



APPROVED MINUTES

Monday, May 23, 2011

1:00 – 5:00 p.m.

Or until completion of business

Department of Consumer Affairs

1625 N. Market Blvd., Sacramento Room (Third Floor)

Sacramento, CA 95834

Teleconference

Board Members

Eric Holm, President, Absent

Tom Scott, Vice-President

Joe Xavier, Secretary

Belinda Barragan

Larry Grable, Absent

Jeff Neidich

Frank Welte

Executive Officer

Antonette Sorrick

Board Staff

Cenne Jackson

Legal Counsel

Michael Santiago

Guests

Sherrill Neidich

Brian Skewis, Department of Consumer Affairs
(DCA)

Cindy Kanemoto (DCA)

Jeff Senge, Guide Dogs for the Blind Alumni
Association

Laurie Mehta, Guide Dog Users Incorporated

AGENDA

Open Session:

1. Call to Order/ Roll Call (T. Scott/J. Xavier)

Board Vice President Tom Scott called the meeting to order at 1:00 p.m. Board Secretary Xavier took roll. Five Board Members were recorded as present and a quorum was established.

2. President's Welcome (T. Scott)

Vice President Scott welcomed everyone to the meeting and announced that he would be filling in for Board President Eric Holm.

3. Approval of Board Meeting Minutes February 22, 2011 (T. Scott)

Vice President Scott asked for a motion to approve the February 22, 2011 meeting minutes unless amendments were needed.

Board Member Welte motioned to accept the meeting minutes of February 22, 2011 as written. Board Member Neidich seconded the motion. Both Board Members Barragan and Xavier had abstentions.

Board Vote: Motion failed. Minutes to be heard at next meeting.

4. Committee Reports

a. Legislative Committee Update (T. Scott)

AB 92 (Blumenfield) - Budget

Summary: This bill would make appropriations for support of state government for the 2011-12 fiscal years. This bill would declare that it is to take effect immediately as a Budget Bill. 1110-001-0024--For support of State Board of Guide Dogs for the Blind, Program 54, payable from the Guide Dogs for the Blind Fund - \$187,000

Provisions: The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.

Bill Status: Re-referred to the Committee on Budget on March 1, 2011.

AB 410 (Swanson) - Regulations: adoption: disability access

Summary: This bill would require an agency, upon a request from a person with a visual disability or other disability for which effective communication is required under state or federal law, to provide that person a narrative description of the proposed regulation, as prescribed, and would provide for an extended public comment period for that person. The bill would also require an agency to include within the notice of proposed action a specified statement regarding the availability of narrative descriptions for persons with visual or other specified disabilities.

Bill Status: Re-referred to the Assembly Business, Professions, and Consumer Protection Committee on March 3, 2011.

Vice President Scott asked for a motion to support AB 410. Board Member Barragan motioned to support the bill. Board Member Neidich seconded the motion.

Board Vote: Motion passed.

SB 68 (Leno) - Budget

Summary: This bill would declare that it is to take effect immediately as a Budget Bill. 1110-001-0024--For support of State Board of Guide Dogs for the Blind, Program 54, payable from the Guide Dogs for the Blind Fund - \$187,000. Provisions: The amount appropriated in this item may include revenues derived from the assessment of fines and penalties imposed as specified in Section 13332.18 of the Government Code.

Bill Status: Referred to the Committee on Budget and Fiscal Review on February 28, 2011.

SB 541 (Price) – Regulatory boards: expert consultants

Summary: This bill would authorize Boards to enter into an agreement with an expert consultant subject to the standards regarding personal service contracts; to provide enforcement and examination assistance. It would require each Board to establish policy and procedures for the selection and the use of these consultants and would take effect immediately as an urgency statute.

Bill Status: Ordered to the special consent Calendar on May 18, 2011.

Vice President Scott asked for a motion to Support SB 541. Board Member Barragan motioned to support SB 541. Secretary Xavier seconded the motion.

Board Vote: Motion passed.

SB 543 (Price) - Business and Professions: Regulatory Boards

Summary: Existing law provides for the licensure and regulation of various businesses and professions by boards within the Department of Consumer Affairs, including, the California Architects Board, the Landscape Architects Technical Committee, and the Board for Professional Engineers, Land Surveyors, and Geologists, the State Board of Guide Dogs for the Blind, and the State Athletic Commission. Existing law requires or authorizes these boards, with certain exceptions, to appoint an executive officer. Existing law repeals these provisions on January 1, 2012. Under existing law, boards scheduled for repeal are required to be evaluated by the Joint Sunset Review Committee. This bill would extend the operation of these provisions until January 1, 2016, except the State Board of Guide Dogs for the Blind, which would be extended until January 1, 2014. The bill would instead specify that these boards would be subject to review by the appropriate policy committees of the Legislature.

Bill Status: Referred to the Committee on Business, Professions, and Economic Development on March 3, 2011.

SB 944 (Senate Business, Professions and Economic Development) – Committee on Business Professions and Economic Development
Summary: This Bill would require that a guide dog to be spayed or neutered and would require that the certificate certifying that these requirements have been met to be delivered at the time the dog is assigned to a blind person. The bill would impose a state mandated local program.

