



**California State Board of Guide Dogs for the Blind
Board Meeting Materials
Monday, July 18, 2016
1:00 p.m. – Completion of Business
Teleconference Phone Number: 1-866-692-3158
Participant Code: 99686782**

1. Call to Order/President's Welcome
 - No Materials Necessary
2. Roll Call/Establishment of a Quorum
 - No Materials Necessary
3. Approval of Meeting Minutes Dated May 9, 2016 and June 13, 2016
 - Please See Additional Documents Entitled "Appendix 1 – Draft Meeting Minutes – 5-9-2016" and "Appendix 2 – Draft Meeting Minutes – 6-13-2016"
4. Executive Officer's Update
 - a. Budget Update
 - Fiscal Year 2015-16 Budget - \$208K
 - Fiscal Month 12 Expenditures - \$157K; 75%.
 - Fiscal Year 2015-16 Revenue - \$152K
 - Fund Condition - \$80K in the fund; 5.6 months of operating expenses.
 - Fiscal Year 2016-17 Budget – \$208K
 - b. Examination Update
 - August 8-9, 2016
 - 3 Applicants, all of which are from out of state schools.
 - c. Website Update
 - Artwork from Publications
 - Content cleanup, archive, etc.
 - Final changeover projected for August, 2016
 - d. Legislative Update
 - i. Discussion and Possible Action Regarding Senate Bill 1331 (Pavley)
 - http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160SB1331
 - Please See Additional Documents Entitled "Appendix 3 – SB1331 As Amended 6-20-16"
 - Summary of various meetings with members of the legislature, committee hearings, etc.
 - Discussion of recent amendments to the bill
 - ii. Discussion and Possible Action Regarding Assembly Bill 1824 (Chang)
 - http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1824



- Please See Additional Documents Entitled “Appendix 4 – AB1824 - Support - CA Guide Dog Board”
 - Summary of committee hearing
5. Practice Task Force Update and Consideration of Recommendations Regarding:
- a. a fact sheet outlining the Board’s Arbitration program and authority
 - Please See Additional Draft Documents Entitled “Appendix 5 – Arbitration Fact Sheet”
 - b. The creation of a temporary follow-up instruction permit through legislation and regulation
 - No Materials Necessary

CLOSED SESSION

- c. The Board will meet in closed session pursuant to Government Code Section 11126(c)(1) to consider recommendations related to the preparation, approval, and administration of its licensing examination
 - No Materials Necessary

OPEN SESSION

6. Public Comment on Items Not on the Agenda
(Note: No discussion may be had and no action taken on any item not on the agenda except for a Member to request the item be placed upon a future agenda)
- No Materials Necessary
7. Topics and Meeting Dates for Future Board Meetings
- No Materials Necessary
8. Adjournment
- No Materials Necessary



CALIFORNIA STATE BOARD OF GUIDE DOGS FOR THE BLIND
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**California State Board of Guide Dogs for the Blind
Board Meeting DRAFT Minutes
Monday, May 9, 2016**

Department of Consumer Affairs – San Francisco Room
1625 N. Market Blvd N-318
Sacramento, CA 95834

6043 Ralston Ave
Richmond, CA 94805

2304 Loma Prieta Rd
Menlo Park, CA 94025

Board Members

Eric Holm, President

Carmen Delgado, Vice President

Don Brown

Catherine Carlton

Rosa Gomez

Gwen Marelli

Joan Patche

Executive Officer

Brian Skewis

Legal Counsel

Shela Barker

AGENDA

1. Call to Order/President's Welcome

President Holm welcomed everyone present and on the phone for the meeting and outlined the groundrules for the meeting.

2. Roll Call/Establishment of a Quorum

EO Skewis took role noting all seven members present and a quorum was established.

3. Approval of Meeting Minutes Dated January 25, 2016 and April 8, 2016

Member Patche motioned to approve the minutes dated January 25, 2016

Member Marelli seconded the motion

Motion Passed: 6 ayes, 0 no's, 1 abstention (Brown)



Member Brown motioned to approve the minutes dated April 8, 2016

Vice President Delgado seconded the motion

Motion Passed: 4 ayes, 0 no's, 3 abstentions (Gomez, Marelli, Patche)

4. Legislative Update

a. Discussion and Possible Action Regarding Senate Bill 1331 (Pavley)

EO Skewis updated the Board on efforts in voicing opposition to the bill and the current status of the bill including recent amendments and its current location in the legislative process.

