



## **APPROVED MINUTES**

Thursday, July 30, 2009  
Department of Consumer Affairs  
1625 N. Market Blvd., Sacramento Room (Third Floor)  
Sacramento, CA 95834  
(916) 574-8200

### **BOARD MEMBERS PRESENT**

Jeff Neidich, President  
Tom Scott, Vice-President  
Tony Candela, Secretary  
Belinda Barragan (Absent)  
Eric Holm  
Lindsay Schnaidt

### **EXECUTIVE OFFICER**

Antonette Sorrick

### **BOARD STAFF**

Susan Cox

### **LEGAL COUNSEL**

Albert Balingit  
Doreathea Johnson

### **GUESTS**

Robert Wendler, Guide Dogs of the Desert  
Erica Eisenhauer, Legislative and Policy Review, DCA  
Frank Welte, California Council of the Blind (CCB)  
Kamilla Ryding, California Council of the Blind (CCB)  
Luis Portillo, Assistant Deputy Director, Legislative and Policy Review, DCA  
Spencer Walker, Senior Advisor to the Director, DCA  
Brian Warren, Legislative and Policy Review, DCA  
Sarah Boire, SOLID, DCA  
Katherine Demos, Legislative and Policy Review, DCA  
Kathy Kelly, Guide Dogs for the Blind, Inc.  
Anita Scuri, Legal Affairs, DCA  
Jeff Tony, Legislative and Policy Review, DCA

### **OPEN SESSION:**

1. Call to Order/Roll Call (J.Neidich/T. Candela)

President Neidich called the meeting to order at 9:03 AM. Secretary Candela took the roll. Five Board Members were initially present and a quorum was established.

2. President's Welcome (J. Neidich)

President Neidich announced that Doreathea Johnson will serve as Legal Counsel to the Board. Counsel Balingit presented a biography of Ms. Johnson. Ms. Johnson currently serves as the Deputy Director of the Legal Affairs Division. President Neidich personally thanked Legal Counsel Balingit for his service to the Board. President Neidich welcomed Board Counsel Johnson to the Board. President Neidich pointed out that with the loss of Board Member Lyons, there are six members now appointed to the seven-member Board. Lastly, President Neidich reflected on the current state of California's economy and counseled the Board to keep this factor in mind during all future discussions.

3. Ethics Training (A. Balingit)

Legal Counsel Balingit advised the Board that its first priority is to protect its consumers and the general public.

Legal Counsel Balingit stated the basic purpose of the Political Reform Act is the basic purpose of the Board to promote openness and transparency in its decisions and Board members not be affected by their own personal interest. The public perception should be that the Board's decisions and actions were motivated by its first priority is to protect the consumers and the public.

The Open Meetings Act imposes three duties upon the Board: (1) give adequate notice of meetings that will be held and items to be discussed on the agenda; (2) not discuss any items or make any decisions on items not on the agenda; and (3) provide the public the opportunity to comment on any decisions made by the Board.

Legal Counsel Balingit outlined the type of meetings covered by the law. Legal Counsel Balingit defined a quorum as the majority of the number of board members who by statute could be appointed, and not the number who are currently appointed. For example, if the Board currently had only five members who were currently appointed, out of the seven which by statute could be appointed, four members would still need to be present to constitute a quorum.

Legal Counsel Balingit outlined the rules on conducting a closed session. Any decisions made during the closed session would need to be disclosed at the adjournment of the session. The Board discussed an open meeting sometimes delays action on resolving certain agenda items especially when Board meetings are few and far between. Board President Neidich responded by noting the Board had alleviated this concern by creating committees and adopting committee guidelines. To declare a closed or emergency session, the Board would need to give a minimum of a 10-day notice.

Board Member Scott inquired if there was a master list of required training for Board Members. Executive Officer Sorrick agreed to contact Spencer Walker regarding the establishment of a list of required training with completion dates.

4. Approval of Board Meeting Minutes February 23, 2009 (J. Neidich)  
Board Member Holm motioned to accept the meeting minutes of February 23, 2009.  
Board Member Scott seconded the motion.

