



directors' practice of advertising "cremation services." The Cemetery Board, which licenses crematories, has long contended that it is unlawful for funeral directors who are non-Cemetery Board licensees to advertise in telephone directories under the "cremation services" heading, because non-Cemetery Board licensees are not legally authorized to perform cremations. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 48; Vol. 7, No. 4 (Fall 1987) p. 43; and Vol. 7, No. 3 (Summer 1987) pp. 62-63 for extensive background information.)

The letter written by the Cemetery Board presented a list of suggested directory headings for use by funeral directors in the telephone directory. The Funeral Directors Board generally agreed with the information stated and the suggestions made by the Cemetery Board. However, it noted that the Cemetery Board had omitted the "cremation services" heading in its list of suggestions, and stated its opinion that it is not a violation of the laws administered by the Board of Funeral Directors and Embalmers for funeral directors to be listed under the heading "cremation services", whether or not licensed by the Cemetery Board.

At its September 22 meeting, the Board approved the mailing of a response letter to all funeral directors which would convey this opinion. The response letter also noted that, while the Cemetery Board has no authority to take administrative disciplinary action against funeral director licensees, it could conceivably institute legal action against funeral directors which it believes to be advertising in violation of the law. In addition, the Cemetery Board could refer cases to other law enforcement officials.

In its response letter, the Board also recommended that funeral directors refrain from using terms such as "cremation", "burial", "interment", or "entombment" standing alone, unless they are licensed by the Cemetery Board. In order to clearly and accurately communicate the role of funeral directors who are not licensed by the Cemetery Board, the Board suggested the use of such phrases as "cremation arrangements", "interment services", "graveside services" or similar terms.

RECENT MEETINGS:

At its November 17 meeting in San Francisco, the Board approved a series of various applications. The Board approved applications by fourteen employers to employ apprentice embalmers; the

issuance of 35 certificates of registration to apprentice embalmers; and the issuance of six embalmers' licenses.

In addition, the Board approved its 1989 meeting schedule.

FUTURE MEETINGS:

March 30 in Long Beach.

May 25 in Eureka.

July 27 in Ventura.

September 28 in Monterey.

BOARD OF REGISTRATION FOR GEOLOGISTS AND GEOPHYSICISTS

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

The Board of Registration for Geologists and Geophysicists (BRGG) was created by statute in 1969. This eight-member 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 educational requirements and have the equivalent of seven years of professional experience in his/her field. This requirement may be satisfied with a combination of education from a school with a Board-approved program in geology or geophysical science, and qualifying field experience.

The Board has the power to 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 Board is composed of five public members and three professional members. 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:

Examinations. At the Board's October 24 meeting, Executive Officer John Wolfe recommended that only one exam in each field be given in 1989. In 1988, 519 applicants took exams required for BRGG certification, and the current number of Board staff is insufficient to review the exams and complete other required work. The posting date for exam results was delayed, and the appeals procedure is very slow. Board

members expressed concern that it would be unfair to qualified applicants not to administer the test twice per year, as is currently the practice. The Board decided to press the legislature to raise the ceiling on its licensing fees in 1989, so it can hire additional staff to cope with the increased workload.

The Board also decided to review its mutual recognition policy with other states. Currently, BRGG recognizes the exams of certain states as substitutes for California's exam. Board members are concerned that these exams have not been reviewed in some time. The Examination Committee was instructed to obtain copies of the exams from states with whom California maintains this mutual recognition program, and review them for uniformity with California's exam.

Budget. The Board filed three budget change proposals (BCPs) in 1988. The first was a mid-year revision requesting more money to investigate a fraud complaint about a man who has since moved to New Mexico. The second proposal asked for an additional \$14,000 to hire a half-time staff worker. The third change requests \$28,000 for an additional full-time staff member in 1989. At this writing, these BCPs await review by the Department of Finance.

Guidelines. The Professional Practices Committee recently submitted drafts of guidelines for groundwater investigation reports, engineering geologic reports, and geophysical reports. The guidelines were prepared by the Committee to assist those involved in the preparation and review of these reports. The guidelines suggest general procedures, and are not intended to be a complete list of all techniques for such studies, although they do address most major topics. Department of Consumer Affairs (DCA) counsel Barbara King reviewed the documents and made several nonsubstantive changes to clarify the Board's authority. The Board voted to adopt the three guidelines as "informational documents," stressing that it wishes to avoid the interpretation of these guidelines as "standards of practice." The DCA has rebuffed previous versions of the guidelines as attempts to promulgate "standards of practice" without compliance with the Administrative Procedure Act, which is illegal as it constitutes underground rule-making. The Board hopes that these latest revisions will meet with DCA's approval as "suggested guidelines" and not be rejected as "standards of practice." The Board also approved minor changes to the guidelines for Earthquake and



REGULATORY AGENCY ACTION

Fault Hazard Reports.

