



REGULATORY AGENCY ACTION

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.

Former Assemblymember Paul Priolo was recently appointed to the BRGG as a public member by Assembly Speaker Willie Brown. During his fourteen-year tenure in the Assembly, Priolo authored the Alquist-Priolo Special Studies Zone Act, which required the Division of Mines and Geology to identify all active faults in California. Priolo is currently a lobbyist for Paul Priolo & Associates in Sacramento.

MAJOR PROJECTS:

Application Notification Program. Executive Officer John Wolfe recently reported that the BRGG office has received an excellent response to its notification card program. Previously, numerous applicants for BRGG registration complained that the Board failed to notify them of deficiencies in their applications in sufficient time for them to remedy the defects before the application process closed. (See CRLR Vol. 9, No. 2 (Spring 1989) p. 57 for background information.) The Board has developed a new postcard system to notify each candidate whether

the candidate's application packet is complete.

Budget. The Board has again been forced to file a number of budget change proposals in 1989. If granted, the additional funds will be used to alleviate the Board's chronic understaffing problem, and to publish BRGG's informational pamphlets and its guidelines for groundwater investigations, engineering geologic reports, geophysical studies, and geological reports.

LEGISLATION:

The following is a status update on bills reported in detail in CRLR Vol. 9, No. 2 (Spring 1989) at page 57:

AB 469 (Harvey), which would increase the ceiling on the fees which the Board is permitted to charge its licensees, is still pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

AB 459 (Frizzelle), which would allow a licensee to renew his/her license after an unlimited period of delinquency without reexamination, has become a two-year bill.

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. Pursu-

ant to Business and Professions Code section 7218, enacted in 1988 (see CRLR Vol. 9, No. 1 (Winter 1989) p. 48 and Vol. 8, No. 4 (Fall 1988) p. 56 for background information), the Board is conducting a study of the feasibility of developing programs to license providers of signal dogs for the deaf and service dogs for the physically disabled. The Board is currently evaluating accessibility laws guaranteeing the right of guide, signal, and service dog users to travel unimpeded and enter all places of public accommodation. The Board has finalized dates for public hearings on these issues; those wishing to testify may do so on July 21 in Burbank; August 10 in Oakland; September 11 in Sacramento; and September 12 in Chico.

LEGISLATION:

AB 676 (Filante), which would authorize the Board to allow schools which furnish guide dogs to send trainers to the homes of blind persons to provide training in the use of the guide dogs, passed the Assembly on April 27 and is pending in the Senate Business and Professions Committee at this writing.

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.

MAJOR PROJECTS:

Future Rulemaking. At this writing, the Bureau has not yet scheduled public comment periods or hearing dates for proposed regulatory changes to increase its biennial license fees and to revise standards for insulation products. (See CRLR Vol. 9, No. 2 (Spring 1989) pp. 58-59 for background information.)

FUTURE MEETINGS:

September 12 in San Francisco.
December 5 in Los Angeles.

BOARD OF LANDSCAPE ARCHITECTS

Executive Officer: Jeanne Brode (916) 445-4954

The Board of Landscape Architects (BLA) licenses those who design landscapes and supervise implementation of design plans. To qualify for a license, an applicant must successfully pass the written exam of the national Council of Landscape Architectural Registration Boards (CLARB), an additional section covering landscape architecture in California, and an oral examination given by the Board. In addition, an applicant must have the equivalent of six years of landscape architectural experience. This may be a combination of education from a school with a Board-approved program in landscape architecture and field experience.

The Board investigates verified complaints against any landscape architect and prosecutes violations of the Practice Act. The Board also governs the examination of applicants for certificates to practice landscape architecture and establishes criteria for approving schools of landscape architecture.

BLA consists of seven members. One of the members must be a resident of and practice landscape architecture in southern California, and one member must be a resident of and practice landscape architecture in northern California. Three members of the Board must be licensed to practice landscape architecture in the state of California. The other four members are public members and must not be licentiates of the Board. Board members are appointed to four-year terms.