Board Vote: Motion passed.

5. Committee Reports
  - a. Legislative Committee Report (T. Scott)\_

### **State Legislation**

SB 250 (Florez) – Dogs and Cats; Spaying and Neutering  
Committee Chair Scott reported that the Committee met on April 13, 2009.  
Committee Members present at the meeting were Board Member Holm and  
Committee Chair Scott. Attendees of the meeting included members of  
California Council of the Blind, Guide Dogs Users, Inc., California Association of  
Guide Dog Users, and Guide Dog Users of California. The Committee took an  
“Opposed Unless Amended” position on SB 250 – Dogs and Cats; Mandatory  
Spay and Neutering. On May, 7, 2009, the Board sent a letter to the Author’s  
office stating its position. The letter suggested the author amend the bill by  
eliminating the requirement that guide dogs in training and breeder stock go  
through a licensing process for an unaltered dog license.

Brian Warren stated that DCA also took an “Opposed” position on SB 250 due  
to the anticipated cost increase it imposed on local government. Committee  
Chair Scott recommended to draft another “Oppose Unless Amended” letter to  
the Chair of the Appropriations Committee. Board Member Holm made the  
motion. Board Member Candela seconded the motion.  
Board Vote: Motion passed.

SB 389 (Negrete McLeod) – Retroactive Fingerprint Submission  
Committee Chair Scott reported that a letter of “Support” was sent to the  
author’s office on May 7, 2009. The bill was amended on June 1, 2009, but no  
substantial changes were made to change the Board’s continued support of the  
bill.

Brian Warren stated that DCA had no position on SB 389 and that the bill is a  
two-year bill.

Since, the bill will be re-introduced next year, Committee Chair Scott  
recommended sending another letter of support.

Board Member Holm motioned to send another letter of “Support” on SB 389.  
Board Member Candela seconded the motion.

Further Discussion: Since SB 389 is a two-year bill and may be amended within  
the next year, the Committee decided to withdraw the motion to send another  
letter of support but continue to monitor the Bill. Committee Member Holm and  
Board Member Candela withdrew their motions.

The current letter will remain on-file with the Board.

SB 475 (Padilla) – Annual School Renewal Payment to the State Board of Guide Dogs for the Blind

Executive Officer Sorrick updated the Committee on the status of SB 475. The bill was reported as awaiting the Governor's signature. Brian Warren reported that DCA had an approved "Neutral" position on the bill. There was discussion regarding whether DCA may change its position on the bill. Deputy Director Luis Portillo encouraged the Board to check with the analyst who was handling the bill at DCA, to see where the bill is in the process. Executive Officer Sorrick reported that she would do so.

SB 638 (Negrete McLeod) – Sunset Review Process

Chair Scott reported that the Legislative Committee voted to take a "Watch" position on SB 638. Committee Chair Scott recommended to continue to take a similar position. Brian Warren stated that DCA had not taken a position on SB 638 and that the bill was also a two-year bill. Committee Chair Scott recommended the Board continue its "Watch" position.

### **Federal Legislation**

H.R. 734 (Rep. Towns, Edolphus – NY-10) – Pedestrian Safety Enhancement Act of 2009

Chair Scott reported that the Board had sent a letter of support on April 2, 2009 to the author's office in "Support" of H.R. 734 – Pedestrian Safety Enhancement Act of 2009. Chair Scott reported that the bill had not moved since January 2009. The Legislative Committee is in support of this bill.

### **Related State Legislation**

SJR 6 (Lowenthal) – Resolution in support of H.R. 734 (position)

The Legislative Committee was not able to take a position on this bill and it had been signed by the Governor before the July 30, 2009 meeting. No action was taken.

#### **b. Outreach and Education Committee Report (J. Neidich, T. Candela)**

##### **Web site Update**

Executive Officer Sorrick reported the following number of visits to the Board's Web site: in January - 15,737 Web site hits; February - 15,467 hits; March - 17,876 hits; and in April - 15,285 hits. The March posting of the out-of-state school letter and fact sheet on instruction could have been a contributing factor to the increase in the level of activity in March. Since the Board launched its new Web site, the activity has consistently increased and has averaged between 13 and 15 thousand visits per month. The Department of Consumer Affairs has a new web-hits tracking software. This software has a geographical map that can track the location of the person who is accessing and viewing the Board Web site.

