1981

Report to the Governor and to the Legislature

Office of Administrative Hearings

OFFICE OF ADMINISTRATIVE HEARINGS

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STATE OF CALIFORNIA

Edmund G. Brown Jr.
Governor

OFFICE OF ADMINISTRATIVE HEARINGS

Herbert W. Nobriga
Director

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HONORABLE EDMUND G. BROWN JR.
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and

MEMBERS OF THE LEGISLATURE

This report is mandated[1] to describe developments in administrative law affecting the Office of Administrative Hearings and to make recommendations which promote fairness, uniformity and expedition of government's business. Three new laws are proposed which meet those goals while reducing the cost of government.

Topics discussed include the new Office of Administrative Law, guidelines for disciplinary penalties of licensees, electronic reporting of hearings, arbitration of public works contract disputes, and administrative hearings of special education disputes.

Herb Nobriga

HERBERT W. NOBRIGA, DIRECTOR
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1. Government Code Section 11370.5.

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I. THE OFFICE OF ADMINISTRATIVE LAW

On September 11, 1979, the Governor approved AB 1111 (McCarthy) relating to administrative regulations (1979 Stats., Ch. 567). This bill became effective, for the most part, on July 1, 1980, when the new Office of Administrative Law (OAL) assumed the codification duties of the Office of Administrative Hearings (OAH). More importantly, the OAL was empowered to qualitatively review proposed and existing regulations and to reject or repeal those which were not up to standard. The five standards set are necessity, authority, clarity, consistency, and reference.

A. Background [2]

The Legislature, in AB 1111, expressly found unprecedented and unnecessary growth in regulations, many of which are written unclearly. Also, substantial time and public funds were found to be spent on unnecessary regulations. No central authority was found to review regulations thereby assuring clearly written, consistent, or authorized regulations.

To reduce the number of regulations and improve the quality of those rules being enforced, the OAL was created. The Office was prohibited from substituting its judgment on policy matters which were implicitly found to be better resolved by experts within regulatory agencies. But, those experts are required to show the need and authority for regulations.

Throughout the legislative debates on AB 1111, the author, then Assembly Speaker, Leo McCarthy, noted that the California Administrative Code had grown from about 13,500 pages in 1973 to 27,390 pages in 1978, that the Code had no index, and that regulated enterprise, especially small businesses, was overburdened by governmental demands for compliance and business information. Before the Senate Finance Committee, the author opined that the credibility of government had reached an all-time low on account of regulatory interference and that the "underbrush of regulation" had to be cleared.

B. Organization

The Office of Administrative Hearings is a division of the Department of General Services which conducts administrative hearings and published, until July 1, 1980, the California Administrative Code. AB 1111 created the Office of Administrative Law under a chief executive, the Director, whose term of office is coterminous with the Governor's. The Director is appointed by the Governor, subject to Senate confirmation. All of the codification functions of the Office of Administrative Hearings are transferred to OAL. OAL has independent governmental status similar to the Department of Finance with the Director earning cabinet-level salary but not holding cabinet rank. The OAL is funded by service charges paid by state regulatory agencies as they adopt, amend, or repeal regulations.

C. Procedure for Adoption of Regulations

Under existing law, the regulatory agency proposing a regulation

[2] This is an abbreviated version of an Enrolled Bill Report to the Governor prepared by the Director of the Office of Administrative Hearings on September 6, 1979, urging enactment of AB 1111.

change must conduct a specially noticed public hearing about the proposal. Notice of the hearing must contain:

1. The time and place of hearing;
2. the authority for the proposal with specific reference to the statute being interpreted, implemented, or made specific;
3. the proposal itself, by express terms or an informative digest, with a summary of the existing law and how it would be changed;
4. an estimate of the costs or savings to any governmental entity caused by the proposal;
5. the name and telephone number of an agency information officer who must respond to inquiries about the proposal and provide supporting documentation held by the agency upon request.

