



APPROVED MINUTES

Of the Board Meeting of Monday, February 22, 2010
60740 Dillon Road
Whitewater, CA 92282
(760) 329-1282

Board Members Present

Jeff Neidich, President
Tom Scott, Vice-President
Tony Candela, Secretary
Belinda Barragan
Eric Holm

Board Member Absent

Lindsay Schnaidt

Guests

*Roccie Hill, Executive Director, Guide Dogs
Of the Desert (GDD)*
Kim Laidlaw (GDD)
Kathie Flamm (GDD)
Trina Began (GDD)
Gary Downs (GDD)
*Kim Kirchmeyer, Deputy Director Board
Bureau Relations, Department of Consumer
Affairs*
Sherrill Neidich

*Action may be taken on any item listed on
the agenda. Please note that all times
indicated and the order of business are
approximate and subject to change.*

Executive Officer

Antonette Sorrick

Board Staff

Cenne Jackson

Legal Counsel

Laura Freedman Eidson

AGENDA

Open Session:

1. Call to Order/ Roll Call (J. Neidich/T. Candela)
President Neidich called the meeting to order at 10:12 a.m.. Secretary Candela took roll. Five Board Members were recorded as present and a quorum was established.
2. President's Welcome (J. Neidich)
President Neidich thanked everyone in attendance and reminded attendees about the Board's goal of meeting around the state. He relayed that meeting locations were based solely on a balance of cost-effectiveness for travel with Board Member residences and availability to both licensees and consumers.

President Neidich relayed the Board would have a new legal counsel, effective March 1, 2010. The board counsel would transition from Laura Freedman Eidson to Michael Santiago. Last, President Neidich introduced Cenne Jackson as the new part time executive staff of the Board.

3. Approval of Board Meeting Minutes November 23, 2009 (J. Neidich)
President Neidich asked for a motion to approve the November 23, 2009 meeting minutes unless amendments were needed.

Vice President Scott motioned to accept the meeting minutes of November 23, 2009. Board Member Barragan seconded the motion.

Board Vote: Motion passed.

4. Approval of Board Meeting Minutes January 14, 2010 (J. Neidich)
Executive Officer Sorrick asked for a motion to amend the January 14, 2010 meeting minutes to include the year.

Vice President Scott motioned to approve the amended meeting minutes of January 14, 2010. Board Member Holm seconded the motion.

Board Vote: Motion passed.

5. Committee Reports

- a. Legislative Committee Update (T. Scott)

State Legislation

SB 250 (Florez) – Dogs and Cats; Spaying and Neutering

Summary: Restricts the ownership of unsterilized dogs and cats and requires surgical sterilization of the animal in specified circumstances.

Bill Status: Assembly Inactive File

Board Position: "Oppose Unless Amended"

Staff Recommendation: None

Vice President Scott reported that the bill had been amended to exempt owners or trainers of guide dogs, signal dogs, and service dogs. The bill had not been reintroduced in the 2010 session. No further action was taken on this bill.

SB 389 (Negrete McLeod) – Retroactive Fingerprint Submission

Summary: Adds specified licensees to the existing list of licensees required to furnish the licensing agency a full set of fingerprints for purposes of conducting criminal history record checks, and impose these requirements on a petitioner for reinstatement of a revoked or canceled license.

Bill Status: Assembly Public Safety Committee (No movement since July 7, 2009.

Board Position: "Support"

Staff Recommendation: Continue to watch bill.
No further action was taken on this bill.

SB 638 (Negrete McLeod) – Sunset Review Process

Summary: Deletes the requirement that a board become a bureau under DCA if it sunsets, and instead provides for the renewal of a board's members, and appointment of a successor board. Revises and recasts sunset review law to remove references to the Joint Committee for Boards Commissions and Consumer Protection, and instead authorize the appropriate standing policy committees of the legislature to carry out the sunset review functions. Terminates the terms of office of each board member and bureau chief within the Department upon a unspecified date, and authorizes successor board members and bureau chiefs to be appointed as specified.

Bill Status: Referred to Committee on Rules on April 21, 2009

Board Position: "Watch"

Staff Recommendation: Continue to watch bill.

No further action was taken on this bill.

Board Legislation – In Home Training (TBD)

Executive Officer Sorrick reported that the Senate Business Professions and Economic Development Committee had agreed to author the In-Home Training legislation for the board. In addition, Executive Officer Sorrick reported that the Committee had also agreed to author legislation to extend the sunset date of the Board as well as the sunset date of the Arbitration Panel Pilot. Other board sunset extensions were also reported to be included in the same bill.

Federal Legislation

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

Summary: Directs the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of altering blind and other pedestrians of motor vehicle operation.

Bill Status Referred to the House Committee on Energy and Commerce on January 28, 2009

Board Position: "Support"

Staff Recommendation: None

No further action was taken on this bill.

