



the Legislative Committee discussed the issuance of intern registration numbers. After failing the licensure exam, applicants have been registering for intern numbers, which enables them to work in private practice. The Board decided that since the purpose of an internship is to allow applicants to gain hours towards licensure, it will not issue intern registration numbers to people who have already fulfilled the qualifying number of internship hours. This does not prevent people who failed the test from gaining additional experience, as they are still eligible for agency work.

FUTURE MEETINGS:

January 19-20 in Los Angeles.

CEMETERY BOARD

Executive Officer: John Gill
(916) 920-6078

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 25 crematories and 1,400 brokers and 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.

On June 24, Governor Deukmejian appointed Karen R. McGagin as a public member on the Board. Ms. McGagin, of Fair Oaks, is a public member of the California Association of Realtors. On July 22, Governor Deukmejian reappointed Frank R. Haswell to the Board. Mr. Haswell, of Valencia, is vice-president of a Los Angeles memorial park.

MAJOR PROJECTS:

Proposed Regulatory Changes. At its September 29 meeting, the Cemetery Board was scheduled to hold a public hearing on a proposed change to its regulations, which appear in Chapter 23, Title 16 of the California Code of Regulations. This proposed regulation would decrease annual regulatory charges.

Section 9765 of the Business and Professions Code authorizes the Board to fix the annual regulatory charge for every cemetery authority operating a

cemetery at not more than \$400 per year, plus an additional charge of not more than \$.50 for each burial, entombment, inurnment, or cremation made during the preceding full calendar year, which charges are deposited in the Cemetery Fund.

Currently, section 2310 of the Board's regulations imposes a regulatory charge and interment fee of \$350 and \$.50, respectively, and the cremation fee paid by crematories is \$.50. The proposed change would decrease the regulatory charge to \$300, the interment fee to \$.40, and the cremation fee to \$.40.

LEGISLATION:

SB 2483 (Torres), which was signed by the Governor, adds section 10061.5 to the Health and Safety Code. Existing law requires each local registrar to send to the State Registrar the original certificate of death accepted by the local registrar; under most circumstances, the last attending physician must state the cause of death on the certificate. This bill permits the county board of supervisors to require the local registrar to send a copy of each certificate sent to the State Registrar to the physician making the statement of cause of death on the certificate.

The following is a status update of bills discussed in CRLR Vol. 8, No. 3 (Summer 1988) at page 50:

AB 4233 (Hannigan), signed by the Governor on September 30 (Chapter 1620, Statutes of 1988), requires the Board to inspect the books, records, and premises of crematories and holders of certificates to operate crematories. This bill also makes it unlawful for any person to remove or possess dental gold or silver from any human remains without specific written permission of the person(s) having the right to control those remains.

AB 2866 (LaFollette) requires local agencies to provide notice of a public hearing whenever the owners of a cemetery apply for permission to change the use of the cemetery.

As amended on August 23, this bill also adds section 65096 to the Government Code and Chapter 5 (commencing with section 81210) of Part 1 of Division 8 to the Health and Safety Code. The addition of section 65096 to the Government Code requires that whenever a person applies to a city for any entitlement for use which would permit all or any part of a cemetery to be used for other than cemetery purposes, the city and county shall give notice. On or after January 1, 1990, each person who has purchased or agreed to purchase

interment rights in a cemetery of which a proposed change in use is contemplated, shall be provided written notice.

This bill was signed by the Governor on September 27 (Chapter 1440, Statutes of 1988).

SB 2775 (Roberti) defines unprofessional conduct of Board licensees, and specifies that unprofessional conduct constitutes grounds for disciplinary action against a licensee. This bill was signed by September 26 (Chapter 1422, Statutes of 1988).