##### **Assistance Dog Day**

As part of the developing a Strategic Plan, the Outreach and Education Committee

agreed to interact with other entities that are similarly interested in the welfare of the Assistance Dog or Service Animal industry. The Outreach and Education Committee agreed to work with Corey Hudson of Canine Companions, Inc. to begin organizing an Assistance Dog Day. Committee Chair Candela asked the Board to endorse and to support an Assistance Dog Day. An Assistance Dog Day Advisory Committee was recommended to come up with program content and work out logistics for the event. Frank Welte stated that he was trying to organize a CCB "Capitol Day" next year and suggested that he would like to coordinate this "Day" with Assistance Dog Day. President Neidich made the motion to endorse and support Assistance Dog Day. Board Member Schnaidt seconded the motion. Board Vote: Motion passed.

#### Stakeholder Meet and Greets/Events Update

Executive Officer Sorrick and Committee Chair Candela reported that they attended the CCB Spring Convention and the GDUC Luncheon where SB 475 was supported by both organizations. Executive Officer Sorrick thanked Frank Welte for continuing to testify throughout the legislative process.

#### Strategic Plan Review

This section was not discussed as Strategic Planning was scheduled for July 31, 2009.

#### Future Outreach Efforts

Executive Officer Sorrick offered to work with DCA to develop marketing materials from the Outreach and Education Committee for each of the Board's stakeholder groups outlining the Board's purpose and identifying the value of licensure.

#### c. Budget Committee Report (T. Candela, B. Barragan)

SB 475 (Padilla) – Annual School Renewal Payment to the State Board of Guide Dogs for the Blind

SB 475 would specify that the license renewal fee to be paid by April 30 of each year will be no more than 0.005 of all school expenses incurred in the most recently concluded school calendar year.

Committee Chair Candela reported that on April 9, 2009, the Budget Committee convened for the purpose of seeking amendments to SB 475. These amendments would deal with Business and Professions Code section 7200 (composition of the Board) and section 7210.7 (In-Home Training). Per the Committee Guidelines, recommendations moved forward to the Board President to consult with the Committee Chair or Executive Officer. Ultimately, the bill moved forward as originally written and was reported as awaiting the Governor's signature. Chair Candela acknowledged Executive Officer Sorrick's efforts in the legislative process. Committee Chair Candela thanked everyone for their support in getting SB 475 to the Governor's desk.

President Neidich also recognized Senator Padilla and his staff who did an outstanding job on the bill.

- d. GDA, GDB, GDD positions on SB 475 and Statements of Intent (A. Sorrick)  
Executive Officer Sorrick reported that while Guide Dogs of America had sent a letter of support for SB 475 (Padilla), the other two schools had not. Board Secretary Candela expressed his concern why there was a lack of support from the two schools and motioned to empower the Outreach and Education Committee to communicate with Guide Dogs for the Blind, Inc. and Guide Dogs of the Desert. There was no second to this motion. The motion died.

Legal Counsel Balingit recommended the Executive Officer and/or the Board President communicate directly with the two schools. Vice President Scott made a motion that the Executive Officer and the President of the Board communicate with the two schools that were silent on SB 475. Committee Chair Candela seconded.  
Board Vote: Motion passed.

6. GDB presentation – Oregon Pilot Project – Two Week In-Residence Training versus Current Four Week Requirement (K. Kelly)

Kathy Kelly from Guide Dogs for the Blind, Inc., presented the Oregon Pilot Project – Continuous Quality Improvement (CQI) Program.

See attached presentation.

7. Practice Task Force - Ongoing Review of Statutes and Regulations (A. Sorrick)

Regulatory Items

Section 2276 (Instruction Period)

Amendment decreasing the number of hours required for first time and repeat guide dog students.