H.R. 3266 (Rep. Klein, Ron – FL-22) – Wounded Warrior K-9 Corps.

Summary: Establishes a grant program to encourage the use of assistance dogs by certain members of the Armed Forces and veterans.

Bill Status: Referred to the Subcommittee on Economic Opportunity on July 24, 2009.

Board Position: None

Staff Recommendation: None. Letter of "Support" sent to the House

No further action was taken on this bill.

H.R. 4378 (Rep. Kissell, Larry – NC – 8)

Summary: A bill to amend the Americans with Disabilities Act to require that the same access to transportation and public accommodations be afforded to certified trainers of service animals as is afforded under such Act to individuals with disabilities who use such service animals.

Bill Status: Referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned on December 16, 2009.

Board Position: None.

Staff Recommendation: None.

Ms. Hill (GDD) questioned whether or not puppy raisers would be covered under H.R. 4378. Secretary Candela expressed concerns about whether or not the ADA was the right law to amend to grant such access to trainers of service animals. Secretary Candela also asked what the problem was the bill was trying to solve. President Neidich shared Secretary Candela's concerns.

S. 1495 (Sen. Franken, Al – MN) – Service Dogs for Veterans Act of 2009

Summary: A bill to require the Secretary of Veterans Affairs to carry out a pilot program to assess the feasibility and advisability of using service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities, and for other purposes.

Bill Status: Referred to the Committee on Veteran's Affairs on July 22, 2009.

Board Position: "Watch".

Staff Recommendation: None.

No further action was taken on this bill.

b. Outreach and Education Committee Update (T. Candela)

Web site Update

Executive Officer Sorrick reported the following:

November, 2009: 27,415 Web site hits

December, 2009: 27,310 hits

January, 2010: 22,630 hits

Assistance Dog Day

Executive Officer Sorrick reported that the plans were still on hold for Assistance Dog Day.

Vice President Scott expressed concerns of public confusion with the terms assistance, service, and guide dog. Vice President Scott expressed the need identify the branding of the terms when Assistance Dog will be held. President Neidich stated that "Assistance Dog" was the generic brand and is all encompassing. Vice President Scott expressed the desire establish a date and forgo a huge event.

Ms. Laidlaw commented that in her experience the public recognizes the term "Service Dog."

California Council of the Blind – Blind Californian Winter 2010 Article
President Neidich commended Secretary Candela for a well written article in the California Council of the Blind's publication. Secretary Candela thanked staff for pulling the information for the article together.

Stakeholder Meet and Greets/Events Update
There were no meet and greet or event updates.

6. Practice Task Force – Ongoing Review of Statutes and Regulations

(A. Sorrick)

Section 2260 (Completion of Requirements for License as Instructor)
Executive Officer reported that the Practice Task Force had made a recommendation to amend section 2260.

2260 Current Language

Completion of Requirements for License as Instructor.

(a) If an applicant for an instructor's license verifies training of 22 person-dog units but cannot show the required three years' experience, additional experience in kennel work or dog training only may be credited, provided it is as an apprentice in a guide dog school under a qualified instructor meeting standards equivalent to schools and instructors licensed by the board.

(b) If license as an instructor is issued under the "equivalent" provision of Section 7209, the licensee will be required to make up the lacking experience factor within one year, and thus meet the specified requirement for both years of experience and handling person/dog units. Otherwise, the license will be revoked.

2260 Recommended Language

Completion of Requirements for License as Instructor.

a) An applicant for an instructor's license must have had three years of full time experience, including training at least 22 guide dog teams that have successfully completed instruction.

b) The experience shall be obtained while under the supervision of an instructor that meets standards equivalent to those licensed by the Board.

c) The experience shall include training dogs in all aspects required by Sections 2266 and 2282.1.

d) "Full time" means an average of 32 hours per week.

e) A third party must verify that the applicant's experience meets the requirements of this section to the Board.

President Neidich asked for a motion on the recommendation made by the Practice Task Force. Board Counsel Freedman Eidson recommended the Board consider adding "As determined by the Board" in part (b) of the section. A motion was made by Vice President Scott to adopt the language recommended by the Practice Task Force. Board Member Holm seconded the motion.

Board Vote: Motion Failed

Vice President Scott motioned to make a friendly amendment to the motion by amending the recommendation to address Board Counsel's concerns. No seconds to the motion were made. President Neidich and Secretary Candela expressed concern about changing the Task Force recommendation before consideration was granted. The section was referred back to the Practice Task Force for consideration.

7. Regulatory Changes/Additions (L. Freedman Edison)

Board Counsel Freedman Eidson explained the status of the emergency regulation regarding a guide dog school's annual renewal payment.

