

California Architects Board

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The California Architects Board (CAB), created by the legislature in 1901, establishes minimum professional qualifications and performance standards for admission to and practice of the profession of architecture through its administration of the Architects Practice Act, Business and Professions Code section 5500 *et seq.* The Board's regulations are found in Division 2, Title 16 of the California Code of Regulations (CCR). CAB is a consumer protection agency within the Department of Consumer Affairs (DCA).

CAB is a ten-member body evenly divided between architects and public members. Three public members and the five architect members are appointed by the Governor; the Senate Rules Committee and the Assembly Speaker each appoint a public member. The Board administers the written Architect Registration Examination (ARE) of the National Council of Architectural Registration Boards (NCARB) and the oral California Supplemental Examination (CSE), sets standards for the practice of architecture in California, and enforces the Board's statutes and regulations.

To become licensed as an architect, a candidate must successfully complete the ARE and the CSE, and provide evidence of at least eight years of relevant Board-approved education and/or experience.

Effective January 1, 1998, CAB is the home of California's regulatory program for landscape architects under Business and Professions Code section 5615 *et seq.* The former Board of Landscape Architects sunsetted on July 1, 1997, and its regulatory program devolved to DCA. However, AB 1546 (Chapter 475, Statutes of 1997) transferred the program to CAB as of January 1, 1998. A new Landscape Architects Technical Committee (LATC), composed of five landscape architects and no public members, acts in an advisory capacity to CAB. Specifically, the LATC may assist CAB in the examination of candidates for licensure; investigate complaints and make recommendations to CAB regarding disciplinary action against landscape architects; and perform other duties and functions which have been delegated to it by CAB relative to the regulation of landscape architects. The Board's landscape architect regulations are located in Division 26, Title 16 of the CCR.

At CAB's October 14 meeting, longtime public member Lynn Morris announced her resignation from the Board. Morris is leaving to become Deputy Director of Board Relations at the Department of Consumer Affairs.

MAJOR PROJECTS

CAB Hosts "1999 Educational Summit"

On October 15 at the Museum of Contemporary Art in La Jolla, CAB hosted the "1999 Educational Summit" to

address the current state of California's architectural education programs. The 60 attendees included educators from several University of California and California State University schools, private colleges, and community colleges; Board members; non-Board members who participate on Board committees; representatives of state and national architects' professional organizations; numerous architects; and NCARB president Joe Giattina.

At the Summit, participants reviewed several recent studies of the profession, including *The Practice of Architecture in California*, a CAB-commissioned study conducted in 1997 by Professional Management Evaluation Services, Inc. (PMES) in support of CAB's new California Supplemental Examination [16:2 CRLR 77-78];

a subsequent PMES-drafted document called *Trends in Practice Report*, which studies various factors influencing architecture in California; reports from six focus group meetings conducted by CAB during the fall of 1998, at which participants discussed and

identified the qualities and skills expected of architects and the extent to which architects generally meet those expectations [16:2 CRLR 78-79]; *Architectural Internship Evaluation Project: A National Survey of the Internship Experience*, an October 1999 NCARB-commissioned report by faculty of Montana State University, which documents the results of a survey of licensure candidates attempting to satisfy the experience requirement for licensure by participating in NCARB's Intern Development Program (IDP) (see below for related discussion); and CAB's recent *Report of the Task Force on Post-Licensure Competency* (see below for related discussion).

Summit presentations included: (1) the current state of architectural practice in California (focusing on the findings of the PMES reports, both of which are available on CAB's website); (2) the competency of architects after licensure (based on the focus group findings and CAB's Task Force Report); (3) the "structured internship" issue as an integral component of architectural education (see below); and (4) the state of architectural education in California, which focused on trends in architectural education, and schools of architecture and their interrelationships with practitioners and regulators—particularly their involvement in continuing education.

After the Summit, participants were asked to complete a survey covering the issues of internships, continuing education, future Summits, and communication with CAB. According to CAB, the preliminary results of the survey show strong consensus on requiring some form of internship, though no

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also indicated an interest in mentor training by the architectural community, and a disinterest in mandatory continuing education. Almost all Summit participants expressed hope that CAB would conduct further "education summits" on an annual basis.