AB 1111 adds documentation about the proposal and the regulatory agency's action about it:

1. Purpose and Supporting Information

Section 11346.6 [3] requires the agency to disclose that a statement of the purpose of the proposal and the information relied upon to make the proposal has been prepared.

Section 11346.7 requires the agency to prepare and make available a general statement of reasons for making the proposal. The statement must include:

a) The specific purpose of the proposal;
b) the factual basis for holding the proposal to be necessary;
c) the facts, information and studies relied upon.

The statement is prepared before notice of hearing is published, and amended after hearing to include data acquired during the hearing process. The agency must also summarize the primary grounds of opposition to the proposal and explain why if those grounds were rejected. The summary and explanation are used by OAL as it reviews the proposal. Other reviewing authorities, such as the Governor and courts, also see this documentation.

2. Record of the Rule-making Proceeding

Section 11347.3 requires the regulatory agency to maintain a file, called the "record of the rule-making proceeding," which includes:

a) Petitions proposing regulation adoption, amendment, or repeal;
b) all information relied upon for the proposal;
c) all data, reports and comments made to the agency about the proposal;
d) a transcript, record, or minutes of the rule-making hearing;
e) a summary of opposition to the proposal and reasons for rejecting those considerations;
f) a purpose and basis statement showing the proposal to be reasonably necessary to achieve the underlying authority;
g) any other data the agency must consider about the proposal.

[3] All references are to the Government Code.

This record is a public document and is available to reviewing authorities.

3. Review of Regulations

Prior to enactment of AB 1111, no single agency in any branch of government had power to qualitatively review proposed regulations. Questions of necessity, authority, clarity, consistency, or reference of a proposed regulation were left up to the regulatory agency itself. Existing regulations stayed in the Code indefinitely without a periodic review requirement of any sort even by the agencies promulgating them.

AB 1111 requires review of all existing and proposed regulations.

a) Proposed Regulations

OAL reviews all proposed regulations for compliance with the defined standards of necessity, authority, clarity, consistency, and reference. Review is limited to the record of the rule-making proceeding and the proposal itself. If substantial evidence shows compliance, OAL must approve and file the proposal with the Secretary of State in thirty days. Within the same time limit, OAL may disapprove and return with written explanation a substandard proposal. The disapproved proposal may be resubmitted as rewritten without additional hearing unless substantial provisions have been significantly changed. In the latter event, new notice and hearing are necessary.

The Governor may overrule OAL's disapproval within thirty days. Then, the proposed regulation is filed forthwith.

b) Existing Regulations

All regulatory agencies must review existing regulations to find if they comply with the five standards. First, each agency is required to furnish OAL a review plan displaying deadlines, review cost, and personnel deployed for the task.

Under AB 1111, five years was set as deadline for entire California Administrative Code review by all regulatory agencies. However, Executive Order B72-80 accelerated that due date to December 31, 1982.

OAL is required to file a Master Plan of review with the Governor and Legislature by April, 1981. The Master Plan fixes specific completion dates for the regulatory agencies. Annual progress reports are also required of OAL.

While the review plan starts with the regulating agency itself, six months after a body of regulations has been reviewed, any interested person can petition OAL to repeal or amend unchanged regulations. Upon petition, OAL may require the regulatory agency to show cause why the regulation should not be changed. If cause is not shown, OAL, with written specification of cause, may act unilaterally against the offensive regulation. The statement specifying grounds of noncompliance with the five standards is a public document and, of course, is available to reviewing authorities. The Governor may overrule OAL within thirty days; otherwise corrective regulation changes are filed by OAL with the Secretary of State.

4. Judicial Review

Perhaps the most significant long-run change in law achieved by AB 1111 is in judicial review of regulations.

Formerly any interested person could petition a court to review a regulation in a declaratory relief lawsuit or by writ of mandate. But review was limited to (a) substantial failure to comply with the Administrative Procedure Act, and (b) in the case of emergency regulations, by showing that the facts recited to justify an "emergency" were not, in fact, an emergency.

