



REGULATORY AGENCY ACTION

system. Opposition to the system was also voiced, to the effect that existing sections 7686-7711 of the Funeral Directors and Embalmers Law provide for disciplinary proceedings which are available to the Board. The Board, however, unanimously decided to refer the establishment of a citation and/or fine system to a Board committee for discussion.

LEGISLATION:

SB 89 (Boatwright), introduced December 12, would repeal the statutes creating the Cemetery Board, transfer that board's powers and duties to the Board of Funeral Directors and Embalmers, and increase the membership of the Funeral Directors Board by adding a cemetery industry representative.

RECENT MEETINGS:

At its December 11 meeting, the Board considered an application for an original funeral directors license submitted by an individual owner. The application was set for special consideration by the Board because of comments and objections which the Board received concerning the application. The objections of particular concern addressed the applicant's designation of his home address as the location of the establishment's office and the proposed individual owner's dual management of the proposed cremation society and an existing mortuary. The Board approved the license conditioned upon an inspection of the facility which is presently being constructed to hold a crematory, office, storage room, and chapel. The Board, however, did not discuss the applicant's dual management of the proposed cremation society and the mortuary with which the applicant is presently employed. California Administrative Code, Title 16, Chapter 12, section 1212, neither authorizes nor prohibits the same individual's management of two different licensed facilities. The Board, nevertheless, has approved "dual management" provided that the management is feasible. The Board's acceptance of "dual management" has been an informal guideline utilized by the Board on a case-by-case basis.

The Board also considered an application for relocation of the holding facility for Nova Cremation Service. The Board received two written objections: one was submitted by the Development Department of the City of Fresno and the other from a funeral home in Fresno. Both objections addressed Nova Cremation Service's relocation of its holding facility from a heavy commercial district to the proposed facility located in a medium-density multiple family residential dis-

trict. The Development Department asserted that the holding and storage of embalmed bodies is essentially warehousing, and as such is either a heavy commercial or industrial use which is not allowed in the residential district proposed. The Board tabled the application until the next Board meeting, allowing Nova Cremation Service's owner/manager, David Loper, to amend his application.

During the announcement and public comment period, a member of the public questioned the Board concerning any action taken by the Board's legislative committee appointed in March 1986 to investigate possible violations by funeral directors of the cemetery brokerage license requirement when they advertise and/or arrange interment services. The item was initially placed on the agenda of the Board's March 20, 1986 meeting in response to a memo from John Gill, Executive Officer of the Cemetery Board. (See CRLR Vol. 6, No. 2 (Spring 1986) p. 42.) Mr. Gill had contacted the Board of Funeral Directors and Embalmers to ask for its assistance in enforcing sections of the Business and Professions Code, which discuss cemetery brokers licenses and permitted activities within the licensure. Under the Cemetery Act, Business and Professions Code, Chapter 19, Article 4, sections 9681 and 9686, a funeral director who advertises cremation services is in violation of the Funeral Directors and Embalmers Law, Article 6, section 7693, which prohibits false and misleading advertising. Mr. Gill requested that the Board of Funeral Directors and Embalmers notify its licensees who so advertise that they are in violation of the law, because in order to advertise or arrange cremation services, one must be licensed by the Cemetery Board. Board president Stricklin and Bob Miller, legal counsel for the Board, suggested that the Board review specific examples of ads which are alleged to be in violation of the law. Mr. Miller also noted that an Attorney General's opinion issued ten years ago concerning advertising cemetery services without a license is clear. Yet, the Board believes that ambiguity exists in the Funeral Directors and Embalmers Law, Article 2, section 7616, defining funeral establishments. At the Board's March 20, 1986 meeting, the Board referred the matter to its legislative committee. At the December 11 meeting, Mr. Stricklin appointed a new committee to consider the alleged violations by funeral directors. Those originally appointed to the committee on March 20 are no longer

members of the Board.

FUTURE MEETINGS:

March 26 in Van Nuys.
May in Long Beach (exact date to be announced).
July 30 in Monterey.

BOARD OF REGISTRATION FOR GEOLOGISTS AND GEOPHYSICISTS

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

This eight-member Board licenses geologists and certifies geophysicists and engineering geologists. These designations are determined by examinations given twice each year.

The Board is composed of five public members and three professional members. There are no vacancies. The staff consists of two full-time employees (Executive Officer John Wolfe and his secretary) and two part-time employees.

The Board is funded by the fees it generates. The annual budget for 1986/87 is approximately \$203,000.

LEGISLATION:

SB 86 (Boatwright), introduced December 12, would repeal the provisions in the Business and Professions Code which establish the Board of Registration for Geologists and Geophysicists.