Assurance of Competence at Licensure and Throughout an Architect's Career

CAB and its committees are engaged in an ongoing effort to ensure that architects meet minimum standards of competence both at point of licensure and throughout their careers. Two different Board committees are involved in this effort, and the following is an update on their recent activities.

♦ **Professional Qualifications Committee Examining NCARB's Internship Development Program.** As noted above, a candidate wishing to become licensed as an architect in California must provide evidence of at least eight years of Board-approved education and/or work experience, and must pass the ARE and the CSE. CAB has adopted section 117, Title 16 of the CCR, which lists the alternative education and/or work experience types for which candidates may obtain credit to be eligible to take the ARE and the CSE. CAB requires that five years be educational equivalents and that three years be work experience equivalents. At least one year of work experience must be under the direct supervision of a U.S.-licensed architect.

To satisfy the experience requirement, most other states require candidates to have completed NCARB's Internship Development Program, a detailed, structured internship program. An IDP intern must complete training in four major categories—design and construction documents, construction administration, management, and related activities (professional and community service). These categories are subdivided into "training areas," and interns must complete a specific period of training in each area. Once a candidate begins the program, he/she must select a "sponsor" and an "advisor" to monitor training and develop long-range career goals. The "sponsor" is the licensed architect within the firm or organization who supervises the intern daily and regularly assesses the quality of his/her work; the "advisor" is a licensed architect, usually outside the sponsoring firm, with whom the intern meets periodically to review training projects and discuss career objectives. The intern is responsible for maintaining a continuous and detailed record of his/her training and participation in the IDP. To accomplish this, interns may develop their own recordkeeping systems, use one created by their state board, or pay NCARB to compile their training records. [14:1 CRLR 30]

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California's experience requirement has traditionally been more flexible, allowing candidates to follow many different routes to earn the three years of required work experience equivalents. Over the past several years, however, as more and more states adopt the IDP requirement (46 by 2001), the Board's Professional Qualifications Committee (PQC) has closely scrutinized the IDP, attempted to persuade NCARB to relax some of its more burdensome and inflexible requirements, and reevaluated the desirability of adopting the IDP as a licensure requirement to standardize the quality of the experience gained by all architect candidates.

In its 1999 Strategic Plan, CAB reiterated its decision to "look at whether it should require a structured internship program. The goals of such a program would be to (1) improve the competency of entry-level architects, and (2) facilitate reciprocity." The latter goal refers to the ability of California-licensed architects to practice in other states that require completion of NCARB's IDP prior to licensure; if a California-licensed architect has not completed the IDP, he/she would have trouble obtaining licensure in other states that require it. California accepts completion of

NCARB's IDP toward its experience requirement, so out-of-state architects who have completed the IDP have no trouble satisfying their experience requirements if they seek to practice in California. In late 1998, CAB charged with PQC with two tasks: (1) make recommendations to NCARB about its current IDP; and (2) make a recommendation to the Board by the end of 1999 whether a structured internship should be required in California and, if so, what type. [16:2 CRLR 79; 16:1 CRLR 99; 15:4 CRLR 53]

Recently, the PQC has met monthly in an attempt to fulfill the Board's charge. At its May 11 meeting, PQC Chair Ed Oremen noted that the committee had submitted a list of concerns about the IDP to NCARB during the fall of 1998, but had not received any definitive response. Oremen argued that the PQC should revisit that list and identify which concerns are "deal-breakers" in terms of California's adoption of the IDP, and which are merely concerns or areas that should be studied.

At its June 14 meeting, the PQC agreed on a list of two "deal-breakers" and four study areas. In a June 15 letter to NCARB, PQC identified "two critical changes to the current IDP we feel need to be made prior to its implementation in California":

- Elimination of the "duration" requirement: Under current IDP requirements, interns may not receive training credit unless they work (1) at least 35 hours per week for at least ten consecutive weeks; or (2) for half credit, at least 20 hours per week for six or more consecutive months. PQC argued for

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elimination of this requirement, noting that it excludes short-term employment (e.g., summer, holiday) and employment on a project-by-project basis. The Committee noted that “a growing number of interns in California and throughout the country are following different paths reflective of the evolving economy and their generation. Interns are working for different employers on different projects and moving around more. Many work on a project-by-project basis as firms and architects collaborate more and more on projects.” PQC called the existing duration requirement an “arbitrary cutoff,” and stated its removal would “provide simplicity and flexibility to a training condition not reflective of current practice.” Of import, PQC also noted that Canada’s internship program, which is accepted by NCARB, has no duration requirement.