AB 1111 changed the scope and test of judicial review:

> The court may invalidate a regulation if it cannot find in the record of the rule-making proceeding that the regulation is necessary to effectuate the purpose of the statute relied on as authority for the regulation.

In other words, the agency must be ready to show that the regulation is necessary and authorized. And, the showing is limited, as a matter of proof, to the record of the rule-making proceeding. Finally, the court's independent judgment, not the agency's, prevails as to whether the tests of necessity and authority are met. The presumptions favoring validity of regulations in judicial review are gone. The regulator and regulated stand on equal footing. The flooring beneath both is the record of the rule-making proceeding.

5. Index

AB 1111 requires OAL to index the Code. However, a private concern, University Microfilms International (UMI), a subsidiary of Xerox, already has produced the index without government subsidy or expense. UMI was assisted by the former codification staff of the Office of Administrative Hearings in designing the index. Rose Mary Messier and JoAnn Philbrick provided expert advice. The savings of a privately prepared index to California taxpayers is at least in the hundreds of thousands of dollars initially, and perhaps millions in the long run. Index revisions will necessarily follow regulation review, revision, repeal and adoption. The value of an index to regulated persons and enterprises is obvious.

II. DETERMINATE AND DETERRENT PENALTIES AGAINST LICENSEES

State licensing agencies have broad discretion to discipline licensees for errors and omissions committed in the course of their business or occupation. Of late, criticism has been mounting that inconsistent and lenient penalties have been proposed by hearing officers and ordered by the agencies. Agency officers, in particular, have complained that hearing officers are proposing unacceptably lenient penalties which cannot be set aside without great cost and passage of time. That cost and delay are the result of the statutory requirement that no agency may enhance a proposed penalty unless it reviews the record of the hearing (Section 11517). The record includes a verbatim transcript of all hearing proceedings. Transcripts cost approximately $8.25 a page. A page contains about 300 words. A full day's hearing will fill about 170 pages of transcript, may take sixty days to deliver, and cost the agency around $1,551.25 plus the cost of duplicating exhibits introduced during the hearing.

To promote consistent and reasonable penalties for similar offenses, it is recommended that licensing agencies formally adopt penalty guidelines by regulation. These guidelines would be similar in effect to the determinate sentence law recently imposed by the Legislature on criminal courts. Hearing officers should be obliged to follow the guidelines making adjustments on the severity of penalty as provided in the guidelines when the facts aggravate or mitigate the offense.

While adoption of regulations for these penalty guidelines seems contrary to the movement against governmental regulation, actually the regulations control governmental, not private, conduct.

This proposal puts disciplinary policy squarely on the licensing agency where it belongs while continuing the independence of the tribunal to adjudicate commission of the offense.

It is submitted that the considerable expense of adopting regulations establishing the penalty guidelines will be offset by savings enjoyed in reduced need to prepare and review transcripts. Furthermore, the guidelines will stand as clear pronouncements by licensing agencies of enforcement patterns which may deter some licensee offenses. Cleaner licensee operations not only promote consumer protection but also reduce the cost of enforcement necessary to make the marketplace safe and fair.

Proposed Statute

Business & Professions Code, Section ____:

1. The Legislature finds that occupational licensing boards can promote consumer protection by aggressive and consistent disciplinary action against licensees for errors and omissions which injure the public.

2. The Legislature further finds that adoption and promulgation of uniform guidelines for disciplinary penalties will deter errors and omissions by licensees and reduce the incidence and expense of disciplinary action while promoting consistent discipline and consumer protection.

3. a) Each licensing board shall adopt, in accordance with the provisions of the Administrative Procedure Act, regulations which shall

be guidelines for disciplinary penalties against licensees for errors and omissions which are substantially related to the business or profession for which the license was issued.

b) The penalties set by the guidelines shall be broad enough to discipline licensees justly when facts aggravate or mitigate the error or omission.

