

BUREAU OF AUTOMOTIVE REPAIR

INITIAL STATEMENT OF REASONS

HEARING DATES: None set.

SUBJECT MATTER OF THE PROPOSED REGULATIONS: DISCIPLINARY GUIDELINES AMENDMENTS

SECTIONS AFFECTED: Amend Title 16, Division 33, Chapter 1, California Code of Regulations, Article 12, section 3395.4.

PROBLEM & SPECIFIC PURPOSE OF THE REGULATORY PROPOSAL:

Pursuant to Article 1, Chapter 20.3 of Division 3 of the Business and Professions Code (commencing with section 9880), the Bureau of Automotive Repair (BAR or Bureau) regulates automotive repair and has the authority to adopt, amend and/or repeal reasonably necessary rules and regulations relating to the practice of licensure and registration by/with the Bureau.

In the event of misconduct, an automotive repair dealer (ARD) registration, or brake, lamp or smog check license may be denied, suspended, or revoked. The registrant or licensee to be disciplined, also known as the respondent, may appeal the decision through the administrative hearing process or accept the terms of a stipulated settlement with the Bureau. Through either avenue, a respondent could be offered a probationary registration or license that is subject to certain terms and conditions. Administrative law judges (ALJs) and the Bureau routinely set terms and conditions of probation as part of their proposed decisions and stipulated settlements, respectively. These include standard terms and conditions which apply to all probations and may include optional terms and conditions which are imposed if warranted by the facts and circumstances of the case. To provide consistency in disciplinary orders on a statewide basis, the Bureau has adopted a uniform guidance document entitled "Guidelines for Disciplinary Orders and Terms of Probation" (*Disciplinary Guidelines*). This document contains a description of the Bureau's preferred methods for determining the terms and conditions probation, as well as a non-exhaustive list of aggravating and mitigating factors. The document also contains model order language and general guidance on the disciplinary process.

The Bureau is proposing the following amendments and additions:

- I. Amend California Code of Regulations, Title 16, section 3395.4 Disciplinary Guidelines and the “Guidelines for Disciplinary Orders and Terms of Probation” which is incorporated by reference.

A detailed explanation of the existing problems and necessary changes are as follows:

- I. Amend section 3395.4. Disciplinary Guidelines.

- A. Amend “Section” to “section”, and update “[Rev. March 2016]” to “[Rev. January 2020].”

The amendment of lowercasing the “S” in “Section” is a non-substantive change within Section 3395.4, because it is a grammar change and it “do[es] not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element.” This change relates to grammar and punctuation and as a result is considered changes without regulatory effect within the meaning as specified by California Code of Regulations, Title 1, section 100(a) which includes “revising structure, syntax, cross-reference, grammar, or punctuation.”

The update regarding the date of the incorporated by reference document *Disciplinary Guidelines* is being amended to reflect the January 2020 revision of the Bureau’s *Disciplinary Guidelines*. The January 2020 version is clearer and easier to understand.

- B. Amend the *Disciplinary Guidelines* as incorporated by reference in California Code of Regulations, Title 16, section 3395.4.

1. Update “Guidelines for Disciplinary Orders and Terms of Probation” from “[Rev. March 2016]” to “[Rev. January 2020]” and update the logo of the Department of Consumer Affairs (Department).

The revision date is being amended to reflect the updated January 2020 revision of the Bureau’s *Disciplinary Guidelines*. The purpose of the *Disciplinary Guidelines* is to promote consistency in disciplinary orders for similar offenses on a statewide basis. The parties directly involved in the administrative disciplinary process, such as administrative law judges, deputy attorneys general, and Bureau enforcement staff will know to utilize the most current version of the *Disciplinary Guidelines*.

The Department's logo has since been updated and the current logo is placed on the front cover. This is a non-substantive change, because it does not materially alter or effect the content of the document. Placing the new logo maintains uniformity.

2. Amend the page numbers listed within "Table of Contents."

Revision of the page numbers found within the "Table of Contents" of the *Disciplinary Guidelines* is necessary to reflect the correct page numbers and maintain consistency with the information in the document. This is a change without regulatory effect, because it does not materially alter "any requirement, right, responsibility, condition, prescription or regulatory element" within the meaning of Title 1, California Code of Regulations section 100(a).

3. Amend Factors in Aggravation and in Mitigation.

Amend the first "Factors in Mitigation" by replacing "suggested resolution to a consumer complaint" with "mediated resolution to a consumer complaint."

