



REGULATORY AGENCY ACTION

National Shorthand Reporters Association and the other by the Board itself) to determine whether either study could be useful in the upcoming exam validation process. The Board voted to engage the services of the CTU to prepare an exam validation study pending the subcommittee's report to the Board in February. Such a study would take one year to complete and cost approximately \$5,000-\$7,500.

The Board responded to a concern regarding the timing of notification of exam results. Previously, all candidates who took any portion of the CSR exam (English, Professional Practice and Dictation) were notified of the results simultaneously. Concerns were raised that candidates who were repeating the written portions of the exam only (English and Professional Practice) were waiting from ten weeks to three months for their test results, when in fact the results of those exam portions were available much sooner. At the November meeting, the Board adopted a new notification procedure, whereby candidates who take only the written portions of the exam will be notified of those results as soon as they are available.

The Board decided not to offer an interim examination for those applicants who must retake the written portion of the exam only. The Board cited concerns about the wide distribution of exam questions among prospective applicants prior to taking the exam and indicated that offering the exam only twice a year would better maintain the integrity of the exam.

RECENT MEETINGS:

At the November and December meetings, the Board held informational hearings on a number of possible changes to the BCSR regulations. Some of these changes include the following: the period during which one may renew a certificate after it has expired would be reduced from five years to three years; court reporting schools would be required to have CSR students report twenty hours of court trials of administrative hearings, and twenty hours of depositions during apprenticeship training; and court reporting schools would be required to file an annual report with the Board to identify staff and curriculum changes. The Board will be discussing these proposed changes again at future meetings.

In December, the Board discussed the possibility of amending section 8005 of the Business and Professions Code which refers to the position of the executive officer of the Board. The

Board is interested in increasing the position to a full-time position, and has instructed the staff to develop a plan to implement this change, if legislative approval is necessary.

FUTURE MEETINGS:

February 7 in San Francisco.

May 8-9 in San Francisco.

STRUCTURAL PEST CONTROL BOARD

Executive Officer:

Mary Lynn Ferreira

(916) 924-2291

The Structural Pest Control Board (SPCB) licenses structural pest control operators and field representatives. The latter can function only under a licensed operator and secure pest control work for the operator. Each structural pest control firm is required to have one licensed operator, regardless of the number of branches the firm operates. A licensed field representative can also hold an operator's license.

Licensees are classified as: (1) Branch 1, Fumigation, the control of household and wood-destroying pests by fumigants (tenting); (2) Branch 2, General Pest, the control of general pests without fumigants; or (3) Branch 3, Termite, the control of wood-destroying organisms with insecticides, but not with the use of fumigants, and including authority to perform structural repairs and corrections. An operator can be licensed in all three branches, but more often will limit the variety of his or her expertise for purposes of efficiency and subcontract out to other firms.

SPCB also issues applicator certificates. These otherwise unlicensed individuals, employed by licensees, are required to take a written exam on pesticide equipment, formulation, application and label directions if they apply pesticides. Such certificates are not transferable from one company to another.

SPCB is comprised of four public and three industry representatives.

MAJOR PROJECTS:

Proposed Regulatory Amendments. On October 25 in Pasadena, the Board held a public hearing on proposed amendments, additions, and deletions to Title 16, California Administrative Code, sections 1991(a)(8) and 1997. (See CRLR Vol. 6, No. 4 (Fall 1986) pp. 53-54.) The proposed amendment to section 1991 addresses reporting and investiga-

tion requirements under Business and Professions Code section 8516(b)(9) regarding the removal, covering, or masking of termite pellets after treatment of infestation. The specific purpose of the proposed regulation, as set forth in the Board's initial statement of reasons, is to determine whether section 1991(a)(8) should be amended or modified for instances where only a limited property inspection has been performed. After the October 25 public hearing, the Board adopted the proposed amendment to section 1991(a)(8) with modification of one word and the deletion of the last sentence. The modified amendment would relieve the licensee from making a complete investigation following a fumigation to mask, cover, or remove termite pellets, and would allow the licensee to mask, cover, or remove only those pellets discovered in the limited areas in which inspection was performed for the purpose of recommending fumigation. (See CRLR Vol. 6, No. 2 (Spring 1986) pp. 57-58 and CRLR Vol. 6, No. 4 (Fall 1986) pp. 53-54.)

The proposed amendment to section 1997, concerning fees for the filing of inspection reports and completion notices, establishes a reduction in the inspection report filing fee from \$2.50 to \$1.50. (See CRLR Vol. 6, No. 3 (Summer 1986) p. 44.) The proposed reduction in inspection fees, however, was not sufficient to comply with the 24-month limitation set forth in section 128.5 of the Structural Pest Control Act. The Board, therefore, modified the proposed amendment at its October 25 meeting, reducing the fees for inspection report filing from \$2.50 to \$1.00, and for completion notice filing from \$1.50 to \$1.00.