SB 2359 (Roberti), as amended on August 29, permits a coroner to delegate to an agency of another county or of the federal government, when agreed to by that agency, the coroner's duties concerning investigation of a death, when the agency is authorized to perform the functions being delegated, and the agency has a jurisdictional interest or involvement in the death. This bill also authorizes a physician to designate one or more other physicians who have access to that physician's records, to act on behalf of the physician for purposes of specifying the cause of death on a death certificate, provided that any person so designated acts in consultation with the physician. This bill was signed on September 21 (Chapter 1139, Statutes of 1988).

FUTURE MEETINGS:

February 8 in San Diego.

BUREAU OF COLLECTION AND INVESTIGATIVE SERVICES

Chief: Alonzo Hall
(916) 739-3028

The Bureau of Collection and Investigative Services 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.

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.

In addition, eight other industries are regulated by the Bureau, including private security services (security guards and private patrol operators), repossession, private investigators, alarm company operators, protection dog opera-



REGULATORY AGENCY ACTION

tors, medical provider consultants, security guard training facilities, and locksmiths.

Private Security Services. 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 for these services is required to register with the Bureau as a security guard. Any security guard who carries a firearm on the job must possess a firearm permit issued by the Bureau. The Bureau operates to protect consumers from guards who unlawfully detain, conduct illegal searches, exert undue force, and use their authority to intimidate and harass.

Repossessors. Repossession agencies repossess personal property on behalf of a credit grantor when a consumer defaults on a conditional sales contract which contains a repossession clause. The Bureau functions to protect consumers from unethical methods of repossessing personal property, such as physical abuse resulting in bodily harm, threats of violence, illegal entry onto private property, and misrepresentation in order to obtain property or information about property.

Private Investigators. Private investigators conduct investigations for private individuals, businesses, attorneys, insurance companies, and public agencies. The scope of their job generally falls within the areas of civil, criminal, and domestic investigations. The Bureau oversees private investigators to protect consumers and clients against investigators who misrepresent, impersonate, or make threats in order to obtain desired information; perform inadequate or incompetent investigations; fail to substantiate charges or charge more than the amount agreed upon; and alter, falsify, or create evidence.

Alarm Industry. Alarm company operators install, service, maintain, monitor, and respond to burglar alarms. These services are provided to private individuals, businesses, and public entities. The Bureau regulates this industry in order to protect clients from potential theft or burglary, invasion of privacy or misrepresentation by alarm companies, and failure on their part to render service as agreed.

Protection Dog Operators. Protection dog operators train, lease, and sell dogs for personal and/or property protection. They also provide patrol ser-

vices using trained dogs. These services are employed by private individuals, business entities and law enforcement agencies. The Bureau serves to protect against possible violations in this industry, such as inadequately trained or physically abused dogs, overcharges for services, invasions of privacy, or potential theft or burglary of property.

Medical Provider Consultants. Medical provider consultants are contract collectors who provide in-house collection services to medical facilities. They contact insurance companies and/or patients to try to collect on medical debts on behalf of the medical provider. Nevertheless, consultants cannot themselves collect on delinquent debts. Instead, they must turn the debt over to an independent, licensed collection agency in order to avoid any conflict of interest.

Security Guard Training Facilities. These facilities provide necessary training for those desiring to become security guards. Training is given in legal procedures, public safety, minimum standards, and professional conduct. Firearm training is especially important for those guards who will carry a firearm on the job. Upon completion of training, guards must pass an exam before they can be registered.

Locksmiths. As of July 1987, SB 1540 became effective, resulting in the creation of a locksmith regulation program within the Bureau. (For additional information on SB 1540, see CRLR Vol. 6, No. 3 (Summer 1986) p. 25.)

The purpose of the Bureau is to protect the health, welfare and safety of those affected by these industries. To accomplish this, the Bureau regulates and reviews these industries by its licensing procedures and by the adoption and enforcement of regulations. For example, the Bureau reviews all complaints for possible violations and takes disciplinary action when violations are found. The Bureau's primary method of regulating, however, is through the granting or denial of initial/renewal license or registration applications. Education is also utilized to assist in achieving Bureau goals.