EO Skewis explained the following procedural and policy concerns to the Board:

- The lack of enforcement authority
- The lack of a fingerprint requirement
- The loose timeline associated with services provided by unlicensed individuals
- The need for notification to the client that the individual providing services is not licensed by the Board.
- The need for the Board to be able to attain contact information of the client should it determine that the instructor has committed an act substantially related to the profession.

General discussion took place by the Board regarding potential investigative needs, fingerprinting ability and necessity, and notification timelines.

Public comment was made noting the amount of advanced notice clients have received before receiving follow-up services. Representatives from Guide Dogs for the Blind in San Rafael noted that while the Committee analysis noted their support for the bill, that they have significant concerns with the second provision of the bill.

Legal Counsel Barker explained the various different positions that the Board could take on the bill.

General discussion took place regarding the means with which the Board may utilize to voice their opposition and convey necessary messages to members of the legislature.

Member Brown motioned to continue opposition of the bill

Member Marelli seconded the motion

Public comment was made suggesting that the Board propose amendments that would ultimately lead to their support of the bill.

Motion Passed: 5 ayes, 2 no's (Gomez, Patche), 0 abstentions



Legal Counsel Barker fielded questions about the Department of Consumer Affairs' legislative analysis process and where that analysis is ultimately routed.

General Board discussion took place about how to move forward and best present the Board's position on the bill.

Member Brown motioned to direct the Executive Officer to work with the Board President to prepare an analysis of the Board's position of the bill and communicate with interested parties, including but not limited to the Author's Office, Legislative, Departmental, and Governor's Office staff.

Vice President Delgado seconded the motion.

Public comment was made asking that the Board's analysis be shared with the public.

Motion passed 7 ayes, 0 no's.

b. Discussion and Possible Action Regarding Assembly Bill 1824 (Chang)

EO Skewis outlined draft language crafted by President Holm and Member Brown.

General Board discussion took place regarding the necessity of adding the phrase "while under the control of its handler" in Penal Code sections 600.2 and 600.5, and replacing the word "intentionally" with "willfully or recklessly" in Penal Code section 600.5.

Legal Counsel Barker explained the legal difference between the phrases, "to permit", "intentionally", "willfully", and "recklessly"

Member Patche motioned not to accept the addition of the phrase "while under the control of its handler" in Penal Code Section 600.2.

Member Gomez seconded the motion

Motion passed 6 ayes, 1 no (Brown)

Member Patche motioned to accept the replacement of the word "intentionally" with "willfully or recklessly" and not to accept the addition of the phrase "while under the control of its handler" in Penal Code Section 600.5.

Vice President Delgado seconded the motion.

Motion passed 7 ayes, 0 no's

5. Practice Task Force Update and Consideration of Recommendations Regarding:



- a. a fact sheet outlining the Board's Arbitration program and authority
- b. The creation of a temporary follow-up instruction permit through legislation and regulation

CLOSED SESSION

- c. The Board will meet in closed session pursuant to Government Code Section 11126(c)(1) to consider recommendations related to the preparation, approval, and administration of its licensing examination

OPEN SESSION

Agenda Item 5 was tabled to be added to the agenda of the next meeting.

6. Public Comment on Items Not on the Agenda

No comments made

7. Future Board Meetings

- a. Setting of Board Meeting dates and locations for 2016-2017

EO Skewis outlined the quarterly Board meeting dates for fiscal year 2016-2017 and changed the April 24, 2017 meeting to May 1, 2017.

- b. Agenda Items for Next Meeting

No comments made

8. Adjournment

Member Brown motioned to adjourn at 4:34pm

President Holm seconded the motion

Motion passed 6 ayes, 0 no's, 1 abstention (Delgado)



**California State Board of Guide Dogs for the Blind
Arbitration Special Committee Meeting – DRAFT MINUTES**

Monday, June 13, 2016
1:45 p.m. – 3:23 p.m.

820 Mission Ave, #12
San Rafael, CA 96150

1921 Bella Coola Dr
South Lake Tahoe, CA 96150

Additional Location with Public Access:
Department of Consumer Affairs
1625 N. Market Blvd N-112
Sacramento, CA 95834

Arbitration Special Committee Members
Eric Holm, Board President
Carmen Delgado, Board Vice President

Executive Officer
Brian Skewis

Legal Counsel
Shela Barker

AGENDA

1. Call to Order/Roll Call

President Holm called the meeting to order at 1:45 p.m.