The Bureau's consumer complaint process is intended to assist consumers with resolving disputes with its registrants and licensees and to investigate whether any violation of the Act has occurred (see, Bus. & Prof. Code § 9880 et seq.). As part of each investigation, the Bureau's representatives will communicate and often meet with each consumer and respondent multiple times throughout the process. While actively involved in the resolution of such complaints, the Bureau's role is not to prescribe a resolution. Rather, representatives work with consumers and respondents to satisfactorily resolve each complaint. Thus, amending the current statement is necessary to ensure the *Disciplinary Guidelines* accurately reflect the consumer complaint process.

Amend the last paragraph under "Factors in Mitigation" to "No single factor or combination of the above factors is required to justify a given disciplinary order, even if the order differs from the recommended guidelines herein."

Amending the sentence provides clarity on the mitigation factors listed to emphasize that those factors are not intended to be limiting in nature. The change in the sentence is necessary to make clear that the factors listed are not required to be the only source of circumstances relied upon to influence whether to issue a disciplinary order against the respondent, nor in determining the

terms of a disciplinary action being issued. That determination can be made by the department director following a stipulated settlement reached between the Bureau and respondent or following a proposed decision from an ALJ responsible for reviewing all evidence, which may or may not differ from the considerations provided in this section of the *Disciplinary Guidelines*.

4. Disciplinary Order Guidelines, Tables A, B, and C.

Amend the “Disciplinary Order Guidelines” by amending the “Applicable Optional Terms and Conditions of Probation” found in Tables A, B, and C, to distinguish the applicability of the three training options as a condition of probation as each applies to registrants and licensees: Smog Check technician training found in the Disciplinary Order Guidelines, under “Optional Terms of Probation,” Training Course section 3(a); *Write It Right* presentation found in section 3(b); and *Laws and Regulations* course from section 3(c). These are found on pages 20 through 22 of the proposed Disciplinary Guidelines.

Training protects consumers in automotive repair transactions and benefits registrants, licensees, and the industry as form of rehabilitation and education. By recognizing and setting standards of applicability for such trainings, the Bureau is addressing the importance of relicensure, rehabilitation, and consumer protection. The Bureau currently specifies and approves training courses for Smog Check technicians, conducts presentations that are Bureau representative led called *Write It Right* on a limited number of topics relating to transactional violations specifically for ARDs within a one to four-hour session, and can require laws and regulations training relevant to the adjudicated case. Training courses in 3(a) are only applicable to Smog Check technicians and is applied as a result of violations directly resulting from the technician’s actions as specified in section 3340.30 of the CCR. The *Write it Right* course as discussed within 3(b) has been added where the ALJ or the Bureau has found that the registrant would benefit from training on invoice and estimate requirements. The laws and regulations course referenced in 3(c) is an extensive course beyond that of the *Write it Right* course and applies to all licensees and registrants. The addition of 3(c) addresses the need for extensive training beyond invoice and estimate requirements and has been deleted where the training applies only to the acts of the Smog Check technician.

An ALJ or the Bureau will be able to require registrants and licensees to comply with training options, depending on the nature, scope, and depth of the violation(s) which is evident in Table A, B, and C.

Table A, B, and C have been amended to reflect the relevant training as a condition of probation for each type of violation. If there are violations relating to Smog Check technicians regarding industry standards or procedures, then training found in 3(a) will be applicable, unless there are transactional violations which would warrant laws and regulations training as found in training option 3(c). In instances where an ARD violates the law as it relates to transactions, training options 3(b) and/or 3(c) would be applicable depending on the nature, scope, and depth. The tables have been amended to reflect when 3(b) and 3(c) would both be applicable and when only one of those trainings would be applicable. This is necessary to assist the Bureau and the ALJ in applying violations to training options as a condition of probation or registration in a proposed decision.