4. The board, and any hearing officer or agent acting for the board, shall follow the guidelines in adopting or proposing any disciplinary penalty.

III. ELECTRONIC RECORDING OF HEARINGS

Under existing law, Administrative Procedure Act hearings must be recorded by "a phonographic reporter" (Section 11512(d)). "Phonographic reporter" is an expression first found in the original California Codes which were adapted from the Field Code in 1872. At that time, court reporting, or phonographic reporting, consisted of hand-written summaries of judicial proceedings, including the gist of arguments and testimony. As time passed and court reporting techniques improved, the expression "phonographic reporter" remained and grew to embrace the new techniques. Eventually manual and mechanical shorthand became acceptable inclusions within the expression. Arguably, phonographic reporter became a generic term used to describe any reliable method of recording for transcription the communications made on the record.

There is another interpretation of the term "phonographic reporting" held by the court reporting industry and the Department of Justice.[4] The industry and its supporters contend that the growth of the expression "phonographic reporting" stops short of recent developments in *some* electronic recording devices. The excluded devices, commonly known as tape recorders, may be operated by practically anyone with training and obviously threaten the monopolistic advantage of the court reporting industry. However, other electronic devices which may be operated only by court reporters are included. The principal electronic device which is included is generally called "CAT," an acronym for computer-aided transcription. The CAT system permits the court reporter to stroke one key on the stenotype machine and produce two tapes at a time. One tape is the traditional paper tape with ink symbols; the other is an electronic tape cassette with symbolic impulses. The electronic tape can be deciphered by a computer holding the court reporter's dictionary of electronic symbols in memory. The deciphered symbols are displayed on a cathode ray tube, similar to a television screen, for proofing against the paper tape, then corrected as necessary and printed on command by a high-speed typewriter. The preservation of the industry's exclusive hold on court reporting may have some bearing on the acceptability of this particular electronic device. The difference of interpretation has become crucial to the efficient operation of the Office of Administrative Hearings and most other tribunals in this State. Tape recording devices offer remarkable savings of time and money in both recording and transcribing hearings, trials and meetings.

Two transcripts of the same APA hearing, one prepared by a certified shorthand reporter (CSR), and the other prepared from a quadraphonic tape recording operated by a trained monitor and transcribed by a hearing transcriber, were qualitatively evaluated by the California Department of Finance. The CSR transcript was found to contain almost twice as many errors as the tape-recorded transcript.

Electronically taped proceedings are commonly held to be very difficult and time consuming for transcription. However, quadraphonic tape re-

[4] Attorney General Index Letter to Senator Robert Beverly, No. CV 77/181 IL.

cordings which isolate input when accompanied by a log of the key events and unusual words are easily transcribed. Since the cassette tapes can be transcribed by anyone with a listening device and typewriter, a hearing can have as many transcribers working *simultaneously* as there are tapes. Meanwhile the input device, the tape recorder, may be back in the hearing room recording another hearing. This rapid transcription potential is impossible when court reporters are used. First, the court reporter must record the hearing and then either decipher and dictate the data for a transcriber or decipher and type the data himself or herself. While the reporter dictates, types and proofreads the transcript, that reporter's "in hearing room" reporting services are lost. Simultaneous deciphering and transcription of parts of a hearing are impossible.

In terms of cost savings, the big difference is salaries. An OAH hearing reporter earns from $23,472 to $28,308 per annum. OAH hearing monitors earn from $10,848 to $12,720 per annum. Even when capital costs for the electronic recording and transcribing equipment and operational costs of logs and cassette tapes are added to the cost of electronic recording, the Department of General Services has fixed the rates for electronic recording at 46% the rate charged for hearing reporter services.

Recommendation: Amend Government Code, Section 11512(d) to permit the use of alternative means of hearing recording and transcription and require that the equipment, if used, meet standards set by the Judicial Council which will assure reliability and accuracy.