Bill Status: set to be heard May 23, 2011 by the Senate

b. Outreach and Education Committee Update (J. Xavier)
Consumer Organization Calls (CAGDU/GDUC)

Board Member Xavier reported that he and Executive Officer Sorrick had been in contact with the Board's various partners in the consumer organization community. The basis of the calls was to receive input from our partners on ways we can better serve the consumer. Also in discussion was the consumer organization's support and participation in the upcoming survey on the effectiveness of the recent changes that have been made to the Board's statutes and regulations. Executive Officer Sorrick reported that the Board may have to explore doing a telephone version of the upcoming survey due to concerns of accessibility.

c. Practice Task Force Update (T. Scott)
Reported that there no update for the Practice Task Force.

5. Discussion and Possible Action to Support Legislation amending the following section:

7208 (Rules and Regulations of the Board) – Draft Compliance Inspection Report

7208 Current Language

Pursuant to the provisions of the Administrative Procedure Act the board may make such rules and regulations as are reasonably necessary to:

- (a) Govern the procedure of the board.
- (b) Govern the admission of applicants for examination for license to instruct blind persons in the use of guide dogs or to engage in the business of training, selling, hiring, or being in the business of supplying guide dogs for the blind.
- (c) Govern the operation of schools which furnish guide dogs and train blind persons to use guide dogs.
- (d) The reissuance of licenses.
- (e) The reexamination of licensees.

7208 Recommended Language

Pursuant to the provisions of the Administrative Procedure Act the board may make such rules and regulations as are reasonably necessary to:

- (a) Govern the procedure of the board.
- (b) Govern the admission of applicants for examination for license to instruct blind persons in the use of guide dogs or to engage in the business of training, selling, hiring, or being in the business of supplying guide dogs for the blind.
- (c) Govern the operation of schools which furnish guide dogs and train blind persons to use guide dogs.
- (d) Reissue licenses.
- (e) Reexamine licensees.
- (f) Investigate and/or inspect any person or facility headquartered, training, and/or doing business in the State of California at all reasonable hours for the purpose of determining if any provisions of the laws governing guide dog instructors and guide dog schools are being violated. The Board, its officers, inspectors, and representatives shall cooperate with all agencies charged with the enforcement of the laws of the United States, of this State, and of all other states relating to guide dog instruction and guide dog schools.

Board Member Neidich motioned to adopt the Task Force recommendation as written. Secretary Xavier seconded the motion.

Board Vote: Motion passed.

6. Regulatory Hearing (M. Santiago)

Legal Counsel Santiago called the hearing to order at 1:44 p.m. Santiago opened the regulatory hearing with the reading of the hearing process and an introduction to the seven regulatory sections. The floor was open to comments. No comments were given. The regulatory hearing concluded at 1:50 p.m.

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

Budget Report (A. Sorrick/B. Skewis)

Brian Skewis reported that at the end of Fiscal Month 9, the Board had expended \$133,533 of their \$179,980 budget. The most recent expenditure projections show the board operating at a 1.68% surplus (\$176,963 of the \$179,980 budget) including the \$8,000 Office of Professional Examination Services Interagency contract.

Board Member Welte questioned the declining trend in the Board's surplus over the next few fiscal years. Skewis explained that the projections assume that the Board's revenue will remain at \$148,000.

Examination Update

Executive Officer Sorrick reported that the next scheduled exams were to be held November 7-8, 2012

Strategic Plan Update

Executive officer reported that in spite of the Board's budgetary constraints we were making progress on implementing the Board's strategic plan.

Director's Report

Cindy Kanemoto reported that the Governor had appointed a new Secretary and Undersecretary for State and Consumer Services Agency. Former Assemblymember Anna Caballero was appointed as the Secretary and Dr. Willie Armstrong was appointed as the Undersecretary. Kanemoto gave an update on the BreEze Project. She reported that DCA was in negotiations with vendors. Last, Kanemoto reported that DCA had developed a new Executive Office Performance Evaluation that incorporates the Human Resources Modernization Leadership Competencies. This evaluation was to be rolled out to all boards and bureaus.

8. Agenda Items for Next Meeting

Board Member Welte asked for feedback from the Practice Task Force on accelerated training programs (level of competency and maturity of dogs, needs for follow up visits, quality of dogs, etc.)

Committee Reports

Welte also asked that the current regulatory process be reviewed if it is a barrier for out-of-state instructors. Are there aspects that hinder the ability for out-of-state schools to practice in California?

9. Meeting Calendar and Location

October 17, 2011 at the Guide Dogs of the Desert campus

February 2012 at the Guide Dogs of America campus

June 2012 at the Guide Dogs for the Blind campus

October 2012 at DCA Headquarters in Sacramento

10. Public Comment on Items Not on the Agenda

Laurie Mehta, GDUI, stated that she supported the agenda items for the next meeting.

11. Adjournment

Secretary Xavier motioned to adjourn. The meeting adjourned at 2:54 p.m.