EO Skewis took role noting both Committee members present.

2. Public Comment on Items Not on the Agenda

No comments made

3. Determination regarding the custody of guide dog “A.” pursuant to Business and Professions Code Section 7215.6(f).

Kristin Lucas and Lauren Kenney from Guide Dogs for the Blind presented evidence leading to the determination to take custody of guide dog “A” due to immediate health and safety concerns.



The client presented a statement regarding his health and need for guide dog “A”.

General discussion took place between the Committee, representatives of Guide Dogs for the Blind, and the client.

The Committee deliberated in private. A determination was drafted and both emailed and mailed to both the school and the client.

4. Adjournment

The meeting was adjourned at 3:23 p.m.



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June 23, 2016

Senator Fran Pavley
State Capitol, Room 5108
Sacramento, CA 95814

RE: SB 1331 - Opposition

Dear Senator Pavley,

Thank you for the opportunity to voice our concerns regarding SB 1331 which will adversely impact the Board's public protection mandate and operations should it be enacted.

On May 9, 2016, the Board voted to continue opposing SB 1331, as amended April 11, 2016. Recent amendments, published on June 20, 2016 attempt to address only two of the concerns noted in the Board's letter dated May 17, 2016 which is attached for your reference.

The Board feels strongly that the examination and licensure of instructors is the best way to ensure that consumers are protected. This bill allows unlicensed guide dog instruction in California and sets a precedent to allow unlicensed services by out-of-state providers in other markets.

The Board continues to be very concerned with the use of the International Guide Dog Federation as a benchmark when its certification of a school is not a requirement to conduct business in any state and is fundamentally dissimilar from the Board's licensure process or its regulatory authority.

The Board persists that this bill, in its current form, encourages unlicensed activity, constitutes a de facto deregulation, and ultimately would place at risk the safety of guide dog teams. The Board cannot carry out its public protection mandate if it cannot exercise its regulatory authority over the entire industry in California. Current language, while intending to give the Board disciplinary jurisdiction, is illusory as it does not actually provide for disciplinary authority. The Board can only impose discipline, such as probation, suspension, and revocation, upon a license, and not upon an individual exempt from such a license. Recent amendments to the bill still fail to address the Board's concerns regarding fingerprinting, an appropriate timeline to notify the Board of services being provided, and proper notification to the client that the individual providing instruction is not licensed by the Board.

Finally, the Board mirrors its original concerns regarding sections one and three of this bill as they have not yet been amended.

Please feel free to contact my Executive Officer, Brian Skewis, at (916) 574-7825 if you have any questions.

Sincerely,
ORIGINAL SIGNED BY:
Eric Holm, Board President

cc: Assembly Committee on Business and Professions
Adam Quinonez, Assistant Deputy Director, Legislative and Regulatory Review, Department of Consumer Affairs

May 17, 2016



Senator Fran Pavley
State Capitol, Room 5108
Sacramento, CA 95814
Fax: 916-651-4927

RE: SB 1331 - Opposition

Dear Senator Pavley,

Thank you for the opportunity to voice our concerns regarding SB 1331 which will adversely impact the Board's public protection mandate and operations should it be enacted.

On May 9, 2016, the Board voted to continue opposing SB 1331, as amended April 11, 2016.

This bill would increase the required number of guide dog users serving on the seven member Board from two to three and further require that one member be appointed from each the California Council of the Blind and the California affiliate of the National Federation of the Blind. Furthermore, the legislation would require the Governor to take recommendations from those organizations regarding the selection of members. Currently, a majority of members on the Board are guide dog users and there is already representation from those organizations. Based on attendance and participation, the Board feels that there are ample opportunities for community organizations to voice their opinion through the provisions set forth in the Bagley Keene Open Meeting Act. Additionally, individuals and organizations already have sufficient avenues to recommend candidates to fill positions on State boards. There does not appear to be a problem or valid reason to further restrict the candidate pool from which the Governor may draw.