Proposed Amendment

Government Code, Section 11512(d):

The proceedings at the hearing shall be reported by a phonographic reporter or otherwise perpetuated by mechanical, electronic, or other means capable of verbatim reproduction or transcription. Any mechanical, electronic or means other than phonographic reporting used to report or transcribe the proceedings shall be of a type approved by the Judicial Council for courtroom use.

IV. ARBITRATION OF CONSTRUCTION CONTRACT DISPUTES [5]

A. Background

Most public construction contracts have provisions which permit a public agency to resolve a claims dispute at the administrative level. Prior to the court decision in the *Zurn* Case (*Zurn Engineers* v. *State of California,* 69 CA 3d 798 (1977)), a contractor could seek relief in court after exhausting all administrative remedies. The *Zurn* ruling held that a trial court is limited in its scope of review of a final administrative decision (i.e., a Chief Engineer's decision) if the contractor had agreed in the contract to permit the public agency to make the final decision in contract disputes. The trial court is preluded from considering a contract dispute *de novo* and substituting its judgment for the judgment of the Chief Engineer.

In response to *Zurn,* the construction industry proposed SB 2197 (1978), known as the "Zurn bill." The bill, in its final version, added Section 1670 to the Civil Code as follows:

> "1670. Any dispute arising from a construction contract with a public agency, which contract contains a provision that one party to the contract or one party's agent or employee shall decide any disputes arising under that contracct, shall be resolved by submitting the dispute to independent arbitration, if mutually agreeable, otherwise by litigation in a court of competent jurisdicition."

The effect of SB 2197 (Ch. 1374, 1978 Stats.), was to provide alternative methods for resolving state construction contract disputes; that is, by litigation in court or by independent arbitration.[6]

At the time of the signing of SB 2197, the Governor and the industry agreed with the concept that State construction disputes would be arbitrated. The Governor invited representatives of the construction industry and of the various State departments involved in awarding construction contracts to submit suggestions concerning a system of independent arbitration which could become a part of State construction contracts awarded after January 1, 1979, the effective date of the new law. These suggestions were developed and submitted, and on December 8, 1978, the Governor issued Executive Order B50-78, which ordered the establishment and implementation of a State construction contract arbitration program. Specifically, all construction contracts by the Departments of General Services, Transportation, and Water Resources, under the State Contract Act, for which bids are opened between January 1, 1979 and December 31, 1983, must include a clause requiring disputes to be submitted to arbitration pursuant to Sections 1280 et seq., Code of Civil Procedure. The Office of Administrative Hearings was appointed to administer the arbitration program.

The Executive Order was an attempt to provide a quicker, uniform and

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[5] Prepared by Mary-Lou Smith, Arbitration Administrator.

[6] Either party may still elect to proceed under Government Code Section 14378, et seq., for disputes under $50,000. This "Determination of Rights" hearing procedure is conducted by Administrative Law Judges from the Office of Administrative Hearings.

economical way to handle construction contract disputes after exhaustion of administrative settlement procedures. One of its prime objectives was to divert construction contract cases, which often require protracted litigation, from the court system, thereby reducing court congestion.

An Arbitration Committee of both industry and State representatives was appointed. The Executive Order directed the Committee to establish policy, comment on regulations proposed by the three participating state agencies, establish criteria for the certification of arbitrators, review the qualifications of applicants who wished to be arbitrators, and certify those applicants who were qualified.

After numerous Committee meetings, public hearings and comments from the industry, public agencies and the legal community, regulations were adopted jointly by the Departments of General Services, Water Resources, and Transportation on June 1, 1979, and became effective 30 days thereafter. The Committee also developed criteria for the certification of arbitrators. Attorney and non-attorney applicants who might meet the criteria were solicited throughout the State. At the May 18, 1979 meeting, 66 applicants were certified as arbitrators for the arbitration program. The evaluation and certification of applicants continues. To date, 142 applicants have been certified.