Consumers and clients may pursue civil remedies to resolve complaints and disputes currently within the regulatory authority of the Bureau. In addition, class action suits may be filed on behalf of consumers by the Attorney General's office and local district attorneys against businesses which engage in repetitive unethical business practices.

MAJOR PROJECTS:

Conservatorships. The Bureau is continuing its search for alternatives to its present conservator program for out-of-trust collection agencies. (See CRLR Vol. 8, No. 3 (Summer 1988) pp. 51-52; Vol. 7, No. 4 (Fall 1987) p. 44; Vol. 7, No. 3 (Summer 1987) pp. 64-65; Vol. 7, No. 1 (Winter 1987) p. 38; and Vol. 6, No. 4 (Fall 1986) p. 32 for background information.) The latest proposal would allow the use of consultants before the appointment of a conservator; or in the case of a conservatorship, allow the conservator to choose a consultant to assist in determining what action to take with regard to the troubled agency.

The problem with this proposal is that the consultant would not enjoy governmental immunity. Conservators are appointed by the Director of the DCA, and have such immunity when they act within the scope of their authority. The Bureau believes that a consultant acting under color of authority may expose the DCA to too much potential liability. One suggested solution to this problem—limited immunity for DCA-appointed consultants as defined by the legislature—will be investigated.

New Private Patrol Operator Examination. The Bureau recently decided that it needs a new Private Patrol Operator examination. The present exam questions are old, and may be repetitive for people who are renewing their licenses or retaking the test. At the September 15 meeting of the Private Security Services Advisory Board, Bureau Deputy Chief Ernest Luzania suggested that an ad hoc committee be appointed to develop a new examination. Luzania stressed that the committee would be most effective if it consisted of persons who are knowledgeable about the subject, and willing to give the time and effort necessary to the development of the new exam. DCA legal representative Barbara King suggested that the new committee be limited to two present members of the Private Security Services Advisory Board. Three or more members meeting together constitutes an open meeting requiring public notice.

LEGISLATION:

The following is a status update on bills reported in detail in CRLR Vol. 8, No. 3 (Summer 1988) at page 52:

SB 2870 (Robbins) would have authorized the issuance of a citation to persons who unlawfully advertise as private investigators without being licensed under the Private Investigators Act. The Governor vetoed this bill on September 28.



SB 1955 (Beverly) amends section 7539 of the Business and Professions Code to prohibit persons involved in licensed private investigation from soliciting employment from any injured person or that person's spouse or other family member. Existing law exempts from that prohibition the solicitation of employment from the injured person's attorney. This measure also exempts from that prohibition the solicitation of employment from the injured person's insurance company, self-insured administrator, insurance adjuster, employer, or any other person having an indirect interest in the investigation of the injured person.

SB 2054 (Davis) was signed by the Governor, and requires a security guard or patrolperson to file a written report with the Director of the DCA and the local law enforcement agency describing any circumstance involving the discharge of a firearm in which he/she was involved while acting within the course and scope of his/her employment within seven days after the incident.

AB 1072 (Floyd) would have expanded Bureau rulemaking authority to cover specified areas of conduct relating to private investigators and bodyguards, including the carrying of concealed firearms. The bill would also have increased the membership of the Private Security Services Advisory Board, but died in the Senate Judiciary Committee.

AB 2527 (Peace) would have prohibited the wearing of a badge by a private patrol licensee or registrant, but died in the Senate Committee on Business and Professions.

AB 3072 (Seastrand) extends the sunset date for the Collection Agency Act to June 30, 1992. This bill was signed by the Governor and chaptered on July 14.

AB 2807 (Duplissea), which exempts specified repossession agencies from tow truck equipment provisions and permits those agencies to substitute their DCA license number in lieu of a business address on the sign required to be displayed on their tow trucks, was signed by the Governor on September 16.

AB 4007 (Lancaster), as amended August 22, amends existing law which defines an alarm company operator for the purpose of licensing and regulation, and exempts from that definition a telephone answering service which does not engage in specific activities performed by an alarm company operator. This bill includes in the prohibited activities of the answering service the maintaining and altering of alarm systems. *AB 4007* was signed by the Governor on Septem-

ber 27 (Chapter 1448, Statutes of 1988).

