



The Board is authorized under Business and Professions Code section 7600 *et seq.* The Board consists of five members: two Board licensees and three public members. In carrying out its primary responsibilities, the Board is empowered to adopt and enforce reasonably necessary rules and regulations; these regulations are codified in Chapter 12, Title 16 of the California Code of Regulations (CCR).

## MAJOR PROJECTS:

*Proposed Regulatory Changes.* At this writing, the Board is continuing to prepare the rulemaking package on proposed section 1262, Chapter 12, Title 16 of the CCR, which would prohibit the practice of "constructive delivery" of merchandise purchased under a preneed trust arrangement. (See CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) p. 89; Vol. 10, No. 1 (Winter 1990) pp. 68-69; and Vol. 9, No. 4 (Fall 1989) p. 57 for extensive background information.)

In July, the Board continued discussion regarding proposed changes to section 1267, which would require that certain financial records be maintained by funeral establishments. (See CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) pp. 89-90 for background information.) Following the discussion, the Board agreed that such changes are not necessary at this time.

## LEGISLATION:

*SB 722 (Hill).* As amended August 15, this bill requires that all vital statistic certificates relating to births and deaths be completed in a manner consistent with the policies established by the State Registrar. In the event that a vital statistic certificate is not completed in such a manner, local registrars must require further information prior to acceptance for registration. This bill was signed by the Governor on September 17 (Chapter 972, Statutes of 1990).

*SB 26 (Lockyer)* would have, among other things, amended section 7739 of the California Business and Professions Code to provide that a person who willfully violates the laws regarding preneed trusts is guilty of a Class E felony, punishable by no more than six months in county jail or a \$500 fine, or both. This bill was vetoed by the Governor on September 30.

## LITIGATION:

The lawsuit filed by Funeral Securities Plans, Inc. (FSP) against the Board of Funeral Directors and Embalmers (No. 512564, Sacramento County Superior Court) alleging that the Board violated the Bagley-Keene Open Meeting Act, Government Code section 11120 *et*

*seq.*, has prompted the Board to file a cross-complaint against FSP alleging, among other things, that the complaint against the Board is frivolous. In its cross-complaint, the Board alleges that the suit was brought by FSP for no reason other than to gain access to confidential Board information via the discovery process. (See CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) pp. 90-91 for extensive background information on this action.) At this writing, both parties are involved in discovery.

The Second District Court of Appeal recently issued a writ of mandate granting standing to sue to a class of plaintiffs who brought an action against several mortuary and crematorium defendants for the intentional and negligent mishandling of corpses and human remains. In *Unidentified Relatives or Family Members Who Claim Standing As Individual Plaintiffs in Sconce/Lamb Cremation Cases v. Superior Court (Pasadena Crematorium of Altadena, et al.)*, No. B042719 (June 28, 1990; as modified July 27, 1990), plaintiffs allege that the defendants improperly handled the remains of as many as 16,000 decedents and removed organs from approximately 1,000 decedents. Their complaint alleges that between 1980 and January 1987, defendants "mutilated decedents' remains by removing and 'harvesting' organs and body parts, performed multiple cremations;...commingled decedents' cremated remains with those of other decedents, and with nonhuman residue; [and] extracted gold and other metals from decedents' remains," among other allegations.

The trial court's pretrial order limited the plaintiff class to those persons who contracted for mortuary services and the individuals entitled to control the disposition of the remains at the time of the decedent's death. The appellate court revised this order, and granted standing to sue for negligent mishandling to relatives living in the same household as decedent and decedent's parents, siblings, children, grandchildren, and grandparents; the court further granted all family members and close friends standing to sue for intentional mishandling of decedents' remains. (See *supra* agency report on CEMETERY BOARD for further information on this case.)

One of the mortuary defendants, Lamb Funeral Home, has had its license revoked by the Board for charges and complaints filed against it in connection with this action.

## RECENT MEETINGS:

At the Board's July 27 meeting in San Diego, the Board discussed its present

and projected fund condition and its need for increased revenue. The Board considered possible action regarding license fee increases; the matter was referred to the Budget Committee and will be discussed again at upcoming meetings.

Also at its July 27 meeting, the Board discussed a recommendation that it convert from the present annual license renewal schedule to an anniversary date renewal schedule. The Board would derive many benefits from changing the license renewal schedule from the present system (under which all licenses expire at the same time each year), to a schedule where each licensee must renew on his/her original license application anniversary date.