Through the Arbitration Administrator, the Committee is apprised of the arbitrations in progress at OAH, and the disposition of the disputed claims. Problems concerning arbitrations, arbitration applicants, and policy matters are resolved by the Committee. The Committee has made a concerted effort to publicize the program by discussing it at industry meetings and conferences. The Associated General Contractors placed numerous articles on the arbitration program in industry publications such as *California Constructor* and *AGC Pipeline,* and in metropolitan newspapers (*Sacramento Bee, San Francisco Examiner* and *Chronicle, L.A. Daily Times*). Over 75 inquiries resulted from this publicity. *California Government Contracts* and *California Government Contract Reporter,* California Procurement Publications, have published all of the arbitration awards. Articles about the program are frequently featured in these publications.

The Office of Administrative Hearings provides administrative services and facilities for the arbitration program. Reimbursement to OAH for staff salaries and other costs (typing, mailing, stationery, reproduction) is provided by interagency agreements with the three participating agencies. The agreements limit each agency's share of OAH's administration costs to $7,000 annually. OAH's function begins when a demand or stipulation is filed with that office. Cases are monitored through each procedural step.

A complete report on the program will be presented early in 1981, pursuant to the terms of the enabling Executive Order. The report will contain biographical information on the committee members, statistics, an evaluation of the program, and recommendations.

V. SPECIAL EDUCATION PROGRAM [6]

Effective January, 1981, the Office of Administrative Hearings will conduct special education due process hearings for the Superintendent of Public Instruction under an Interagency Agreement with the Department of Education. Funding under the Agreement is from federal funds provided the Department of Education for the administration of Public Law 94-142.

Federal and state law provides that all individuals with exceptional needs have a right to participate in free appropriate public education. Public Law 94-142 and California Education Code, Sections 56000, et seq., require local educational agencies to provide special educational instruction and services to handicapped persons in order to meet their unique needs.

Local educational agencies must seek out, identify, and assess individuals with exceptional needs in special education instruction. The Legislature has specified detailed criteria requiring local educational agencies to develop and implement an individualized education program for each individual with exceptional needs. The pupil, the parent, and the local educational agency involved in any decisions regarding a handicapped child are entitled to a fair and impartial due process hearing at the state level under any of the following circumstances:

A. There is a proposal to initiate or change the identification, assessment, or educational placement of the child or the provision of a free, appropriate public education to the child.
B. There is a refusal to initiate or change the identification, assessment, or educational placement of the child or the provision of a free, appropriate public education to the child.
C. The parent refuses to consent to an assessment of the child.

Sections 56501 and 56505 of the Education Code require that hearings be conducted by persons knowledgeable in the laws governing special education and administrative hearings under contract with the Department of Education. The Interagency Agreement, pursuant to these sections, recognizes OAH's long-standing experience in conducting a variety of quasi-judicial proceedings for state and local agencies.

Initially, special education hearings will be conducted by six OAH Hearing Officers who will devote full time to such hearings. The six Hearing Officers and two clerical positions have been assigned to a special education hearing unit established within OAH. Extensive training of the Hearing Officers has been, and will continue to be, conducted by the Department of Education and OAH.

Hearings shall be "before the Superintendent of Public Instruction," but Hearing Officers' decisions shall be final, subject only to judicial review, in order to meet the federal requirement that decisions be by impartial, independent hearing officers.

Federal law provides that hearings should be completed and a final

[6] Prepared by Robert R. Coffman, Administrative Law Judge in charge of the Special Education Program for the Office of Administrative Hearings.

decision rendered within 45 days of the request for hearing. Because mediation provided for under state law takes approximately 15 days, OAH will be asked to complete most hearings within 30 days after receipt of the request for hearing.

During 1980, the Department of Education received approximately 70 requests for hearing per month. Of these, 35 went to hearing, while the remainder were settled by informal conference or mediation. However, by January 9, 1981, the Department of Education had transmitted to OAH 66 cases for hearing. If hearings continue at this pace, or exceed 35 per month, additional hearing staff will be required.