This bill would allow unlicensed persons to provide instruction in the State without first obtaining a license provided that the out-of-state school by which they are employed is certified by the International Guide Dog Federation (IGDF). In 2012, the Board clarified regulations to specifically state that follow-up services are considered instruction. This clarification was the result of the Board identifying that out of state schools were sending unlicensed persons into the state to provide follow-up instruction and services. Follow-up services have fallen under the broad statutory requirement for licensure since the Board was created in 1948; however the Board felt it necessary to specifically address the topic through regulations because there was blatant disregard for the law despite open communication from the Board to several out-of state schools about the licensure requirement. Currently, no other state issues licenses to individuals who train guide dog teams making equivalent sister-state licensing reciprocity or practice privilege impossible.

IGDF certification of a school is not a requirement to conduct business in any state and is fundamentally dissimilar from the Board's licensure process or its regulatory authority. The IGDF has no standardized examination process or criminal background investigation requirement for individual instructors. The IGDF does not have any enforcement authority or jurisdiction over the schools or the individual instructors in each school's employment; it is merely a voluntary membership organization. Based on these facts, the Board cannot ensure consumer protection based solely on the fact that the employer of an unlicensed person is certified by the IGDF. In many instances, instruction takes place in a guide dog user's home. This legislation, if enacted, would allow unlicensed and un-investigated individuals into guide dog user's homes.

The Board currently licenses instructors from eight of the 11 guide dog schools that have teams residing in California. Of the three schools that choose not to have licensed instructors on staff, only two are IGDF



certified meaning that this legislation only reaches an extremely narrow group of consumers in California using guide dogs provided by out-of-state schools who choose not to be licensed by the Board.

The Board exists to ensure the quality of the guide dog industry by setting and enforcing standards for public safety. The Board feels strongly that the examination and licensure of instructors is the best way to ensure that consumers are protected. This bill, in its current form, encourages unlicensed activity, constitutes a de facto deregulation, and ultimately would place at risk the safety of guide dog teams. No one should be exempt from the licensure requirement simply because of a business decision not to obtain licensure. The Board cannot carry out its public protection mandate if it cannot exercise its regulatory authority over the entire industry in California. Current language, while intending to give the Board disciplinary jurisdiction, is illusory as it does not actually provide for disciplinary authority because the Board can only impose discipline, such as probation, suspension, and revocation, upon a license, and not upon an individual exempt from such a license. Further, the intended authority is hollow because the Board will not have necessary information to allow it to exercise the purported authority. The following components, at least, are missing from the legislation:

1. **Fingerprint Requirement:** This bill does not specify that unlicensed persons providing follow-up instruction in California would be subject to the same fingerprinting requirements that applicants and licensees are required to adhere to in Business and Professions Code Section (BPC§) 144. In order to ensure public protection, the Board needs to determine if an unlicensed person has committed an act substantially related to the profession as outlined in BPC§ 7211.9. This determination is ultimately made through both self-certification and a criminal history background check conducted through a fingerprint scan. Without conducting a background check, the Board cannot determine if an out-of-state person should be prohibited from providing services in California.
2. **Timeline:** Current language gives an unlicensed person five business days from the time the person arrives in this state to notify the Board that they are providing unlicensed instruction through the provision in this bill. This means that the unlicensed person will have likely completed instruction and left the State before notifying the Board that unlicensed instruction has taken place. This gives the Board no opportunity to determine if an unlicensed out-of-state person should be prohibited from providing follow-up instruction in California. Except in extreme emergency situations, the Board believes notification should take place at least 5 business days in advance of an unlicensed person's arrival in the State to provide follow-up instruction.
3. **Client Information:** Current language prohibits the Board from requiring that the out-of state unlicensed person provide the name of the consumer receiving follow-up services. While the Board respects the personal privacy of all guide dog users, in certain investigative circumstances, the Board may need to acquire the name and contact information of individuals who have received instruction from an unlicensed person. Strictly prohibiting the Board from obtaining this information puts public protection in jeopardy should the Board learn that an unlicensed person has committed an act substantially related to the profession in the past and would prevent the Board from investigating to determine if the unlicensed person should be prohibited from providing future services in California.
4. **Notification to the Client:** Current language in this bill would require licensed schools to provide clients receiving instruction with a fact sheet outlining specific functions of the Board. The Board thinks that if this requirement is made of licensees, unlicensed persons subject to the Board's disciplinary jurisdiction should make a similar notification specialized to their unique requirements under the law. This would assist the guide dog user should any issues or concerns arise during the course of follow-up instruction.



