



REGULATORY AGENCY ACTION

CEMETERY BOARD

Executive Officer: John Gill
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The Cemetery Board's enabling statute is the Cemetery Act, Business and Professions Code section 9600 *et seq.* The Board's regulations appear in Chapter 23, Title 16 of the California Code of Regulations (CCR).

In addition to cemeteries, the Cemetery Board licenses cemetery brokers, salespersons, and crematories. Religious cemeteries, public cemeteries, and private cemeteries established before 1939 which are less than ten acres in size are all exempt from Board regulation.

Because of these broad exemptions, the Cemetery Board licenses only about 185 cemeteries. It also licenses approximately 45 crematories, 200 brokers, and 1,200 salespersons. A license as a broker or salesperson is issued if the candidate passes an examination testing knowledge of the English language and elementary arithmetic, and demonstrates a fair understanding of the cemetery business.

MAJOR PROJECTS:

Regulatory Changes. At its March 22 meeting in San Francisco, the Board held a public hearing on the proposed repeal of section 2370(e) of its regulations, because it refers to obsolete Civil Code sections 2228-2239 and 2261. Section 2370(e) pertains to the handling of trusts. Following the hearing, the Board approved the repeal; at this writing, the Board is preparing the rulemaking file on this change for submission to the Office of Administrative Law (OAL).

On March 30, OAL approved the Board's amendments to section 2340 of its regulations, regarding crematory recordkeeping. (See CRLR Vol. 10, No. 1 (Winter 1990) pp. 59-60; Vol. 9, No. 4 (Fall 1989) p. 48; and Vol. 9, No. 3 (Summer 1989) p. 43 for background information.) These regulatory changes are now in effect.

Endowment Care Fund Rates. The Board was unsuccessful in obtaining an author to introduce legislation to amend section 8738 of the Health and Safety Code to increase endowment care fund rates. (See CRLR Vol. 10, No. 1 (Winter 1990) p. 60 and Vol. 9, No. 4 (Fall 1989) p. 48 for background information.) The Board hopes to introduce this legislation next year. Along with increasing endowment care fund rate minimums, the Board also seeks to clarify when this money is due. The Code says the money is due "when the sale is

complete." However, differing opinions as to when a sale is considered complete are causing enforcement problems for Executive Officer John Gill. The Board may attempt to clarify this phrase administratively.

Accusation Filed Against Pomona Cemetery Association. John Gill has brought a disciplinary accusation against the Pomona Cemetery Association. The complaint alleges that the Association engaged in commingling human remains by placing ashes from various cremations in aluminum cans and burying them across the street from the cemetery. A hearing on the matter is scheduled for September 19-21 before an administrative law judge.

LEGISLATION:

SB 2244 (Davis), as amended May 30, would increase fees for permits to dispose of human remains, and specify how the fees are to be allocated. The bill also establishes the Commission on Peace Officer Standards and Training (POST) Fund in the general fund for purposes of coroner education and training. This bill is pending in the Senate Appropriations Committee.

AB 2801 (Hauser), as introduced February 7, would exempt the reburial of Native American human remains, under an agreement or recommendation between landowners and Native Americans, from misdemeanor charges for depositing human remains in a place other than in a cemetery. This bill is pending in the Senate Health and Human Services Committee.

AB 2758 (Eastin), as amended June 7, would exempt a cemetery which disposes specified materials on cemetery grounds from the Solid Waste Disposal Site Hazard Reduction Act of 1989. This bill has been passed by both houses and has been returned to the Assembly for a concurrence vote.

AB 3427 (Eastin), as amended May 25, would provide that an applicant for a temporary cemetery salesperson's license shall pay the same fee as that of an applicant for a cemetery salesperson's license, provide that the fee shall be fixed by the Board at no more than \$30, and make other technical, corresponding changes. (See CRLR Vol. 10, No. 1 (Winter 1990) p. 60 and CRLR Vol. 9, No. 4 (Fall 1989) p. 48 for background on salesperson licensing.) This bill is pending in the Senate Business and Professions Committee.

RECENT MEETINGS:

At its March 22 meeting, the Board considered a number of licensing appli-

cations, including two applications for certificates of authority, three applications for crematory licenses, eight applications for corporate cemetery broker licenses, and two applications for an individual cemetery broker license.

FUTURE MEETINGS:

To be announced.

BUREAU OF COLLECTION AND INVESTIGATIVE SERVICES

Chief: Alonzo Hall
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The Bureau of Collection and Investigative Services (BCIS) is one of over forty separate regulatory agencies within the Department of Consumer Affairs (DCA). The Chief of the Bureau is directly responsible to the director of the Department.

Pursuant to the Collection Agency Act, Business and Professions Code section 6850 *et seq.*, the Bureau regulates the practices of collection agencies in California. Collection agencies are businesses that collect debts owed to others. The responsibility of the Bureau in regulating collection agencies is two-fold: (1) to protect the consumer/debtor from false, deceptive, and abusive practices and (2) to protect businesses which refer accounts for collection from financial loss. The Bureau also plays an important role in protecting collection agencies from unlawful competition by the detection and prohibition of unlicensed activity within the industry.

In addition, eight other industries are regulated by the Bureau, including private security services (security guards and private patrol operators), repossessioners, private investigators, alarm company operators, protection dog operators, medical provider consultants, security guard training facilities, and locksmiths.

Private Security Services. Regulated by the Bureau pursuant to Business and Professions Code section 7544 *et seq.*, private security services encompass those who provide protection for persons and/or property in accordance with a contractual agreement. The types of services provided include private street patrols, security guards, watchpeople, body guards, store detectives, and escort services. Any individual employed to provide these services is required to register with the Bureau as a security guard. Any security guard who carries a firearm and/or baton on the job must possess a firearm permit issued by the Bureau. The Bureau operates to protect