MAJOR PROJECTS:

Regulatory Package Rejected in Part.

On December 30, 1988, the Board adopted regulatory changes which were submitted to the Office of Administrative Law (OAL) for review. (See CRLR Vol. 9, No. 1 (Winter 1989) pp. 49-50 for background information.) OAL recently approved the Board's proposed amendment to section 2649, Chapter 26, Title 16 of the California Code of Regulations, which increases examination application fees, biennial renewal fees, and adds a fee for original certificates.

However, OAL disapproved the proposed addition of sections 2612 and 2613, which would have established standards for BLA's compliance with the Permit Reform Act of 1982. These sections were rejected because they failed to meet the requisite necessity and clarity standards in Government Code section 11349.1.

The Permit Reform Act (Government Code section 15374 *et seq.*) requires state agencies which issue permits to provide certain information regarding the processing time for permit applications. The Act directs agencies to specify the amount of time within which the applicant is to be notified of the status of the application and within which the agency must make a permit decision. The agency must set out its median, minimum, and maximum time requirements based upon the previous two years' performance, and must justify these proposed time periods in a rulemaking file to be submitted to OAL.

Sections 2612 and 2613 would have allowed BLA sixty days in which to notify the applicant of the sufficiency of his/her application and 425 days to reach a final decision on whether to issue a permit. The necessity of these lengthy time periods, however, was not substantiated by the rulemaking file submitted to OAL and they were therefore denied.

In addition, OAL rejected the proposals because they lacked clarity. The way in which the proposals were written made it impossible for persons directly affected by the changes to easily understand the time periods at issue. For example, the term "application" could mean the application for authorization to take the written exam, the taking of the written exam, the taking of the oral exam, or the application for the original certificate.

Examination Committee Report. Last December, BLA formed an Examination Committee chaired by Paul Saito to research the current Uniform National Examination (UNE) and to make recommendations to the BLA on needed changes. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 49 and Vol. 8, No. 1 (Winter 1988) p.

57 for background information.)

The Board is concerned that the UNE is unnecessarily long and does not adequately measure occupational knowledge and skill. Currently, the UNE is made up of five sections: Professional Practice, Design, Design Application, Design Implementation, and Grading. The format varies from objective to performance-style questions.

The Committee intends to conduct an occupational analysis, determine whether a shorter examination could adequately test knowledge and skills, and develop an intern development program. The goal is to design an examination which tests both a minimal level of competence and the extent to which the candidate applies and understands the principles of design.

Through its studies to date, the Committee has concluded that the UNE format does not follow the normal sequence of design procedure found in landscape architectural practice and that the exam itself tests for drafting ability and endurance rather than content. Recommendations include combining performance problems, shortening the overall examination, redrafting the questions to make them more job-related, and standardizing the test by creating a pool of approximately 300 questions from which 150 questions would be asked each year. Furthermore, the questions in this pool should deal only with issues of health, safety, and welfare, California laws and codes, and knowledge, skills, and abilities needed to practice landscape architecture. Questions regarding insurance, permit processes, mechanic lien laws, liquidated damages clauses, irrigation, and Title 24 should be added to the pool.

In view of Mr. Saito's report, BLA decided at its April 7 meeting to write a letter to CLARB indicating the need for an occupational analysis in defense of the current UNE by June 1. Copies of the letter would also be sent to each state which licenses landscape architects, along with a request to discuss alternatives to the national exam in the event that CLARB ignores this initiative. A vote taken in anticipation of CLARB's failure to respond indicates that a majority of the Board members would not support seceding from CLARB.

Review and Appeal of Examinations. In an effort to clarify both the review and appeals process for examinations, the Board considered several recommendations offered by its Appeals Committee at the April meeting. First, a pretest handout should be drafted to inform candidates of the expectations, proced-