



**Regulatory Recap.** On September 19, OAL approved SPCB's proposed changes to sections 1948 and 1997, Chapter 19, Title 16 of the CCR, which increase licensing fees effective July 1, 1990 for numerous items, including duplicate licenses, change of branch office address, change of bond or insurance, inspection report filing, and application examination. (See CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) p. 124 for background information.)

On September 20, OAL approved the Board's proposed changes to section 1992 of its regulations, which will require the name of the person or agent who requested or authorized the completion of secondary treatment to be included on any billing or completion document, to ensure that all interested persons are aware of the individual or company who requested a secondary treatment in lieu of a primary treatment. (See CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) p. 124 for background information.)

On July 20, OAL disapproved the Board's proposed addition of section 1990(c) to its regulations, which pertains to structural inspections for wood destroying pests or organisms. (See CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) p. 125 for background information.) SPCB had proposed to add the regulation to require that an inspection also covers wood decks, wood patios, and other similar structures which touch or connect with the structure being inspected, unless the report is a "limited report." OAL disapproved the proposed amendments on grounds that SPCB failed to comply with the clarity standard of Government Code section 11349.1, failed to summarize and respond to each public comment made regarding the proposed action, and failed to include in the rulemaking file all required documents.

#### LEGISLATION:

**AB 4050 (Sher)**, as amended August 28, would have required the registration of a structural pest control device, as defined, with the state Director of Health Services before the device may be used or offered for sale in this state, and would have made it unlawful to manufacture, deliver, distribute, sell, possess, or use any such device which is not registered. This bill also would have required a registered company, upon receipt of a prescribed written complaint from a customer during a guarantee period for pest control work, to conduct a reinspection for not more than the price of the original inspection or \$100, whichever is less, within a reasonable

time, and to treat the premises to eradicate an infestation covered under the guarantee at no additional cost or refund the original amount paid. This bill was vetoed by the Governor on September 30.

#### RECENT MEETINGS:

At its July 12 meeting, the Board adopted a Technical Advisory Committee recommendation that an inspection report should be issued whenever an inspector goes to a property or expresses an opinion, except when performing a quality control inspection, or when reviewing and clarifying to a consumer an existing report prior to issuance of a notice of work completed. In conjunction with this action, the Board agreed to send a specific notice to all Branch 3 licensees indicating that inspection reports are not required under the following circumstances: (1) if a company representative returns to the property prior to the Notice of Work Completed and Not Completed being prepared; (2) when a company representative meets with the consumer/agent to explain what work is required or has been completed (after the initial inspection) and there is no change from the initial findings; (3) when clarification of the original inspection form is required; (4) when a representative of a registered company is performing a quality control check on work performed or in progress; and (5) when inspections are performed in compliance with "control service agreement" provisions. In any other case where an opinion is rendered or a statement is made regarding the presence or absence of wood-destroying pests, a report must be issued and filed.

#### FUTURE MEETINGS:

January in Monterey (date to be announced).

#### TAX PREPARER PROGRAM

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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 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.

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.

#### LEGISLATION:

**AB 3242 (Lancaster)**, as amended July 27, is the Department of Consumer Affairs' omnibus bill. The bill prohibits the use of experience gained in violation of the Tax Preparer Act towards a tax preparer's or tax interviewer's registration requirements; changes the existing two-year registration renewal system to an annual renewal requirement of registration for tax preparers and tax interviewers; and provides that a tax preparer who does not renew his/her registration within three years of its expiration must obtain a new registration. This bill was signed by the Governor on September 21 (Chapter 1207, Statutes of 1990).

#### 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*  
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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