitals, animal health facilities, and animal health technicians (AHTs). Effective May 1990, the Board will evaluate applicants for veterinary licenses through three written examinations: the National Board Examination, the Clinical Competency Test, and the California Practical Examination.

The Board determines through its regulatory power the degree of discretion that veterinarians, AHTs, and unregistered assistants have in administering animal health care. BEVM's regulations are codified in Chapter 20, Title 16 of the California Code of Regulations (CCR). All veterinary medical, surgical, and dental facilities must be registered with the Board and must conform to minimum standards. These facilities may be inspected at any time, and their registration is subject to revocation or suspension if, following a proper hearing, a facility is deemed to have fallen short of these standards.

The Board is comprised of six members, including two public members. The Animal Health Technician Examining Committee consists of two licensed veterinarians, three AHTs, and two public members.

MAJOR PROJECTS:

Teeth Cleaning Controversy. On March 22, 1989, Department of Consumer Affairs (DCA) Director Michael Kelley rejected BEVM's proposed regulatory section 2037, which would have clarified the term "dental operation" to include the use or application of any instruments or devices to any portion of an animal's teeth or gums for specified purposes, including preventive dental procedures such as the removal of tartar or plaque from an animal's teeth.

This section would have allowed such operations to be performed only by a licensed veterinarian or veterinarian-supervised AHT. It would not prevent dog groomers from providing the cosmetic service of cleaning an animal's teeth with a toothbrush, dental floss, gauze, or similar items. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 82; Vol. 9, No. 1 (Winter 1989) p. 66; and Vol. 8, No. 4 (Fall 1988) pp. 75-76 for detailed background information.)

In his March 22 letter, Mr. Kelley indicated that the restrictions imposed by proposed section 2037 on groomers' teeth cleaning activities would deprive the public of an affordable and valuable service. Apparently, one reason for Mr. Kelley's position is his finding that veterinarians' fees for cleaning teeth are much higher than fees charged by groomers for the same service. The Board recently wrote Mr. Kelley, asking the director to state his source of information on veterinarian fees for teeth cleaning. Mr. Kelley responded that his source was the public testimony included in the rulemaking file BEVM submitted for Office of Administrative Law (OAL) review.

The Board believes the veterinarian fees reported in the rulemaking file were overstated. BEVM's legal counsel Don Chang verified that only those who were opposed to section 2037 testified to fees charged by veterinarians during the rulemaking proceeding. Additionally, BEVM member Dr. Stiern conducted an informal survey of 106 veterinarians. His results indicate that vet fees for teeth cleaning are much lower than indicated in the public testimony. The Board plans to include this survey and additional public testimony in the rulemaking file when section 2037 is resubmitted.

At its November 29 meeting, the Board made what it considers to be non-substantial changes to proposed section 2037, and published these changes for the required fifteen-day public comment period.

Other Regulatory Action. On November 30, the Board held a public hearing on proposed amendments to regulatory section 2014, which would change grading of the California Practical Examination from fixed percentage to a criterion-reference scoring method. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 83 for the history of proposed amendments to section 2014.) Following the hearing, BEVM adopted the