



APPROVED MINUTES

December 5, 2011

1:00 – 4:00 p.m.

Or until completion of business

Department of
Consumer Affairs
1625 N. Market Blvd.,
Trinity Room
Sacramento, CA 95834
(916) 574-8200

San Rafael Community
Center
618 B Street, Room #5
San Rafael, CA 94901
(415) 425-5613

1837 Candace Court
Yuba City, CA 95993
(530) 632-2699

634 S. Spring St. Rm.
920
Los Angeles, CA 90014
(213) 622-9549

114 Buck Circle
Folsom, CA 95630
(916) 989-9665

7955 Onyx Court
Rancho Cucamonga, CA
91730
(951) 892-5885

721 Capitol Mall, Room
169
Sacramento, CA 95814
(916) 558-5826

214 Van Ness Avenue
San Francisco, CA 94102
(415) 694-7363

Phone Conference

Board Members

Eric Holm, President
Tom Scott, Vice-President
Joe Xavier, Secretary
Belinda Barragan
Larry Grable
Jeff Neidich
Frank Welte

Executive Officer

Antonette Sorrick

Board Staff

Cenne Jackson

Legal Counsel

Michael Santiago

Guests

Wendy Ponce, Guide Dog Instructor
*Shannon Dillon, California Association of Guide
Dog Users (CAGDU)*
*Brian Skewis, Department of Consumer Affairs
(DCA)*
Brian Clifford, DCA

AGENDA

Open Session:

1. Call to Order/ Roll Call (E. Holm/J. Xavier)

Board President Holm called the meeting to order at 1:03pm. Secretary Xavier took roll. Seven Board Members were recorded as present and a quorum was established.

2. President's Welcome (E. Holm)

Board President Holm thanked everyone for being in attendance and announced that Board Member Welte would no longer be with the Board effective January 1, 2012. Holm thanked Welte for his time and dedication to the Board.

3. Approval of Board Meeting Minutes February 22, 2011 (E. Holm)

President Holm asked for a motion to approve February 22, 2011 meeting minutes as written.

Vice President Scott moved to approve the minutes as written. Board Member Grable seconded the motion.

Board Vote: Motion passed.

4. Approval of Board Meeting Minutes May 23, 2011 (E. Holm)

President Holm asked for a motion to approve May 23, 2011 meeting minutes as written.

Board Member Neidich moved to accept the minutes as written. Board Member Welte seconded the motion. Abstentions were made by both Board Member Grable and Barragan.

Board Vote: Motion passed.

5. Approval of Board Meeting Minutes June 28, 2011 (E. Holm)

President Holm asked for a motion to approve June 28, 2011 meeting minutes as written.

Board Member Neidich moved to accept the meeting minutes as written. Vice President Scott seconded the motion.

Board Vote: Motion passed.

6. Committee Reports

- a. Legislative Committee Update (A. Sorrick and B. Clifford)

State Legislation

AB 92 (Blumenfield) - Budget

This bill would make appropriations for support of state government for the 2011-12 fiscal year. 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.

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

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

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.

Status: Chaptered by Secretary of State – Chapter 495, Statutes of 2011.

SB 68 (Leno) - Budget

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.

Status: From Committee with author's amendments. Read second time and amended. Re-referred to Senate Committee on Budget and Fiscal Review on February 28, 2011.

Both AB 92 and SB 68 were rolled into SB 87 which was the budget bill which ultimately was signed by the Governor to fund the Board.

SB 541 (Price) – Regulatory boards: expert consultants

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law, the Chiropractic Act, enacted by initiative, provides for the licensure and regulation of chiropractors by the State Board of Chiropractic Examiners. Existing law, the Osteopathic Act, requires the Osteopathic Medical Board of California to regulate osteopathic physicians and surgeons. Existing law generally requires applicants for a license to pass an examination and authorizes boards to take disciplinary action against licensees for violations of law. Existing law establishes standards relating to personal service contracts in state employment. This bill would authorize these boards to enter into an agreement with an expert consultant, subject to the standards regarding personal service contracts described above, to provide enforcement and examination assistance. The bill would require each board to establish policies and procedures for the selection and use of these consultants. This bill would declare that it is to take effect immediately as an urgency statute.

Status: Chaptered by Secretary of State. Chapter 339, Statutes of 2011.

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

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, 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.

Status: Chaptered by Secretary of State. Chapter 448, Statutes of 2011.

Executive Officer Sorrick requested that Board President Holm appoint a Board Member to work closely with her on the Sunset Review. Board Member Neidich volunteered and Holm accepted.