Recently, these hearings have become increasingly complex and time consuming. The parties are often represented by counsel. Hearings have been running one to six days with approximately the same amount of time allocated to decision writing.

VI. FILINGS FOR FISCAL YEAR 1978–79

AGENCY	*NORTH*	*SOUTH*	*STATE*
ACCOUNTANCY	5	10	15
AERONAUTICS (TRANSPORTATION)			
AGRICULTURE AND FOOD	18	1	19
AIR RESOURCES BOARD			
ALCOHOLIC BEVERAGE CONTROL	221	535	756
AUTOMOTIVE REPAIR	9	9	18
BARBER BOARD			
BEHAVIORAL SCIENCE	1	1	2
BUSINESS & TRANSPORTATION	2	1	3
CHIROPRACTIC EXAMINERS	8	10	18
COLLECTIONS AGENCIES	1	3	4
COMMUNITY COLLEGES BD. OF GOVERNORS		1	1
CONTRACT DISPUTES	2	2	4
CONTRACTORS' STATE LICENSE BOARD	124	138	262
CONTROL, BOARD OF			
CONSERVATION (FORESTRY)	5		5
CORPORATIONS	5	22	27
COSMETOLOGY	12	19	31
DENTAL EXAMINERS	7	23	30
EMPLOYMENT AGENCIES	4	4	8
ENGINEERS	53	59	112
FABRIC CARE	1	1	2
FAIR EMPLOYMENT PRACTICES COMMISSION	47	90	137
FAIR POLITICAL PRACTICES COMMISSION			
FUNERAL DIRECTORS	13	7	20
HEALTH, DEPARTMENT OF	18	37	55
HIGHWAY PATROL	2		2
HORSE RACING BOARD	1	3	4
HOUSING AND COMMUNITY DEVELOPMENT		5	5
INSURANCE	92	83	175
INDUSTRIAL RELATIONS (LABOR COMM.)	2		2
INVESTIGATIVE SERVICES	7	37	44
MEDICAL EXAMINERS	92	105	197
MOTOR VEHICLES	201	272	473
NURSES, BOARD OF REGISTERED	74	51	125
NURSING HOME ADMINISTRATORS	4	10	14
OPTOMETRY BOARD		1	1
OSTEOPATHIC EXAMINERS		4	4
PHARMACY	25	23	48
PHYSICAL THERAPISTS			
PSYCHIATRIC TECHNICIANS	13	4	17
REAL ESTATE	271	340	611
REPAIR SERVICES (ELECTRONIC)	8	6	14
RETIREMENT—PERS	50	38	88
RETIREMENT—TEACHERS	12	24	36
RETIREMENT—UNIVERSITY OF CA	3	2	5
SAVINGS & LOAN, DEPT. OF		1	1
SECRETARY OF STATE	24	26	50
SOCIAL SERVICES	21	10	31
STRUCTURAL PEST CONTROL	17	31	48
TAX PREPARER	3	3	6
TEACHER PREPARATION & LICENSING	12	9	21
VETERINARY MEDICINE	3	3	6
VOCATIONAL NURSE EXAMINERS	36	55	91
FIRE MARSHAL	2	2	4
ARCHITECTS		3	3

VI. FILINGS FOR FISCAL YEAR 1978–79—Continued

AGENCY	*NORTH*	*SOUTH*	*STATE*
UNIVERSITY, BERKELEY—DISABILITY HEARINGS		1	1
GEOLOGISTS	1	2	3
TOTAL STATE AGENCIES	1,532	2,127	3,659
SCHOOLS			
CLASSIFIED EMPLOYEES	1	6	7
COMMUNITY COLLEGE (FACULTY)	1	1	2
PROBATIONARY TEACHERS	192	97	289
GRIEVANCE		2	2
STUDENTS	3	2	5
TENURED TEACHERS	25	25	50
TOTAL SCHOOL	222	133	355
CITY AND COUNTY	75	3	78
TOTAL LOCAL GOVERNMENT	75	3	78
TOTAL ALL AGENCIES	1,829	2,263	4,092