Executive Officer Sorrick reported that the Practice Task Force met on March 25, 2009. Task Force Members who were present were Chuck Jordon from Guide Dogs of America, Kathy Kelly from Guide Dogs for the Blind, Inc., and Bob Wendler from Guide Dogs of the Desert. Frank Welte from California Council of the Blind was also present. Executive Officer Sorrick read the current and Task Force recommended language. Executive Officer Sorrick recommended that the two-week time period for successor dogs should be included for the regulation to be consistent. This recommendation would read,

*Clients training with successor guide dogs must receive concurrent instruction consisting of a minimum of 10 hours theory and 20 hours practical in-harness spread over a 2-week period under the supervision of a licensed instructor.*

Executive Officer Sorrick asked for a motion to add the sentence, "Two-week period," to the language as read. Kathy Kelly suggested using the International Federation language which does not mention a two-week period requirement. Board Member Holms stated that he would like to review the International Federation Language before changing the language. Kathy Kelly read the International Federation language which read as follows:

*Clients training with their first guide dogs must receive a minimum of 30 hours practical in-harness instruction spread over a two to four week period under the supervision of a qualified GDMI.*

*Clients training with successor guide dogs may be trained in a shorter period but this shall not be less than 20 hours of in-harness instruction under the supervision of a qualified GDMI.*

*The training must be individualized and there is no maximum training time within which the team must achieve safe and effective guide dog mobility.*

Board Member Candela recommended keeping the current language which was recommended by the Task Force. Vice President Scott motioned to support Executive Officer Sorrick's recommendation. Board Member Schnaidt seconded the motion. Legal Counsel Balingit noted the recommended language would require that "concurrent" instruction which means that both the theory and practical aspects of a subject would need to be taught within the same time period. President Neidich stated that the issue must go back to the Task Force Committee to address the issue further.

Vice President Scott and Board Member Schnaidt withdrew their motions. Vice President Scott re-introduced a motion to support language by the Task Force as recommended and striking the word "concurrent" in the 1st and 2nd paragraphs. Board Member Schnaidt seconded.  
Board Vote: Motion passed.

#### Section 2282.1 (Required Training for Guide Dogs)

Whether the required training for guide dogs needed to be addressed or amended to be current with standards of practice.

Executive Officer Sorrick stated that the Task Force did not make any recommendations on this section. No action was taken.

#### Statutory Items

##### Business and Professions Code, Section 7210.7 (In-Home Training)

- a. To allow schools to provide in-home training regardless of the guide dog user's experience and even to first time users.
- b. To delete the requirement that allows in-home training on for special circumstances.
- c. To clarify that the statute allows Board licensed out of-state instructors to provide in-home training in the State of California and to clarify that out-of-state instructors need not be employed by a Board-licensed guide dog school.

Executive Officer Sorrick stated that the Board had expressed that the Task Force deal with issues related to in-home training. Executive Officer Sorrick read the current language, and the Practice Task Force Recommended language as of March 25, 2009. The Practice Task Force recommends the language to read:

*Schools and instructors licensed by the Board may provide home training in the use of guide dogs.*

*Schools and instructors providing home training in the use of guide dogs shall annually provide the Board with the names and addresses of those persons who are receiving home training and shall include those persons who have received home training from the schools subsequent to the last report filed with the Board.*

Vice Present Scott motioned to support the Task Force recommendation. Board Member Candela seconded the motion.

Discussion on the Motion: Frank Welte commented that there is a need for clarification in the controversy in the community over the issue of unlicensed out-of-state instructors. There is perception in the community that these licensure requirements hamper the ability of reputable guide dog schools to come into the state to do in-home training or follow-up services to their clients. If this issue is addressed in the board's policies and regulations so that it is clear that restraint of trade is not the intent, it would help the Board to improve its standing in the community.

Legal Counsel Balingit stated that the confusion within the statute is whether the instructor is required to be associated or employed by a school within California. The recommended language clarifies that the instructor does not need to be associated or employed by a school in California. However, once an instructor begins to engage in the practice of guide dog instruction within California, the instructor must be licensed by the Board.