Specifically, the changes are:

- 1) Table B section 44011.3 has deleted 3(c)
- 2) Table B section 44014.5 has deleted 3(c)
- 3) Table B section 44015 has deleted 3(c)
- 4) Table B section 44016 has deleted 3(c)
- 5) Table B section 44017.4 has deleted 3(c)
- 6) Table B section 44033(b) has deleted 3(c)
- 7) Table B section 44050(e) has deleted 3(c)
- 8) Table B section 44060(g) has deleted 3(b)
- 9) Table B section 44072.2(f) has deleted 3(c).
- 10) Table C section 3340.15(d) has added 3(b)
- 11) Table C section 3340.15(g) has added 3(b)
- 12) Table C section 3340.15(h) has added 3(b)
- 13) Table C section 3341.13.5 has added 3(b)
- 14) Table C section 3340.23(c) has deleted 3(c)
- 15) Table C sections 3340.30(a), (b), (c) and (d) have added 3(a) and deleted (c)
- 16) Table C section 3340.41(b), (c), and (d) have deleted 3(c)
- 17) Table C section 3340.50(a) through (f) have deleted 3(c)
- 18) Table C section 3351.3 has added 3(b)
- 19) Table C section 3366 has added 3(b)
- 20) Table C section 3367 has deleted 3(c)
- 21) Table C section 3394.44(c) has deleted 3(c).

5. Model Disciplinary Orders.

Amend the “Model Disciplinary Orders” by removing the reference to “terms and conditions of probation” to its own heading under Section V and deleting the current subsections and language under “Revocation,” “Standard Stay Order,” and “Cost Recovery” and replacing it with following:

“Statement of Issues

1. Order to Deny Application for Registration/Licensure

IT IS HEREBY ORDERED that the [insert registration/license type] application is denied, and the Registration/License will not be issued to Respondent.

2. Order to Grant Application for Registration/Licensure with Revocation, Stay Order, and Terms and Conditions of Probation

IT IS HEREBY ORDERED that the [insert registration/license type] Registration/License will be issued to Respondent_____and immediately revoked. However, the revocation is stayed, and registration/license is placed on probation for ____ (___) years with the following terms and conditions.

[Insert Terms and Conditions of Probation under Section V.]

Accusation

1. Revocation

IT IS HEREBY ORDERED that [insert registration/license type] Registration/License No. _____ issued to Respondent _____ is revoked.

Cost Recovery

Respondent shall pay to the Bureau its costs of investigation and enforcement in the amount of \$_____.

2. Revocation with Stay Order and Terms and Conditions of Probation

IT IS HEREBY ORDERED that [insert registration/license type] Registration/License No. _____ issued to Respondent _____ is revoked. However, the revocation is stayed, and Respondent is placed on probation for_(_) years on the following terms and conditions.

[Insert Terms and Conditions of Probation under Section V.]

Cost Recovery

Respondent shall pay to the Bureau its costs of investigation and enforcement in the amount of \$_____.”

Section 4 amendments are necessary in order to maintain consistency and clarity for those utilizing the *Disciplinary Guidelines*. In the current *Disciplinary Guidelines*, there exist headings with language relating to “Revocation,” “Stay Order,” and “Cost Recovery.” These were reorganized because they did not provide the ALJ direction in terms of when those headings would be applied and in what circumstances. Those headings were in general terms and did not provide direction of application of when those headings would be applicable in a legal document. The proposed revision provides those same headings with similar language under the scenarios of applicability when drafting a proposed decision. The proposed text provides more consistency and eliminates confusion and guesswork, because it clearly identifies the language to use for a specific type of administrative disciplinary action.

The deletion of the subsections “Revocation,” “Standard Stay Order,” and “Cost Recovery” are necessary to continue with establishing consistency, accuracy, and clarity. Though these subsections are deleted, it is for reorganization purposes, and have been moved under the new subsections that are added such as “Statement of Issues” and “Accusation.” Additionally, fonts were bolded and underlined to reflect the specified sections. Statements from current language were duplicated for each new section n to reflect the templated language to be used. The intent of the Model Disciplinary Orders has not been

changed and more clearly reflect the current practice. These amendments are necessary to capture the available administrative disciplinary actions and provide the language in a consistent format as to eliminate any confusion. These amendments make it more structurally sound as it follows a step by step process. Additionally, text has been modified to adhere to grammar, syntax, and punctuation needs. For example, general references to “a/an application” as found under “Statement of Issues” has been amended to reference “the application” so as to be specific when addressing the application up for consideration as opposed to generalities. This is done to clearly communicate the application being reviewed. The grammar and punctuation changes are non-substantive changes and therefore do not alter the intent of the section and are done in an effort to revise structure, syntax, grammar, and punctuation in order to eliminate confusion by all parties utilizing the *Disciplinary Guidelines*.

6. Terms and Conditions of Probation.

Create a Section V of the “Terms and Conditions of Probation”.