AB 4046 (Moore) would have required agencies administering examinations to revise those tests to conform to specified standards intended to neutralize cultural differences. *AB 4046* died in the legislature.

AB 1875 (Craven) requires the Secretary of the Agency for Environmental Affairs to adopt, by regulation, criteria and examination requirements for the voluntary registration of independent environmental assessors, on or before September 1, 1989, in consultation with the Agency, the state Water Resources Control Board, the state Air Resources Board, and the Division of Occupational Safety and Health. *SB 1875* was signed by the Governor on September 30.

RECENT MEETINGS:

The spring exam for geologists and geophysicists will take place on May 29 and 30. The 1987 fall exam will be on December 18 and 19.

Applicants have increasingly requested permission to review their exams, and a correlative increase in appeals has been observed. At a recent meeting, the Board decided to study the appeals process and the feasibility of revamping the current



procedure. The current system is administratively inadequate to handle an increase in appeals.

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:

Decals. The Board has recently reviewed various designs for an informational decal concerning accessibility to public places for guide dog users. A decal was selected which states "No dogs allowed (except those assisting blind, deaf, or handicapped)" and legal code citations. The purpose of the decal is to inform the public of the rights of persons using guide dogs, signal dogs, or service dogs. The Board is now seeking bids for production of these decals.

Educational Campaign. The California Restaurant Association has embarked upon an educational campaign directed at its members and employees for the benefit of the users of helping dogs.

LEGISLATION:

SB 90 (Boatwright), introduced December 12, would repeal the provisions of law in the Business and Professions Code which establish the Board, transfer the Board's powers and duties to the Department of Rehabilitation, and recast those provisions in the Welfare and Institutions Code.

AB 3636 (Bradley), which was signed by the Governor, provides that any person who denies a guide dog user access to places of public accommodation is guilty of an infraction punishable by a fine of up to \$250.

RECENT MEETINGS:

Members of the California Council of the Blind (CCB), a consumer group, attended a recent Board meeting and expressed concerns over the issue of transfer of title to guide dogs to guide dog users. California law provides for transfer of ownership of the dog to the user after a one-year probation period. However, most guide dog schools retain ownership of the dogs rather than transferring title to the guide dog user; thus, the dogs may be reclaimed by the schools at any time. According to CCB, when transfer of ownership is accomplished, the contracts, which are written by the training schools, often do not reflect the best interests of the guide dog users. CCB strongly recommends that title transfer documents contain provisions for binding arbitration in the event of disputes between school and dog user; a method for facilitating the appeal process to ensure that the blind person will not be unnecessarily deprived of the use of a guide dog; and protection of the rights of guide dog users in situations where someone other than the guide dog user is abusing the dog. CCB also recommends that the transfer instrument be written in a manner which will not intimidate the guide dog user but clearly delineates the relationship between the school and the blind consumer.

Although the law permits training schools to retain an interest in the guide dog following transfer of title, CCB is concerned about the manner in which the schools exercise this interest. CCB also objects to the general tone and attitude of the training schools, as reflected in standard transfer instruments. CCB has offered to provide sample agreements for guide dog users and schools.

The Board, however, determined that it has no authority to act on this issue. Because the problem concerns the relationship between licensees and consumers, the Board decided that it should be handled at the school level.

Also at a recent meeting, the Board rescinded its endorsement of legislation requiring the posting of notice in public places regarding the rights of admission of persons using helping dogs. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 38.) The Board plans to sponsor legislation requiring that guide dogs, signal dogs, and service dogs be controlled by a leash

not more than six feet in length when in any public place.

FUTURE MEETINGS:

To be announced.

BUREAU OF HOME FURNISHINGS

Chief: Gordon Damant (916) 920-6951

The Bureau of Home Furnishings 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:

Transfer of Licensing and Registration of Dry Cleaning Establishments. Pursuant to AB 183 (Johnson), which was signed and chaptered, the Bureau is currently focusing on the mechanics of the transfer of licensing and registration procedures from the now-abolished Board of Dry Cleaning and Fabric Care to the Bureau. The Bureau has jurisdiction over licensing and registration of dry cleaning establishments as of January 1, 1987.

A one-time licensing and registration requirement will be imposed on all dry cleaning establishments, which will ensure that all dry cleaning establishments are discontinuing the use of toxic cleaning products.

The bill's bonding requirement has presented difficulties for the Bureau in that the bill allows the Bureau to waive certain bond requirements. However, no standards or guidelines describing circumstances when waiver is appropriate are set forth in the bill. In response to this problem, the Bureau, through