RECENT MEETINGS:

Collection Agency Advisory Board. At its September 23 meeting in San Diego, Bureau Chief Hall discussed some of the goals the Bureau hopes to achieve in its relationship with the CAAB. The Bureau looks forward to an open relationship with the Board. Chief Hall clarified that the Bureau's role is not adversarial, but is to help the licensed agencies and protect the consumer.

Board member Bob Morris spoke of industry concerns regarding unlicensed activity. Both the Bureau and the CAAB have asked the industry to turn in names and addresses of unlicensed agencies doing business. The response was quite positive and the Bureau will investigate those leads provided to it by the industry.

Private Security Services Advisory Board. At the Board's September 15 meeting in San Diego, Kenneth A. Olmsted resigned from a public member position on the Alarm Company Operator Disciplinary Review Committee (DRC). Mr. Olmsted cited the large time commitment necessary and a possible conflict of interest as his primary reasons for resigning. Olmsted is an attorney who represents alarm companies in his professional capacity. The Board accepted his resignation, and appointed William Swinney to replace Olmsted in the public member position. Prior to retiring in 1986, Swinney had twenty years' experience in the alarm company industry. The Board also appointed Robert Rockwell to the Northern Private Security Services DRC.

Chief Hall reported to Board members on Bureau enforcement activity. He noted that in the past, the Bureau has not been proactive in the enforcement of complaints against both licensed and unlicensed members of the industry. Mr. Hall stated that the Bureau will now be more active in this area. Board official Barbara Wightman underscored this theme by reporting on a successful bureau investigation of a security guard trainer who did not comply with Bureau regulations, and was put on two years' probation.

FUTURE MEETINGS:

Collection Agency Advisory Board: January 18 in Palm Springs; May 12 in Garden Grove.

Private Security Services Advisory Board: January 26 in Sacramento.

CONTRACTORS STATE LICENSE BOARD

Registrar: David Phillips
(916) 366-5153

The Contractors State License Board (CSLB) licenses contractors to work in California, handles consumer complaints, and enforces existing laws pertaining to contractors.

The thirteen-member Board, consisting of seven public members, five contractors and one labor member, generally meets every other month. The Board maintains four committees: legislative, which monitors legislation affecting the Board; enforcement, which oversees enforcement of existing rules and regulations, including licensing requirements; licensing, which oversees the Board's licensing procedures; and administration/public information/liaison, which oversees the Board's operations and public contact. Committees meet monthly, making recommendations to the full Board for requested action.

Governor Deukmejian recently reappointed M. Jean Westgard of Union City, a member of the city council in Union City; Elton E. Michael of Sunland, a police detective; and John L. Lazzara of Anaheim, a district director for an Irvine area labor union, to the Board. Jack Fenton was recently reappointed by Assembly Speaker Willie Brown.

On July 21, the CSLB elected Stephen H. Lazarian, Jr. as its Chair and Joseph A. Valverde as Vice-Chair for fiscal year 1988-89. Mr. Lazarian has been a member of the CSLB since his appointment in 1985, serving as Board Vice-Chair in 1987-88, and as chair of the Budget/Administration Committee. Mr. Valverde has been a member of the CSLB since 1986, and has served as a member of the Enforcement and Licensing Committees.

MAJOR PROJECTS:

Reciprocity Among the Western States. On May 11, the Western Region of the National Association of State Contractor Licensing Agencies (NASCLA) held a meeting in Las Vegas. Representatives of state boards from Arizona, California, Utah, Nevada, Hawaii, South Carolina, Arkansas, and Guam discussed the possibility of reciprocity among the western states of California, Nevada, Arizona, Utah, and Hawaii. Under the proposed plan, the trade portion of the examination would be waived for a contractor who had successfully passed a similar trade examination in