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Finally, this bill would require that the Board develop a fact sheet outlining various functions and processes of the Board and require that guide dog schools licensed by the Board distribute the fact sheet to individuals receiving training from their school. While the Board is already developing this content and is not opposed to requiring that schools distribute it, the Board feels this is a regulatory matter and should be addressed as such.

Thank you again for the opportunity to address these very important topics. Please feel free to contact my Executive Officer, Brian Skewis, at (916) 574-7825 if you have any questions.

Sincerely,
ORIGINAL SIGNED BY:
Eric Holm, Board President

cc: Office of Governor Jerry Brown
Senate Standing Committee on Business Professions and Economic Development
California State Senate
Assembly Committee on Business and Professions
Adam Quinonez, Assistant Deputy Director, Legislative and Regulatory Review, Department of Consumer Affairs



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June 15, 2016

Assemblywoman Ling Ling Chang
State Capitol, Room 3149
Sacramento, CA 95814

RE: AB 1824 – Support

Dear Assemblywoman Chang:

On April 8, 2015, the California State Board of Guide Dogs for the Blind (Board) voted to support AB 1824 (Chang) (as introduced February 08, 2016) if amended. On May 9, 2016, the Board voted to recommend that the word “intentionally” be replaced with “willfully or recklessly”. On May 31, 2016 the bill was amended to reflect the Board’s recommendation.

I would like to express my appreciation of your concern for the guide dog using community. I am writing to you on behalf of the Board to express support for AB 1824 in its current form.

This bill would remove the requirement that a guide, signal, or service dog be in discharge of its duties when injury or death occurs by an individual intentionally harming the dog, or by an individual permitting their dog to harm the guide, signal, or service dog. Additionally this bill would make the convicted individual responsible to pay restitution for medical or medical-related expenses, or for loss of wages or income, incurred by the person as a direct result of the crime.

The Board is in full support of stricter penalties for crimes against guide, signal, and service dogs and their handlers. Based on the experiences of some of our guide dog handling members, law enforcement has historically been unable to enforce the law set forth in Penal Code Section 600.5 because of the onerous requirement to prove intent. For this reason, replacing the word “intentionally” with “willfully or recklessly” will give law enforcement the ability to better enforce crimes against guide, signal, and service dogs.

Please feel free to contact my Executive Officer, Brian Skewis, at (916) 574-7825 if you have any questions.

Sincerely,
ORIGINAL SIGNED BY
Eric Holm
Board President

cc: Senate Standing Committee on Public Safety



Guide Dog Board's Arbitration Process

What is the Arbitration Program?

- The Guide Dog Arbitration Program is authorized by Business and Professions Code section 7215.6
- Arbitration is designed to provide resolution for guide dog users and schools with disputes that involve the continued use or custody of a dog.
- In the unlikely and unfortunate event that a guide dog school chooses to separate you from your guide dog against your will, you may wish to seek arbitration through the Board.
- Through arbitration, the Board acts as a neutral third party to determine the best course of action regarding the continued use and/or custody of a guide dog.
- Arbitration is only available if your California licensed Guide Dog School retains the title of your dog as provided by law. If you own your guide dog unconditionally, your school cannot re-take possession of your dog, however they may reclaim the harness or other proprietary equipment.

Why would you need arbitration?

- In certain circumstances, a school, which retained title to your guide dog, may decide to reclaim custody or retire a dog to ensure the safety of you or your dog.
- Some examples are instances of medical or environmental issues preventing the dog from providing safe and effective travel, or instances of neglect or abuse of a guide dog.
- If you disagree with your school's decision, you may seek Arbitration from the Board.

How do you seek arbitration?

- If your dog has been reclaimed or retired by your school, they must formally notify you within 30 days.
- If you wish to seek arbitration, you must submit a written and signed request to the Board and your school within 30 days from the day you received notice from your school.
- All hearings, investigations, and decisions will be concluded within 45 days from the receipt of a user's written request for arbitration.
- The Board will make every effort to minimize any costs, as all parties are required to bear their own costs for arbitration.

More Information and Resources

- [Link to Detailed Document](#)
- [Link to Full Text of Law](#)
- Telephone: 916-574-7826
- Email: Guidedogboard@dca.ca.gov