Continuing Education. All SPCB licensees must complete continuing education prior to license renewals. (See CRLR Vol. 5, No. 4 (Fall 1985) p. 44.) SPCB randomly audits a percentage of all renewed licenses for compliance with the continuing education points requirements. Audited licensees are asked to submit verification of their participation in approved continuing education activities. Licensees who are unable to verify their continuing education participation are referred to Board specialists. Recent statistics indicate that of the 331 people audited (114 operators and 217 field representatives), 324 met the requirements, 23 cases were referred to Board specialists, 7 accusations were filed, and 4 licenses were terminated.

A method for evaluation and appraisal of the continuing education program was discussed at the October 25 meeting.



The Board designed a post card which may be distributed by continuing education instructors, completed by the student, and returned to the Board.

The Board also proposed that all continuing education instructors utilize a continuing education certificate prescribed by the Board which contains the point value and course number of the class taught. This procedure would eliminate hundreds of calls to the Board from licensees and instructors requesting point values and course numbers, because both must be listed on the renewal application.

LEGISLATION:

The following bill became effective on January 1, 1987:

AB 4082 (Filante) amends sections 8503.5, 8505.5, 8505.17, 8525, 8616, 8616.5, 8616.6, 8616.7, 8617, 8620, 8624, 8660, 8662, and 8674 of the Business and Professions Code; and amends sections 14005 and 14006.6, amends and renumbers section 12845, and repeals section 15207 of the Food and Agricultural Code, all relating to structural pest control. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 54 and CRLR Vol. 6, No. 2 (Spring 1986) p. 57.)

RECENT MEETINGS:

The Technical Advisory Committee (Committee) was presented with two versions of proposed legislation regarding non-chemical methods of structural pest control. The Pest Control Operators of California, Inc. (PCOC) submitted a version which recommended changes to the Food and Agricultural Code. The version submitted by Board staff recommended changes to the Business and Professions Code. Both proposals were reviewed by the Committee at its September 29 meeting. The Committee recommended that the California Department of Food and Agriculture and the Technical Advisory Committee review the proposals and agree on areas of jurisdiction between the two agencies so that legislation may be introduced.

The Committee and the Building Standards Commission have agreed on proposed regulations to be transferred from Title 16 to Title 24 of the California Administrative Code. The regulations proposed to be adopted into Title 24 are sections 1991(a)(1), (4), (6), (7), and (10). The Board passed a motion to set the proposed regulations for hearing. (See CRLR Vol. 6, No. 4 (Fall 1986) pp. 53-54.)

At its October 25 meeting, the Board discussed Caryl Iseman's idea for legislation regarding condominium homeowner

associations, which would require that new homeowner associations establish a trust or fund to pay for pest control services on portions of buildings for which individual condominium owners are not responsible (e.g., common areas). Many homeowner associations, particularly in older condominiums, have not provided funding for structural pest control services because the problem was not addressed at the association's inception. As a result, many individual condominium owners are being assessed approximately \$50 per month for fumigation. One Board member suggested cosponsoring or sponsoring a bill to help control the problems encountered by individual condominium owners regarding structural pest control services. However, Gus Skarakis, legal counsel for the SPCB, advised deputy registrar Maureen Sharp that introduction of such legislation is not within the Board's jurisdiction. Neil Good, president of the SPCB, suggested that PCOC and the California Real Estate Association sponsor the bill because they are trade associations, while the SPCB is a state agency which deals strictly with licensing.

To comply with the Permit Reform Act which became operative January 1, 1983, the Office of Administrative Law has requested that all state agencies adopt regulations which establish maximum processing time limits for all license/registration applications. At its October 25 meeting, the Board passed a motion to set a hearing on proposed regulations which were developed after reviewing the licensing unit's time limits in processing license applications.

FUTURE MEETINGS:

March 7-8 in San Diego.

TAX PREPARER PROGRAM

Administrator: Don Procidia
(916) 324-4977

Enacted in 1973, abolished in 1982, and reenacted by SB 1453 (Presley) effective January 31, 1983, the Tax Preparer Program registers commercial tax preparers and tax interviewers in California.

Registrants must be at least eighteen years old, have a high school diploma or pass an equivalency exam, have completed 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.

MAJOR PROJECTS:

Proposed Legislative Changes. The Advisory Committee to the Tax Preparers Program has approved several proposals to be forwarded to the Department of Consumer Affairs as suggested legislative changes: (1) increase the number of hours of required continuing education from twenty to thirty hours per year; (2) establish a board to administer the Tax Preparer Program; (3) delete the category of "tax interviewer" for purposes of registration; and (4) remove the registration exemptions currently granted to trust company employees, financial institutions, and loan companies.

The Advisory Committee is also considering the following issues: qualification requirements for providers and instructors of continuing education courses; whether Advisory Committee members should audit continuing education courses without notice or payment of fees so as to better evaluate the effectiveness of the courses; and the Committee's stance on the charging of contingency fees by tax preparers (i.e., preparer's acceptance of a percentage of the client's tax refund as the fee for the preparation).

LEGISLATION:

SB 91 (Boatwright) would abolish the Tax Preparers Program.

AB 160 (Jones), introduced December 29, would authorize a tax preparer to renew an expired registration by paying the applicable fees and showing proof of completion of twenty hours of continuing education for each year of delinquency up to two years after expiration. After two years, the applicant would be required to apply as a new registrant and