



Cemetery Board, and that a cemetery license is required to advertise or perform cremation services. The opinion further provides that "if a funeral establishment or funeral director wishes to perform cremation services, then a license must be obtained from the Cemetery Board. Anyone advertising cemetery services without a license is subject to a misdemeanor prosecution under sections 9681 and 9686 of the [Business and Professions] Code. A funeral director who advertises 'cremation services' may also be in violation of section 7693 of the [Business and Professions] Code for false or misleading advertising' inasmuch as section 9676 of the [Business and Professions] Code authorizes only cemetery licensees to engage in or advertise cemetery services."

Mr. Stricklin appointed Carol D. Weddle and Herb McRoy to the Funeral Directors Licensing and Enforcement Committee. The Committee scheduled a March 19 joint meeting with the Cemetery Board, and will report to the Board by the end of July.

The Board announced the death of Dr. Phil Barrett on January 9, 1987. Dr. Barrett was appointed to the Board in 1983 and held the vice-presidency during 1986.

Pursuant to Funeral Directors and Embalmers Law, Article 1, section 7605, the Board elected Randall L. Stricklin as president, Carol D. Weddle as vice president, and Virginia M. Anthony as secretary, each for a term of one year.

FUTURE MEETINGS:

May 7 in Long Beach.
July 23 in Monterey.

BOARD OF REGISTRATION FOR GEOLOGISTS AND GEOPHYSICISTS

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

This eight-member Board licenses geologists and geophysicists and certifies 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 Board's staff consists of two full-time employees (Executive Officer John Wolfe and his secretary) and one part-time employee.

The Board is funded by the fees it generates. The annual budget for 1987/88 is approximately \$218,000.

MAJOR PROJECTS:

College Informational Program. The Board wishes to develop a dialogue with those California educational institutions which award diplomas in geology or geophysics. Several plans have been discussed toward that end. The Board hopes to set up informational booths on career days at the various campuses. Alternately, a representative of the Board could make annual presentations to each campus geology department, addressing California's requirements for professional licensure and certification.

LEGISLATION:

SB 86 (Boatwright) would repeal Chapter 12.5 of Division 3 of the Business and Professions Code which provides for the licensing and regulation of persons pursuant to the Geologist and Geophysicist Act. That law is currently administered by the State Board of Registration for Geologists and Geophysicists.

RECENT MEETINGS:

The Board met on January 12 in Los Angeles, primarily to discuss SB 86 (Boatwright) (see "LEGISLATION", *supra*), which proposes repeal of the Geologist and Geophysicist Act. The Board debated the merits and drawbacks of repealing the law, which in effect would disband the Board of Registration for Geologists and Geophysicists.

Board President Howard Spears argued against SB 86, expressing concern that without a state board, registration would be left to local discretion. Because each locality has different requirements, nonuniformity of standards might result in unfairness and chaos and could effectively restrict practice for geologists and geophysicists who need local certification from several jurisdictions. Also, reciprocity with other states might be jeopardized if the Board is abolished.

Coreen Young, a public member of the Board, suggested that SB 86 may be justified because the Board has failed to enforce all aspects of the Geologist and Geophysicist Act. Young questioned whether it is a disservice to the public for the Board to continue in its current direction. She identified as major problems a lack of proper enforcement procedures and inadequate funding, which does not permit the Board to hire enough staff support personnel. Currently, funding exists for one executive officer, one full-time secretary, and one part-time clerk.

On February 16, the Board again met in Los Angeles, with SB 86 still the

major issue of discussion. Board members drafted an official letter to Senator Boatwright expressing their objection to the Board's potential abolition.

Also on February 16, the Board decided to allow applicants with a minimum test score of 65% (a score of 70% or higher is passing) to appeal and have their tests rescored. The Board believes it is unlikely that test failure with a score below 65% would be due to a mistake in the grading process.

Tom Wright, chair of the Professional Practices Committee, spoke on the possible certification of civil and petroleum engineers as groundwater geologists. The Committee decided against such certification, believing that it would not provide the public or geology community with anything more than they already have. Currently, both civil and petroleum engineers can practice groundwater geology, but they cannot call themselves "groundwater geologists."

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:

Decal Project. The Board has received two bids for decals relating to accessibility to public places for guide dog users. (See CRLR Vol. 7, No. 1



(Winter 1987) p. 45 for background information.) The Department of Consumer Affairs will choose between the bids. The Board plans to order 5,000 decals. Once the decals are available, the Board will try to interest the California Restaurant Association in distributing the decals.