Board Vote: Motion passes.

8. Regulatory Hearing (A. Balingit)

Section 2286 (Continuing Education Requirement for Guide Dog Instructors)  
Staff Counsel Albert Balingit defined section 2286 and opened the regulatory hearing with the reading of the hearing process. The floor was open to comments. No comments were given. The regulatory hearing was concluded.

The hearing began at 3:06 PM and was concluded at 3:10 PM.

9. Letter to Out-of-State Schools, Fact Sheet to Consumers & Consumer Organization Response (A. Sorrick)

Follow up Services – How to Address Ambiguities in the Guide Dog Act  
Executive Officer reported that at the February meeting the Board requested the she draft a letter to out-of-state schools advising them on current statutory requirements for licensure and steps for examination. The Board also requested Executive Officer Sorrick to send a fact sheet for guide dog consumers which would address any concerns on follow up services.

Executive Officer Sorrick read the Fact Sheet. There was discussion on Sections 7209.5 and 7210 whether instructing a blind person in the use of a guide dog would require a guide dog instructor license versus a license to instruct a guide dog. Board Member Schnaidt made a motion to have a legal opinion on 7209.5 and 7210 that would explain the requirement for a person instructing blind persons in the use of guide dogs to have

a license to be presented at the next meeting. Board Member Candela seconded the motion.

Board Vote: Motion passed.

10. Eye Dog Foundation Update (A. Sorrick)

Executive Officer Sorrick reported that she had contacted the Office of the Attorney General regarding Eye Dog Foundation investigation. The Office stated that they would not be able to comment confirm or deny there was an investigation because the information was confidential.

Bob Wendler of Guide Dogs of the Desert (GDD) stated that they had offered services to the Eye Dog Foundation and expressed a willingness to purchase the school's property.

Executive Officer Sorrick reported that Anna Thomason had contacted her and informed her that there is currently a hearing being conducted regarding the custody of the puppies in training, but that the hearing had been postponed since Eye Dog Foundation did not have a license to do business in Arizona. It has been reported to the Board that no dogs have been placed with guide dog users. Seven dogs have been released to puppy raisers, 10 dogs are still in the kennel and seven dogs have not yet been turned over to Eye Dog Foundation.

11. Executive Officer's Report (A. Sorrick)

Budget Report

Executive Officer Sorrick reported that the Board now has a budget but that the Board had been asked to anticipate making a 15 percent reduction in operational expenditures which would include line items such as mail, travel, printing, and Attorney General costs. The Board continues to be subject to the 14 plus percent salary reduction. As of May 31, 2009, the balance was \$820 and at the end of June FY 08/09 there was a \$600 balance to be transferred to the Board's reserve fund.

Budget Months in Reserve

FY 2008/09 = 14.3 months;

FY 2009/10 = 11.2 months;

FY 2010/11 = 7.8 months;

FY 2011/12 = 4.2 months;

FY 2012/13 = .3 months. This budget projection is based on the assumption that SB 475 does not pass. The Board entered FY 2009/10 with an expenditure authority of \$192,000. We now have staffing authority for a 0.5 staff person and an established Enforcement line item for \$5,000.00 for Division of Investigation and Attorney General costs.

Inspection Update

Executive Officer Sorrick reported that she conducted an inspection at Guide Dogs of America (GDA) at the Board's February meeting. GDA passed the Board's inspection. The next inspections will occur at Guide Dogs for the Blind on Monday, August 31, 2009 and Guide Dogs of the Desert on Tuesday, September 8, 2009.

## Examination Update

Executive Officer reported that the Board had conducted examinations on July 13, 27 and 28, 2009. Four new instructors were announced. The Board was asked to welcome Patricia Elizondo (#1211), Tamara Gallagher (#1212), Jessica Drew (#1213) and Doug Weil (#1214). The addition of the four new instructors brings the total active instructor count to 106.

## 12. Election of Officers

President Neidich opened the discussion for nominations.

Board Member Scott nominated Board Member Neidich for Board President.