For example, the administrative work associated with processing license renewals would be spread out more evenly over the year, rather than concentrated at one time. Also, distributing the renewal dates throughout the year would help to alleviate the Board's cash flow problems by guaranteeing a steady flow of revenue rather than one lump sum each year. Finally, the Board would be able to experience somewhat of a windfall the first year; such a system is sometimes implemented due to the fact that some licensees' anniversary dates will be relatively close to the old system's annual renewal date. This windfall could help the Board's depressed financial condition.

## FUTURE MEETINGS:

January 24 in San Francisco (tentative).

## BOARD OF REGISTRATION FOR GEOLOGISTS AND GEOPHYSICISTS

*Executive Officer: John E. Wolfe*  
(916) 445-1920

The Board of Registration for Geologists and Geophysicists (BRGG) is mandated by the Geology 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 Chapter 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



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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 two full-time employees (Executive Officer John Wolfe and his secretary) 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.

## MAJOR PROJECTS:

*Regulatory Changes.* Earlier this year, BRGG adopted new regulatory sections 3022, 3028, and 3029, and an amendment to section 3305, Chapter 29, Title 16 of the CCR. (See CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) pp. 91-92 and Vol. 10, No. 1 (Winter 1990) p. 71 for background information.) On August 20, the Office of Administrative Law (OAL) approved the proposed changes to sections 3028 and 3029, which implement the Permit Reform Act of 1981 by setting forth processing deadlines for licensure and renewal applications.

According to BRGG, OAL has also approved the proposed change to section 3305, which increases the fee for application for registration as a geologist or geophysicist from \$40 to \$60. However, BRGG withdrew section 3022, which would specify criteria for approval of a foreign school's curriculum in geology or geophysics. BRGG was scheduled to discuss possible amendments to this regulatory proposal at its October 22 meeting.

*Enforcement.* At BRGG's June 5 meeting, Executive Officer John Wolfe reported that the Board had received a letter from the Federal Trade Commission thanking the Board for its help in the investigation of the Lights Creek Placer Mine in Plumas County. Geologic reports prepared by unlicensed individuals were part of the promotional scheme in the mining venture. The Board has received inquiries from the public and other regulatory agencies about the registration of geologists involved in other gold mining ventures in California.

*Examinations.* BRGG has continued its discussion on ways to improve its examination process, including offering the examinations more than once a year and making the examinations compatible for computerized grading. (See CRLR Vol. 10, No. 1 (Winter 1990) p. 70 for background information.) The implementation of an improved examination procedure would help to alleviate the large number of applications currently under review by the Board. At its June 5 meeting, Executive Officer John Wolfe reported that there are 847 new applications for the geology registration examination, 317 for the engineering geology examination, and 30 for the geophysics examination.

The Board has participated in discussions with other organizations concerning the possibility of developing a national examination for geology. At BRGG's June meeting, the American Institute of Professional Geologists made a presentation to the Board regarding a national examination which would be available to any interested state boards. BRGG will address this matter at future meetings.

## LEGISLATION:

*AB 469 (Harvey),* which increases 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, was signed by the Governor on August 7 (Chapter 469, Statutes of 1990).

*AB 3242 (Lancaster),* as amended July 27, provides that a person who engages in any business for which a license is required may not bring an action for compensation for performance of any act for which a license required without proving that he/she was licensed at the time of the performance of the act. This bill was signed by the Governor on September 21 (Chapter 1207, Statutes of 1990).

## RECENT MEETINGS:

At its July 30 meeting, BRGG reelected James Weddle as Board Presi-

dent and elected Karen Melikian as Vice-President.

Also at its July 30 meeting, BRGG reported that, if approved, its 1990-91 budget will be \$433,413; this figure includes funding for proposed additional staff and costs associating with joining the Association of State Boards of Geology.

## 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 completed its study regarding the feasibility of developing programs to license providers of signal dogs for the deaf and service dogs for the physically disabled. The Board also evaluated accessibility laws guaranteeing the right of guide, signal, and service dog users to travel unimpeded and enter all places of public accommodation.

On June 30, the Board submitted its findings to the legislature in a final report entitled *Report to the Legislature: Guide, Signal and Service Dogs*. The final report was based on the product of two earlier drafts which were distributed for public comment. At its May 4 meeting, the Board reviewed the second draft, agreed to incorporate several changes into the report, and adopted the second draft, as amended. (See CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) pp. 92-94; Vol. 10, No. 1 (Winter 1990) pp.