Handbook on Practical Examination. The Board is preparing a handbook for new Board members to introduce them to the examination process for license applicants. The handbook will explain methods of examination administration and scoring, the way in which the examination route is chosen, and the level of performance expected from the candidate.

Law Enforcement Implications of AB 3636. Persons using guide dogs have had difficulty with the enforcement of AB 3636, the new law which requires that guide dog users and their dogs have access to all places of public accommodation. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 45.) The Board is investigating measures to educate the public regarding this law and procedures for reporting violators.

LEGISLATION:

AB 707 (Frazee). The Board has found a sponsor for its proposed leash law. This White Cane Access Law would require that all helping dogs be on a maximum six-foot leash in public places.

SB 90 (Boatwright) would repeal provisions for licensing and regulation of persons who sell, give, hire, or furnish guide dogs or seeing eye dogs by the state Board of Guide Dogs for the Blind. These powers and duties would be transferred to the Department of Rehabilitation, and the provisions would be recast in the Welfare and Institutions Code.

RECENT MEETINGS:

The Board met in Palm Springs on February 21. Mr. Buntjer, legal counsel to the Board, reported on dog ownership contract issues. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 45.) Mr. Buntjer reviewed the contract for transfer of guide dog title proposed by International Guiding Eyes, the guide dog training school in Sylmar. According to Mr. Buntjer, the Board is able to monitor the school's compliance with statute, but cannot alter the school's draft of the contract. Mr. Buntjer did, however, inform the school representatives that the contract must be revised to exclude a provision which would immunize schools from liability for their own negligence.

The transfer of title to the guide dog to the blind consumer has presented many problems in the past. Often, when a consumer first receives a dog from training school, the printed contract is not read to the blind person, especially provisions relating to the transfer of title. As a result, many guide dog users are unaware that they have a right to own the dog after a one-year probationary period.

Even when title is transferred to the guide dog user, the transfer is conditional. If the conditions of the transfer are not met by the guide dog user, the schools have a legal right to reclaim the dog. Apparently, no notice is required from the school to the guide dog user before the dog is reclaimed. If the dog user wants his/her dog returned, he/she must initiate legal action. Although the schools cannot forcibly reclaim a dog from a consumer who is unwilling to relinquish the dog, most blind consumers are not aware of their rights. The Board considered monitoring the schools to determine whether the blind consumers are being informed of their rights, but decided that such monitoring is unnecessary.

Also at its February 21 meeting, the Board voted to oppose SB 90. (See LEGISLATION, *supra*.) The Executive Officer reported that the Department of Consumer Affairs as well as the Department of Rehabilitation will also oppose the proposed legislation. Discussion at the February 21 meeting revealed that the effectiveness of the Board in preventing and correcting abuses is difficult to assess. Even though ten other states have guide dog training schools, no state (other than California) has established a licensing board for guide dog trainers. No empirical data is available to show whether California's system of licensing guide dog trainers is superior to unlicensed training provided in other states.

The Board was created in 1947 at a time when there were approximately twenty guide dog training schools in the state. Currently, only three training schools remain in California. Although the Board does inspect the schools for quality and performance, no disciplinary action has been taken in over three years.

Even in the face of SB 90, suggestions have been made to broaden the Board's responsibilities to include the licensing of trainers of signal dogs and service dogs. At this time, the state does not regulate the training of other helping dogs.

FUTURE MEETINGS:

June 5 in Sacramento.

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:

Dry Cleaner Registration. The transfer of dry cleaner registration procedures from the now-abolished Board of Dry Cleaning and Fabric Care to the Bureau continues to be an area of major activity. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 45.) The Bureau has begun registration procedures, and is currently awaiting passage of SB 61 (see LEGISLATION, *infra*), which clarifies the bonding requirements set forth in AB 183. In addition, the Bureau is awaiting approval of new bond forms, which must be reviewed by the Legal Office of the Department of Consumer Affairs, the Attorney General's Office, and the Secretary of State.

Waterbed Regulations. The Bureau plans to amend current waterbed regulations, which were adopted in 1971. The Bureau has begun to draft new regulations and standards to address changes in waterbed technology, and hopes to complete development of these new regulations within two or three months.

Insulation Regulations. Insulation regulations are currently being drafted by the Bureau to provide standards for seven or eight insulation products currently on the market for which regulations have never been adopted. The Bureau hopes to publish and adopt these regulations by the end of the year.