Board Vote: Motion passed.

Board Member Candela nominated Board Member Scott for Vice President.

Board Vote: Motion passed.

President Neidich nominated Board Member Candela for Secretary.

Board Vote: Motion passed.

## 13. Agenda Items for Next Meeting

Executive Officer Sorrick announced that there were two federal bills that she wanted the Board to follow: 1) S. 1495 (Franken) - Service Dogs for Veterans Act of 2009; 2) H.R. 3266 (Klein) - Wounded Warrior K-9 Corp. Both bills deal with pilot programs to address paying for training of guide dogs and service dogs for veterans. These two bills will be put into the next agenda and incorporated into the Legislative Committee agenda.

A report on the outreach efforts with Guide Dogs for the Blind, Inc. and Guide Dogs of the Desert regarding SB 475 will be included in the next meeting.

The Board is scheduled to become inoperative July 1, 2011. Before July, a Sunset Review will be conducted on the Board. Executive Officer Sorrick stated that the Board should start looking at the previous Sunset Review reports to see if there are items that are identified to see how we are doing before we are reviewed. President Neidich recommended making the Sunset Review a standing agenda item between now and 2011 so the Board will be able to identify any items that need to be addressed before said time.

## 14. Meeting Calendar and Location

Based on the fiscal situation, President Neidich recommended using school sites or other facilities for meetings near Board Member residences. President Neidich recommended a January and July cycle between North and Southern California. Executive Officer Sorrick recommended planning the next meeting based on meeting costs. The Board agreed on attempting a teleconference in November to minimize costs.

## 15. Public Comment on Items Not on the Agenda

There were no comments.

## 16. Adjournment

Board Member Schnaidt motioned to adjourn. Board Member Holm seconded.  
Board Vote: Motion passed. The meeting adjourned at 5:08 PM

Friday, July 31, 2009  
Department of Consumer Affairs  
1625 N. Market Blvd., Sacramento Room (Third Floor)  
Sacramento, CA 95834  
(916) 574-8200

## DRAFT MINUTES

### **BOARD MEMBERS PRESENT**

Jeff Neidich, President  
Tom Scott, Vice-President  
Tony Candela, Secretary  
Eric Holm  
Lindsay Schnaidt

### **EXECUTIVE OFFICER**

Antonette Sorrick

### **BOARD STAFF**

Susan Cox

### **LEGAL COUNSEL**

Albert Balingit

### **GUESTS**

Robert Wendler, Guide Dogs of the Desert  
Frank Welte, California Council of the Blind (CCB)  
Kamilla Ryding, California Council of the Blind (CCB)  
Kris Grangaard, Strategic Organization, Leadership and Individual Development (SOLID)  
Cindy Kanemoto, Strategic Organization, Leadership and Individual Development (SOLID)  
Sara Boire, Strategic Organization, Leadership and Individual Development (SOLID)

### **OPEN SESSION**

1. Call to Order/ Roll Call (J. Neidich/T. Candela)  
President Neidich called the meeting to order at 9:00 AM. Secretary Candela took the roll call. Five Board Members were present and a quorum was established.
2. President's Welcome (J. Neidich)  
President Neidich welcomed everyone attending and opened the meeting to conduct the Strategic Planning.
3. Strategic Planning (T. Bryant/K. Grangaard)  
Review Goals  
Address "Parking Lot Issues"  
Identify tactical and operational elements for objectives in goals two through six.

### Next Steps

Kris Grangaard and Cindy Kanemoto reviewed the strategic plans that were drafted on September 25, 2008. The Board revised and completed the Vision and Goals.

Please See attached Strategic Plan

#### 4. Public Comment on Items Not on the Agenda

Frank Welte announced that CCB will be conducting its fall 2009 Convention in Fresno, California on October 29 - November 1, 2009, at the Radisson Hotel and to contact Ann Kysor for further information and reservations.

#### 5. Adjournment

Board Member Holm made a motion to adjourn. Vice-President Scott seconded. The meeting was adjourned at 2:43 p.m.

Respectfully submitted by Antonette Sorrick