VII. FILINGS FOR FISCAL YEAR 1979–80

AGENCY	*NORTH*	*SOUTH*	*STATE*
ACCOUNTANCY	5	7	12
AERONAUTICS (TRANSPORTATION)		5	5
AGRICULTURE AND FOOD	7	4	11
ARCHITECTURAL EXAMINERS, BOARD OF	3		3
ALCOHOLIC BEVERAGE CONTROL	220	565	785
AUTOMOTIVE REPAIR	8	6	14
BARBER BOARD	2	19	21
BEHAVIORAL SCIENCE	3	7	10
BUSINESS & TRANSPORTATION	3	3	6
CHIROPRACTIC EXAMINERS	5	14	19
COLLECTIONS AGENCIES	1	5	6
COMMUNITY COLLEGES BD. OF GOVERNORS		1	1
CONTRACT DISPUTES	4	1	5
CONTRACTORS' STATE LICENSE BOARD	155	175	330
EDUCATION, DEPARTMENT OF		1	1
CONSERVATION (FORESTRY)	4		4
CORPORATIONS	4	8	12
COSMETOLOGY	4	15	19
DENTAL EXAMINERS	7	23	30
EMPLOYMENT AGENCIES	4	3	7
ENGINEERS	25	45	70
FIRE MARSHALL, OFFICE OF STATE	1		1
FAIR EMPLOYMENT PRACTICES COMMISSION	45	68	113
FAIR POLITICAL PRACTICES COMMISSION	8		8
FUNERAL DIRECTORS	17	24	41
HEALTH, DEPARTMENT OF	14	38	52
HIGHWAY PATROL		1	1
HORSE RACING BOARD	1		1
HOUSING AND COMMUNITY DEVELOPMENT		1	1
INSURANCE	56	116	172
INDUSTRIAL RELATIONS (LABOR COMM.)	2	2	4
INVESTIGATIVE SERVICES	8	2	10
MEDICAL EXAMINERS	102	152	254
MOTOR VEHICLES	179	299	478
NURSES, BOARD OF REGISTERED	67	58	125
NURSING HOME ADMINISTRATORS	3	14	17
OPTOMETRY BOARD		1	1
PERSONNEL BOARD			
PHARMACY	15	23	38
PHYSICAL THERAPISTS		2	2
PSYCHIATRIC TECHNICIANS	14	8	22
REAL ESTATE	158	270	428
REPAIR SERVICES (ELECTRONIC)	14	6	20
RETIREMENT—PERS	61	47	108
RETIREMENT—TEACHERS	25	30	55
RETIREMENT—UNIVERSITY OF CA	5	5	10
SECRETARY OF STATE	28	57	85
SOCIAL SERVICES	22	13	35
STRUCTURAL PEST CONTROL	36	28	64
TAX PREPARER	3	1	4
TEACHER PREPARATION & LICENSING	13	21	34
VETERINARY MEDICINE	2	3	5
VOCATIONAL NURSE EXAMINERS	37	55	92
HOME FURNISHINGS, BUREAU OF	1		1
SHORTHAND REPORTERS BOARD, CERTIFIED	2		2
WATER RESOURCES, DEPT. OF		1	1
TOTAL STATE AGENCIES	1,400	2,252	3,652

VII. FILINGS FOR FISCAL YEAR 1979–80—Continued

AGENCY	*NORTH*	*SOUTH*	*STATE*
SCHOOLS			
CLASSIFIED EMPLOYEES	9	1	10
COMMUNITY COLLEGE (FACULTY)	4	3	7
PROBATIONARY TEACHERS	94	93	187
GRIEVANCE			
STUDENTS	1	3	4
TENURED TEACHERS	23	24	47
TOTAL SCHOOL	131	124	255
CITY AND COUNTY	101	3	104
TOTAL LOCAL GOVERNMENT	101	3	104
TOTAL ALL AGENCIES	1,632	2,379	4,011

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