Board Counsel Freedman Edison reported that Executive Officer Sorrick sent out the appropriate notices with the language previously approved by the Board, and the package was filed with the Office of Administrative Law (OAL) on February 12, 2010. Executive Officer Sorrick was made aware of some concerns by OAL on February 18, 2010. With advice from Legal Counsel Anita Scuri and Board Counsel Freedman Eidson, pursuant to the authority granted her by the board to make necessary changes, Executive Officer Sorrick revised the language to meet OAL's concerns.

Board Counsel further explained that even though the emergency regulation now conformed to OAL's concerns, the Board also had to modify the language in the regular rulemaking for the same purpose. The school renewal fee language approved by OAL and was presented for Board consideration in a document titled Proposed Modified Language, where the pertinent parts of the changes were read aloud.

Board Counsel explained that approving the language meant that staff would send out a 15-day notice to allow for public comment. If any negative comments were filed, it would be brought back to the Board for discussion. She recommended a motion in the event staff receives no adverse comments.

Board Member Barragan motioned to adopt the modified language and authorize the Executive Officer to make any non-substantive changes as may be required by Office of Administrative Law or the Department of Consumer Affairs, assuming there have been no adverse comments by the public. Vice President Scott seconded the motion.

Board Vote: Motion Passed.

8. Strategic Plan

Overview (A. Sorrick)

Executive Officer Sorrick reported that the Board had its last strategic planning session in July 2009 and with assistance from stakeholders, the Board now had a strategic plan. Executive Officer Sorrick used the attached to update the Board on the status of its goals and objectives. See attached Strategic Plan update document.

Project Assignments (J. Neidich)

President Neidich opened up the floor for discussion on the status updates. He expressed the desire to update the campus inspection process, by proposing an initial evaluation of the campus inspection process in order to elicit recommendations. Board President Neidich assigned Board Member Holm to facilitate the evaluation. Board Counsel Freedman Edison advised the Board that in the event that a Board Member was present at a campus inspection that resulted in a disciplinary action the Board Member would be disqualified from taking part in such action. Secretary Candela expressed concerns about stakeholder input on the process. Board President Neidich stated the inspection review would be made of two parts. Part one, to evaluate the Board's authority (conduct a legal analysis of the process); part two, to make recommendations to the Board. Secretary Candela asked Executive Officer Sorrick to add the Strategic Plan to the Outreach and Education Committee agenda so that more action items could be assigned.

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

Budget Report

Executive Officer Sorrick reported that as of Fiscal month 6, the Board had a projected 3.85% surplus and an unencumbered balance projected \$6,773 for the end of the Fiscal Year.

Examination Update

Executive Officer Sorrick reported there was a Written and Practical/Oral Exam given February 8-9, 2010. Executive Officer Sorrick welcomed Wendy Haecker (License # 1215) to the Board.

Eye Dog Foundation Update

Executive Officer reported that the Attorney General (AG) could not confirm nor deny that there was an investigation regarding the Eye Dog Foundation. Ms. Hill asked what authority the AG had over EDF. She then suggested the Board contact the Department of Corporations or the Secretary of State to pursue an investigation. Secretary Candela asked Ms. Hill if she had any factual information, to forward it to the Board so that it may be addressed. Vice President Scott expressed his frustration with the reasoning behind why the AG's office could not share any more

information on the school. He asked why the Board didn't have enforcement capability over the school if they were raising money in California. Board President Neidich delegated authority to Vice President Scott to work with Board Counsel Santiago on these concerns and report back to the Board at the next meeting.

Director's Report

Deputy Director Kirchmeyer explained the Department of Consumer Affairs' Consumer Protection Initiative. Among the highlights she gave were the following:

1. Administrative Improvements
2. Staffing and IT Resources
3. Legislative Changes

See attached document.

Year End Review

The 2009 Year End Review was included in the meeting materials, but was not discussed at the meeting.

Consumer Brochure

Executive Officer Sorrick read the contents of the new Consumer Brochure.

Executive Officer Sorrick reported that after reviewing a 2004 GDUC video on dog attacks on guide dogs, and given a recent attack in the U.K., attention should be paid to the issue. Hence, on February 24, 2010, the Board plans to facilitate a press conference regarding dog attacks on guide dogs. Participants of the conference were reported as: President Neidich, Board Member Holm, Sergeant William Herndon and Officer John Denny of the San Francisco Police Department, Theresa Duncan (Alumni Director, Guide Dogs for the Blind), Brian Francis (Director of Admissions and Graduate Services, Guide Dogs for the Blind), and Frank Welte (Director of Government Affairs, California Council of the Blind). The press conference is scheduled to be held at the San Francisco Office of the Governor.

10. Agenda Items for Next Meeting

Consumer Protection Enforcement Initiative (bill)

11. Meeting Calendar and Location

The meeting calendar was to be decided at a later date.

12. Public Comment on Items Not on the Agenda

There were no comments.

13. Adjournment

President Neidich motioned to adjourn at 2:05 p.m. Vice President Scott seconded the motion.