



REGULATORY AGENCY ACTION

providers of signal dogs for the deaf and service dogs for the physically disabled. The Board is currently evaluating accessibility laws guaranteeing the rights of guide, signal, and service dog users to travel unimpeded and to enter all places of public accommodation. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 59; Vol. 9, No. 1 (Winter 1989) p. 48; and Vol. 8, No. 4 (Fall 1988) p. 56 for background information.)

In addition to numerous hearings last summer and fall, the Board held public hearings on these issues on November 2 in Sylmar; November 3 in Santa Barbara; December 4 in San Diego; and January 17 in San Jose. The concerns presented at the hearings focused on statutory definitions of the terms "deaf," "physically disabled," "signal dogs," "service dogs," and "trainers" of those dogs; costs and burdens placed on schools and trainers if regulated by the Board; level of certification and licensing for schools and trained animals; and public accessibility of signal and service dogs and their owners.

The January 17 hearing concluded the schedule of public hearings. The Board is currently planning a meeting to discuss the issues raised at the hearings. The Board is to identify areas of the law requiring legislative attention, note its concerns, and make appropriate recommendations. The Board must complete its study and report back to the legislature on or before June 30.

FUTURE MEETINGS:

To be announced.

BUREAU OF HOME FURNISHINGS AND THERMAL INSULATION

Chief: Gordon Damant
(916) 920-6951

The Bureau of Home Furnishings and Thermal Insulation (BHF) is charged with regulating the home furnishings and insulation industries in California. As a division of the state Department of Consumer Affairs, the Bureau's mandate is to ensure that these industries provide safe, properly labeled products which comply with state standards. Additionally, the Bureau is to protect consumers from fraudulent, misleading, and deceptive trade practices by members of the home furnishings, insulation, and dry cleaning industries. The

Bureau is established in Business and Professions Code section 19000 *et seq.*

The Bureau establishes rules regarding furniture and bedding labeling and sanitation. To enforce its regulations, which are codified in Chapter 3, Title 4 of the California Code of Regulations (CCR), the Bureau has access to premises, equipment, materials, and articles of furniture. The Bureau may issue notices of violation, withhold products from sale, and refer cases to the Attorney General or local district attorney's offices for possible civil penalties. The Bureau may also revoke or suspend a licensee's registration for violation of its rules.

The Bureau is also charged with the registration of dry cleaning plants throughout the state. The registration process includes submission of information regarding the plant's onsite storage, treatment, and disposal of toxic wastes. The Bureau, however, has no enforcement authority regarding this function.

The Bureau is assisted by a thirteen-member Advisory Board consisting of seven public members and six industry representatives.

MAJOR PROJECTS:

Consumer Assistance Program. The Bureau recently completed a full restructuring of its Consumer Assistance Program. BHF Consumer Assistant Jo Hakala, with the assistance of Chief Damant, redesigned the way in which the Bureau responds to consumer complaints regarding furniture and bedding licensees. Hakala described the revamped system at the Advisory Board's December 5 meeting in Los Angeles.

Previously, consumer complaints regarding licensees were required to be submitted in written form. Once received, the Bureau would forward the complaint to the subject firm for its comments and possible solutions. The process proved to be time-consuming and generally ineffective. Under the new system, Hakala attempts to resolve all disputes over the telephone. Written complaints are not required unless the level of complexity demands it.

The restructured program should benefit both consumers and licensees. Consumers are now offered quicker and more effective assistance with their problems. Additionally, consumer complaints often involved expenditures of licensee time and money. The Bureau is now able to expedite resolution of the

dispute. Advisory Board Chair John McNeill requested that Hakala report back to the Board at a future meeting with specific numbers regarding the program's effectiveness.

Update on Other BHF Projects. During spring 1990, the Bureau plans to re-propose regulations regarding higher flammability standards for furniture used in public occupancy buildings. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 59 for background information.)

In other action, the Bureau's long-awaited question and answer booklets were finally made available in December. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 61 for background information.) The two booklets, entitled *Don't Remove The Tag* and *Check The Tag*, address the most common concerns of consumers and licensees.

RECENT MEETINGS:

At the Advisory Board's December meeting, Chief Damant announced that two recent disciplinary actions against product manufacturers have ended in settlement. Purofied Down Products of Ridgefield, New Jersey, and HTB Contemporary/Hickory Tavern Furniture of Conover, North Carolina, have agreed to pay \$47,000 and \$34,000, respectively, in civil penalties. The Bureau's inspectors found that although Purofied was labeling certain products as containing a minimum of 75% down, the products in fact contained on average only 50% of the fill material. Regarding HTB, the Bureau had charged the manufacturer with violating various furniture flammability and labeling requirements.

Also at the December 5 meeting, the Bureau's Advisory Board elected Raymond Curry as Chair and Valerie Celestin as Vice-Chair. The two will serve throughout 1990.

FUTURE MEETINGS:

June 12 in San Diego.

September 11 in San Francisco.

December 11 in Los Angeles.