This is added to maintain consistency when utilizing the *Disciplinary Guidelines*. Once the language is selected for the administrative disciplinary action, the next step would be to identify the terms and condition of probation. As a result, this was made into Section V as opposed to a subsection under “Model Disciplinary Orders.” This addition does not materially alter nor effect what is currently in the *Disciplinary Guidelines*. This amendment only maintains consistency and provides clarity.

Amend last paragraph of standard term and condition number 11, License Surrender as follows:

Amend the sentence “Respondent may not petition the Director for reinstatement of the surrendered registration and/or license, or apply for a new registration or license under the jurisdiction of BAR at any time before the date of the originally scheduled completion of probation” by deleting the comma after “license” and changing “or” to “nor.”

The comma is unnecessary because it is not connecting two independent clauses. The change of “or” to “nor” is grammatically proper. These are nonsubstantive changes to “[revise] structure, syntax, cross-reference, grammar, or punctuation” within the meaning of Title 1, California Code of Regulations section 100(a)(4).

7. Optional Terms and Conditions in Probation Number 3, Training Course.

Amend subsection (b) (Applicable to registrants) by lowercasing the “r” and deleting the comma in “Representative,” and replacing “the” with “a”.

Amending this subsection is necessary to make for clear and easier reading. Addressing punctuation and grammar makes the sentence more organized and concise. This is partly a non-substantive change, because it is a grammatical change as part of an effort to “[revise] structure, syntax, cross-reference, grammar, or punctuation” within the meaning of Title 1, California Code of Regulations section 100(a)(4). The substantive change from “the” to “a” is necessary to encompass the satellite offices of the Bureau so as to avoid any travel hardships on those licensees impacted by this subsection.

Amend subsection (c), the third option of the “Training Course” section by retitling the subdivision to “(Applicable to registrants and licensees),” specifying that “Respondent shall submit to BAR satisfactory evidence of completion of a laws and regulations training course that meets the following requirements:

(1) The course shall be instructor-led, in a classroom or online setting, and shall include instruction on registrant or licensee compliance with the laws and regulations related to the following areas:

- (A) Estimate Requirements
- (B) Customer Authorization
- (C) Invoice Requirements
- (D) Accepted Trade Standards
- (E) Sublet Repair
- (F) Return of Parts
- (G) Advertising Requirements
- (H) Guarantees and Warranties
- (I) Maintenance of Records

(2) The course shall include an examination to verify the student can apply the laws and regulations to scenarios that reflect day-to-day transactions.

- (3) The course shall have a minimum of (8) eight hours of dedicated time to instruction and examination, where examination time shall be between thirty (30) minutes to an hour.
- (4) The course shall require a minimum score of 70 percent on the examination to provide proof of completion to a student.”

and clarifying that “If, in the case of a registered automotive repair dealer or licensed Smog Check, or lamp and/or brake station, the registration or license is issued to a partnership, corporation, or a Limited Liability Company, then it shall be the responsibility of the facility manager, Responsible Managing Employee (RME), or other persons who directly or indirectly control or conduct the business to complete any required training specified in the disciplinary order.”

Amending this subsection is necessary to make clearer and more concise the applicability of the subdivision to the correct individuals as well as adopt requirements a licensee must comply with in order to satisfactorily complete certain terms of disciplinary action/probation or conditions in the eyes of the Bureau and take out the guess work. Specifically, the proposal amends, “complete ordered coursework or training that is acceptable to BAR and relevant to the adjudicated violation...Respondent shall submit to BAR satisfactory evidence of completion of coursework or training within the timelines specified for completion of the ordered coursework or training.” to, “Respondent shall submit to BAR satisfactory evidence of completion of a laws and regulations training course...” that meets the specified provisions. The current language is vague and requires the respondent to determine what type of coursework would be “...relevant to the adjudicated violation.” As amended, the *Disciplinary Guidelines* direct respondents to the training criteria which outline the minimum requirements for a training course required under the respondent’s terms of probation as a result of disciplinary action or stipulated settlement.

Identifying all areas of content within the Act that shall be the focus of instruction for a course in compliance with laws and regulations. The topics listed Subparagraph (2)(A)-(I) are critical components of the Bureau’s laws and regulations relating to the protection of consumers in automotive repair transactions. These are topics in which unfair practices typically arise. In addition, this subsection states that all course instruction must be instructor led and in a classroom or web-based setting. This provision is necessary to

ensure interactive, real time discussion of the required content. Interactive discussion in a physical classroom or online platform setting is necessary in training on the application of laws to real life scenarios, as it allows the instructor to adapt to the needs and circumstances of students and to make sure they are adequately prepared for the examination. The interactive discussion includes web-based classes, because the Bureau would like applicants and licensees subjected to this section to have the opportunity and accessibility of taking the course and not creating a barrier or burden on the applicant or licensee.