LEGISLATION:

The Board is seeking a sponsor for a bill to increase its fee ceiling. The current application fee is \$60, and the Professional Practices Committee has recommended an increase to \$100. The Board expressed concern that the legislature might not be receptive to such a large increase. The Board is self-funded through the fees it generates, and the Board's annual budget is now approximately equal to its income. The budget increase has been proposed to expand the Board's investigative and enforcement functions, add one office position to process the continuing large number of applications and other administrative work, and to allow the administration of two examinations per year.

RECENT MEETINGS:

At its October meeting, the Board expressed concern over recent criticism of its enforcement record. The Board seeks to pursue a vigorous enforcement program but, as is common with other small agencies, BRGG suffers from limited revenue and a lack of investigative and other support services. Executive Officer John Wolfe commented that in some cases, BRGG lacks jurisdiction over the individual complained of. At this writing, only one BRGG enforcement case is pending in the Attorney General's Office.

Also at its October meeting, the Board adopted a recommendation of the Professional Practices Committee concerning distribution of unsigned draft reports. The Committee felt that the practice should not be discouraged. Access to draft reports while work is still in progress facilitates coordination between different consultants who may be investigating different aspects of the same project. In order to avoid confusion between draft reports and final reports, the Committee recommended that draft reports be unsigned, and that each page be clearly and prominently marked to indicate its draft status. The Board elected not to adopt this recommendation as a rule or regulation, but merely as Board policy which reflects the preferred practice. However, the policy will be submitted to the Office of Administrative Law for determination on this issue.

John Wolfe reported that the target date for publication of the next BRGG newsletter is April 1989. He also reported that the directory listing all persons registered by BRGG will be updated and distributed soon.

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.

There are three guide dog schools in California. These schools train the blind in the use of guide dogs. Each school also trains its own dogs. Each blind person is then matched with a dog using factors such as size and temperament. To provide this specialized service, the schools must have special facilities, which are inspected by the Board members as needed.

The Board consists of seven members, two of whom must be dog users (Business and Professions Code section 7200).

MAJOR PROJECTS:

Implementation of SB 2229. SB 2229 (Marks), which was signed by the Governor on September 30, requires the Board to complete a study regarding possible expansion of the Board's jurisdiction to include signal dogs for the hearing impaired, service dogs for the physically disabled, and other appropriately trainable animals. The Board received funding to conduct public hearings throughout California between July 1, 1989 and June 30, 1990. It will seek information concerning the special needs and problems involved in the licensing and training of these assistance animals and their handlers. A tentative schedule of the hearings is as follows: July 12-14 in Los Angeles and San Bernardino; August 9-10 in San Francisco; September 18-19 in Sacramento and Chico; October 9 in San Jose; November 16 in Santa Barbara; December 4 in San Diego; and an undetermined January 1990 date in Fresno.

RECENT MEETINGS:

At its December 2 meeting in Burbank, the Board approved an application for a license to solicit funds for the establishment of a new guide dog school. The Board granted the license to Guide Dogs of the Pacific (GDP). It approved

of GDP's plan of operation and determined it is of "sufficient financial responsibility," which is required by section 2268 of the Board's regulations (Title 16 of the California Code of Regulations). The license will remain valid for one year and GDP must apply for a school license before the expiration of that year. The school will be located at a southern California site to be chosen in the future.

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) regulates manufacturers, wholesalers, dealers, upholsterers, retailers, renovators, and sterilizers of furniture and bedding. In addition, the Bureau establishes rules regarding labeling requirements approved by the state Department of Public Health pertaining to furniture and bedding.

To enforce its regulations, the Bureau has access to premises, equipment, materials, and articles of furniture.

The chief or any inspector may open, inspect and analyze the contents of any furniture or bedding and may condemn, withhold from sale, seize or destroy any upholstered furniture or bedding or any filling material found to be in violation of Bureau rules and regulations. The Bureau may also revoke or suspend registration for violation of its rules.

The Bureau is assisted by a thirteen-member Advisory Board consisting of seven public members and six industry representatives. Governor Deukmejian recently appointed Thomas D. Wilternik to serve on the Advisory Board. Wilternik is general manager of Sackner Products in Long Beach. He replaces Neal Puro as a supply dealer representative. Jerry P. Barrus, owner of Barrus Interiors of Long Beach, was also appointed by the Governor to fill a vacancy for a custom upholsterer representative.

MAJOR PROJECTS:

Public Occupancies. The Bureau recently proposed regulations requiring higher flammability standards for furniture used in "public occupancies." (See CRLR Vol. 8, No. 1 (Winter 1988) p. 56 for background information.) The Bureau contends that fire dangers are