BOARD OF LANDSCAPE ARCHITECTS

Executive Officer: Jeanne Brode
(916) 445-4954

The Board of Landscape Architects (BLA) licenses those who design landscapes and supervise implementation of design plans. To qualify for a license, an



applicant must successfully pass the written exam of the national Council of Landscape Architectural Registration Boards (CLARB), an additional section covering landscape architecture in California, and an oral examination given by the Board. As of January 1, 1990, the oral exam requirement is deleted for all instate applicants. In addition, an applicant must have the equivalent of six years of landscape architectural experience. This may be a combination of education from a school with a Board-approved program in landscape architecture and field experience.

The Board investigates verified complaints against any landscape architect and prosecutes violations of the Practice Act. The Board also governs the examination of applicants for certificates to practice landscape architecture and establishes criteria for approving schools of landscape architecture.

Authorized in Business and Professions Code section 5615 *et seq.*, BLA consists of seven members. One of the members must be a resident of and practice landscape architecture in southern California, and one member must be a resident of and practice landscape architecture in northern California. Three members of the Board must be licensed to practice landscape architecture in the state of California. The other four members are public members and must not be licentiates of the Board. Board members are appointed to four-year terms. BLA's regulations are codified in Chapter 26, Title 16 of the California Code of Regulations (CCR).

MAJOR PROJECTS:

BLA President and Executive Officer Testify Against Sunset Plan. On October 25, the Senate Business and Professions Committee conducted an oversight hearing on the Department of Consumer Affairs and selected boards therein. BLA's President and Executive Officer testified in opposition to a "sunset" plan to abolish the Board being considered by the legislature. Board President Bob Hablitzel testified on the importance of licensing landscape architects, and suggested that instead of sunsetting BLA, it should be subjected to regular review to facilitate streamlining of its operations. Hablitzel also indicated that BLA has been discussing possible mergers with other boards, including the Contractors State License Board.

Executive Officer Jeanne Brode testified about the potential impacts of a

sunset plan. In other states where landscape architect boards have been sunsetted, she argued, the boards are usually reestablished within two years, resulting in large financial costs to those states. Brode also predicted that dissolution of BLA would result in a flood of unlicensed landscape architects. Finally, Brode testified that financial constraints have hindered BLA's enforcement program. Several measures have been taken to promote better enforcement, including prioritizing consumer complaints and implementing a cyclical collection of licensing fees, to spread budget costs across the year.

LEGISLATION:

SB 1676 (Dills), which would have provided for the licensing and regulation of irrigation consultants by BLA and would have established misdemeanor penalties for persons who practice irrigation consulting without a license, died in committee.

Proposed Legislation During 1990. BLA anticipates introducing proposed legislation that would require landscape architects to enter into written contracts to provide professional services. Also, BLA may seek legislation permitting it to delegate the grading of performance problems to a national vendor. This proposal resulted from CLARB's decision to centralize the grading for all states at one grading site. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 60 for background information.)

RECENT MEETINGS:

At BLA's December 15 meeting, Executive Officer Jeanne Brode updated members on the Board's budget change proposal (BCP) on committee funding for fiscal year 1990-91. Ms. Brode feels that the lack of funding to reimburse BLA's non-Board-member committee members for meeting-related expenses has contributed to the Board's inability to attract and retain qualified landscape architects to serve on the committees. The Executive Officer favors a BCP which would allocate \$1200 each to the Enforcement and Education Committees for per diem allowances; these committees meet four times per year. The Examination Committee would receive \$144,000 under the BCP, because the Examination Committee meets six times yearly and annually writes a new 120-problem California section for the Uniform National Examination.

The Board also discussed three other

BCPs. One would provide more money for the Enforcement Committee, which currently is allocated only \$30,000 to review complaints and discipline licensees. Another BCP would allocate money to fund one more salaried staff assistant to work with the Enforcement Committee. A third proposal would allot \$100,000 for the development of a new California licensing exam, separate from the UNE. BLA is already locked into pursuing the new exam by 1992. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 60 and Vol. 9, No. 3 (Summer 1989) p. 53 for background information.) The Board approved all four BCPs but acknowledged the fact that its chance of receiving all four is slim.

Also at the December 15 meeting, the Board again considered proposed language to amend section 2620 of Chapter 26, Title 16 of the CCR. The Board is attempting to clarify the education and job experience requirements for licensing applicants. BLA considered four different language proposals, but did not adopt any of them. Instead, the Board authorized the Executive Officer to work with the Board's legal counsel, Don Chang, to formulate proposed language and resubmit the issue at the next meeting. Once the Board approves the language, the matter will be published for public comment, along with proposed amendments to section 2623, regarding appeals of failing scores on the graphic performance section of the exam which were discussed at the Board's September 1989 meeting. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 61 for background information.)

FUTURE MEETINGS:

May 4 in Los Angeles.

MEDICAL BOARD OF CALIFORNIA

Executive Director: Ken Wagstaff
(916) 920-6393

The Medical Board of California (MBC) is an administrative agency within the state Department of Consumer Affairs. The Board, which consists of twelve physicians and seven lay persons appointed to four-year terms, is divided into three autonomous divisions: Licensing, Medical Quality, and Allied Health Professions.

The purpose of MBC and its three divisions is to protect the consumer