Requiring a course to have an examination is important, because in order to successfully complete the training, an examination shall be administered to assess a student's competency with the course material. Requiring an examination is necessary to assess whether students can demonstrate their knowledge of the laws and regulations and can apply that knowledge in actual scenarios they face in the automotive service and repair industry. This provision establishes the methods of assessment for students completing this training.

Identifying the duration of the course and examination establishes the minimum duration of course instruction and examination, as well as the allotment for administration of the examination. Establishing this standard is necessary to ensure participants receive comprehensive training in the topics listed in subsection (b)(2) and are provided a reasonable amount of time for a final examination.

A minimum of eight hours of course instruction and examination was determined to be the amount of time necessary to cover the laws and regulations listed above and scenarios incorporating these laws and regulations, and to administer the examination. This would allow for a one-day course at minimum. The language specifies that the examination shall be at minimum thirty minutes long and not exceed an hour to allow time for instruction and take the respective examination in the specified duration. The Field Operations and Enforcement Division administers educational *Write it Right* presentations that provide ARDs with an overview of the statutory and regulatory requirements for conducting business with their customers. The content covered mainly focuses on three topics: (1) customer service transactions, including estimate and invoice documentation, (2) customer authorization, and (3) sublet disclosures requirements, and typically last three to four hours. By comparison, the training criteria specified in this section contains

these three topics and six additional areas of focus. Therefore, eight (8) hours is appropriate for this training.

Requiring proof of completion is necessary to ensure students that have passed the examination receive a certificate of completion and examination results following completion of the training course. Successful completion of the training course is demonstrated through scoring 70 percent or higher. The minimum score of 70 percent is determined reasonable and not a barrier to (re)licensure. It addresses the minimum competency required to enter into the field. In addition, in scenarios where the training may be required as a condition of disciplinary action taken by the Bureau, respondents must be able to provide proof that they have met this requirement under the procedures outlined in the *Disciplinary Guidelines*. Training may be required under the terms of a disciplinary action whether in the form of a citation, administrative action, or resulting from a settlement agreement.

Also, the section is amended to make consistent and clarify language. Where partnerships, corporations, and Limited Liability Companies are concerned, the proposed addition places responsibility on those persons who directly or indirectly control or conduct business to complete the required training. This is to identify all licensees subject to this training requirement section and make clear who it is applicable. Respondents include those who are licensees and its business respective applicable business models.

8. Optional Terms and Conditions Number 5, Prescribed Equipment.

Amend subsection (a) by lowercasing the “S” in “Stations” to “stations”.

Amending this subsection is necessary to for maintaining consistency with grammar and punctuation. The word “stations” is the correct way to use when referring to Smog Check facilities. The usage of “Stations” was not grammatically correct and as a result necessitated this change. Changing the “S” in “Stations” to a lowercase “s” in “stations” is a non-substantive change to “[revise] structure, syntax, cross-reference, grammar, or punctuation” within the meaning of Title 1, California Code of Regulations section 100(a)(4).

9. Optional Terms and Conditions Number 7, Supervision Requirements.

Replace “In the event that” to “If.”

This amendment is necessary to make the sentence concise. This is a nonsubstantive change and does not materially alter nor effect the rest of the sentence.

TECHNICAL, THEORETICAL, AND/OR EMPERICAL STUDY, REPORTS, OR DOCUMENTS:

None.

ECONOMIC IMPACT ASSESSMENT:

This regulatory proposal will have the following effects:

- It will not create nor eliminate jobs within the State of California. This regulatory proposal updates and clarifies various provisions of the *Disciplinary Guidelines* and establishes standards for training in compliance with laws and regulations as directed to registrants and licensees who have been instructed under the terms or conditions of probation in a disciplinary order to take a course that meets the proposed Bureau prescribed standards. Licensees and registrants required to complete a course in compliance with laws and regulations training will likely incur similar expenses to disciplinary orders made under the existing terms, which differ in that they require a respondent to exercise their own discretion in determining whether the training being sought is both relevant to the adjudicated violation and acceptable to the Bureau.
- It will not create new business nor eliminate existing business within the State of California. This regulatory proposal updates and clarifies various provisions of the *Disciplinary Guidelines* and creates standards for training in compliance with laws and regulations as directed to respondents who have been instructed under the terms or conditions of probation in a disciplinary order to take a course that meets the proposed Bureau prescribed standards. Respondents required to complete a course in compliance with laws and regulations training will likely incur similar expenses under the existing terms, which differ in that they require a respondent to exercise their own discretion in determining whether the training being sought is both relevant to the adjudicated violation and acceptable to the Bureau.
- It will not affect the expansion of businesses currently doing business within the State of California. This regulatory proposal updates and clarifies various provisions of the *Disciplinary Guidelines* and affects respondents who have gone through the disciplinary process and as a condition of their probation have been required to complete a course in compliance with laws and regulations training.

This does not impose new burdens or requirements on respondents since ALJs have been ordering this requirement for some time. A respondent before was able to exercise their own discretion in determining whether the training being sought is both relevant to the adjudicated violation and acceptable to the Bureau, with this proposed text, the Bureau will be identifying the relevant and acceptable course requirement so as to take the guess work out. This proposal gives respondents clear guidance on which type of laws and regulations courses are accepted by the Bureau. This also gives institutions the opportunity to develop an instructor led course that would address compliance with laws and regulations as specified in the *Disciplinary Guidelines*.

- This regulatory proposal benefits the health and welfare of California residents by helping to ensure that licensees who have gone through the disciplinary process receive the acceptable laws and regulations training to better assist consumers and perform better inspections and repairs thereby reducing harmful smog-forming pollutants.
- This regulatory proposal does not affect worker safety because it is not relevant to worker safety.
- This regulatory proposal does affect the state's environment because those licensees who have gone through the disciplinary process and received the acceptable laws and regulations training will be better able to assist consumers and perform better inspections and repairs thereby reducing harmful smog-forming pollutants.

ADVERSE ECONOMIC IMPACT ASSESSMENT:

The Bureau has made an initial determination that the proposed regulatory revision will not have a significant adverse impact on businesses, including small businesses, and will not impact the ability of California businesses to compete with businesses in other states.

These amendments update the *Disciplinary Guidelines* by clarifying a few provisions and clarify training requirements for respondents who, through the disciplinary process, have demonstrated a lack of knowledge and/or understanding of the business practices and consumer transaction provisions of the Act. The amendments to the *Disciplinary Guidelines* would not have an adverse economic impact on respondents who are required to complete training in compliance with laws and regulations as specified in the *Disciplinary Guidelines*. The requirements of this section will help ensure such training is pertinent to the operation of an automotive repair business. The Bureau processes approximately three hundred and fifty (350) disciplinary actions per year with about twenty (20) where this training would apply. The Bureau estimates the cost for this training would average \$550 per respondent. The per unit cost at a community college

is \$69, since 9 units of training are being required, the cost of taking such a course would be approximately \$550. The cost is negligible and only would apply to respondents who are required to take a laws and regulations course as a condition of probation.

IMPACT ON BUSINESSES:

The Bureau has made an initial determination that the proposed regulatory action will not have a significant impact on businesses. This regulatory proposal updates and clarifies various provisions of the *Disciplinary Guidelines* and clarifies standards for training in compliance with laws and regulations as directed to licensees who have been instructed under the terms or conditions of probation in a disciplinary order to take a course that meets the proposed Bureau prescribed standards. Licensees required to complete a course in compliance with laws and regulations training will likely incur similar expenses under the existing terms, which differ in that they require a respondent to exercise their own discretion in determining whether the training being sought is both relevant to the adjudicated violation and acceptable to the Bureau.

SPECIFIC TECHNOLOGIES OR EQUIPMENT:

None.

DUPLICATION OR CONFLICT WITH FEDERAL REGULATIONS:

None.

CONSIDERATION OF ALTERNATIVES:

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Bureau would be more effective in carrying out the purpose for which it was proposed or would be as effective and less burdensome to affected private persons, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the adopted regulation.

Set forth below is the alternative that was considered and the reason the alternative was rejected:

Alternative 1: The Bureau considered taking no action. However, no action would create confusion and further inconsistent implementation of the *Disciplinary Guidelines*. This would result in ineffective exercise of regulating registrants and licensees and allow the confusion relating to acceptable course for laws and regulations to continue, which would make for an inefficient process.