SB 944 (Senate Business Professions and Economic Development Committee) – Committee on Business Professions and Economic Development

This bill would instead require the executive officer to keep those records and carry out those duties and would require the application described above to be filed with the board. Existing law prohibits a person from selling, giving, or furnishing any guide dog or seeing-eye dog to a blind person unless certain requirements have been met, including that the dog has been neutered. Under existing law, a certificate from a veterinarian certifying that those requirements have been met is required to be delivered to the recipient of the dog at the time of delivery. This bill would require that the dog be spayed or neutered and would require that the certificate to be delivered at the time the dog is assigned to a blind person. Because a violation of these requirements would constitute a crime, the bill would impose a state-mandated local program.

Status: Chaptered by Secretary of State. Chapter 432, Statutes of 2011.

AB 1424 (Perea) – Franchise Tax Board delinquent tax debt

This bill would require a state governmental licensing entity, other than the Department of Motor Vehicles, State Bar of California, and Alcoholic Beverage Control Board, as provided, that issues professional or occupational licenses, certificates, registrations, or permits, to suspend, revoke, and refuse to issue a license if the licensee's name is included on the list of the 500 largest tax delinquencies in excess of \$100,000.

AB 1424 language would be required to be included in all license applications and renewal forms. Executive Officer Sorrick agreed that all requisite forms and Web site pages would be updated to meet the criteria as set forth in the new law.

- b. Outreach and Education Committee Update (J. Xavier)
Secretary Xavier announced that the next Outreach and Education Meeting would be held on December 19, 2011. Xavier also reported his attendance at the October 14, 2011 National Federation of the Blind California Convention.

c. Practice Task Force Update (A. Sorrick)
Executive Officer Sorrick reported that the next Practice Task Force Meeting would be held on January 9, 2012.

7. Concept Paper Section 7208

Current Language

Business and Professions Code Section 7208

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.

Proposed Legislative Change

Business and Professions Code Section 7208

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.

Executive Officer Sorrick reported that DCA declined the legislative proposal on the merits that the Board already had statutory authority to inspect schools. There was no foundation for a necessity to make changes via legislation. Any changes to be made could be accomplished via regulation. Due to the aforementioned challenges, the Board would not pursue a statutory change to the language.

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

Budget Report (A. Sorrick/B. Skewis)

Brian Skewis reported that as of the end of Fiscal Month 4, the Board had spent \$54,824 of their \$185,676 budget; 63.3%. The most recent expenditure projections showed the Board operating at a 2.90% surplus (\$180,284 of the \$185,676 budget).

Examination Update

Executive Officer Sorrick reported that the Board held an exam on November 7-8, 2011 which resulted in five new guide dog instructors.

Sorrick referred to the Strategic Plan update document and asked for any feedback from the Board. There was no further discussion on this matter.

Executive Sorrick announced that as of January 1, 2012 Executive Assistant Cenne Jackson would no longer be working for the Board. Jackson accepted full time employment with another state agency. She was acknowledged by Sorrick and President Holm for her hard work and dedication. Sorrick announced that the Board would be filling the part time vacancy left by Jackson. Brian Skewis reported that the Department of Finance Operational Efficiency plan was approved and the hiring freeze had been lifted.

9. Agenda Items for Next Meeting

Attacks against guide dogs.

10. Meeting Calendar and Location

Executive Officer Sorrick reported the following upcoming meetings:

Outreach and Education Committee Meeting

December 19, 2011

Department of Consumer Affairs

1625 N. Market Blvd., Sacramento Room

Sacramento, CA 95834

Teleconference

Practice Task Force Meeting

January 9, 2012
Department of Consumer Affairs
1625 N. Market Blvd., Sacramento Room
Sacramento, CA 95834
Teleconference

Legislative Committee Meeting

March, 2012
Department of Consumer Affairs
1625 N. Market Blvd., Trinity Room
Sacramento, CA 95834
Teleconference

Board Meeting

April, 2012
Guide Dogs of America
13445 Glenoaks Boulevard
Sylmar, CA 91342

Board Meeting

August, 2012
Guide Dogs for the Blind
350 Los Ranchitos Road
San Rafael, CA 94903

Board Meeting

December, 2012
Guide Dogs of the Desert
60740 Dillon Road
Whitewater, CA 92282

11. Public Comment on Items Not on the Agenda

Board President Holm thanked both Board Member Frank Welte and Cenne Jackson for their service.

12. Adjournment

Board Vice President Scott moved to adjourn the meeting at 1:37 p.m.
Board Member Grable seconded the motion.