• Amendment of the “training setting” requirement: Under the current IDP requirements, interns are limited to the number of training units they may earn under the direct supervision of an architect in an office where practice does not include each of the categories in the IDP training requirements. PQC recommended that training credit be granted for experience within any IDP-required training areas if it is received under the direct supervision of a registered architect, regardless of the setting. Again, the Committee cited the growing number of architects in California and throughout the country practicing in nontraditional settings. “As practice evolves, the IDP training requirements should be adjusted to account for those changes.”

Additionally, PQC stated that “there needs to be a commitment by NCARB and the IDP Coordinating Committee to study [four] issues prior to adoption of IDP in California. We are not saying that the issue be resolved prior to implementation, only that the commitment to study be made.” The four issues are as follows:

• Competency Assessment: Currently, IDP requires only “seat time.” PQC recommended that NCARB consider a competency-based IDP as a high priority, since quality of effort (not just quantity of effort) would improve the program. A competency-based IDP may require competency assessments of interns by their IDP sponsors.

• Experience Alternatives: PQC stated CAB’s support for an expansion of the alternative methods for interns to earn training units and the maximum training units allowed for those alternative methods.

• IDP Content Assessment: PQC also suggested that the content of the IDP training areas be periodically assessed to ensure that the program is legally defensible and relevant to the practice of architecture in the United States. The review should analyze how the training areas are tied to the most current occupational analysis, whether training areas are still necessary and valid, and whether the training areas should be expanded or shrunk.

• Entry Point: PQC recommended that the “entry point” requirement should be studied to see if it could be eliminated or made more flexible.

PQC also noted that interns and practitioners in California often express concerns about the perceived administrative burdens of IDP on interns and practitioners, the costs of IDP to interns and employers, and the efficiency of NCARB IDP recordkeeping; and expressed a desire that NCARB enhance the mentorship aspect of the IDP through a cooperative effort by the various architectural trade and professional organizations that support it.

Also at its June 14 meeting, the PQC addressed the issue of whether CAB should develop a California-specific structured internship program to be utilized in the interim while changes to the IDP are being pursued through NCARB—which may take years. Following discussion, and over the objection of CAB Executive Officer Steve Sands and American Institute of Architects, California Council (AIACC) Vice-President Paul Welch (who stressed that reciprocity is a major issue that would not be addressed by a California-specific internship program), the Committee unanimously passed a motion recommending that CAB direct PQC to develop a structured internship program (using the IDP as a basis and modifying it as deemed necessary) on a parallel track with providing input to NCARB on recommended changes to the IDP.

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At its August 5 meeting, PQC noted that its two “deal-breaker” issues have been assigned for discussion by NCARB’s IDP Committee. The PQC further discussed the motion it had passed in June, and noted that it could develop a California-specific internship program without the IDP elements it finds objectionable and then seek a waiver from NCARB (as Canada did); if that does not work, CAB would suffer the consequences in terms of continued lack of reciprocity for California licensees in states that require IDP for licensure. Executive Officer Steve Sands urged members of the PQC to work cooperatively with the NCARB committee and persuade it to agree to California’s proposed changes; that way, California could adopt the IDP and its licensees could enjoy reciprocity in states where IDP is required.

At its September 29 meeting, the PQC decided to conduct a survey of the Board’s licensure candidates to obtain information on their internship experiences generally and their thoughts on the IDP requirements specifically (as some California licensure applicants are enrolled in the IDP program, even though it is not required for California licensure). PQC hopes that these survey results—which will supplement the results of *Architectural Internship Evaluation Project: A National Survey of the Internship Experience*, an NCARB-commissioned October 1999 survey by Montana State University (see above)—will help convince NCARB of the need to

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change the training setting requirement and eliminate the duration requirement, thus facilitating California's adoption of the program.

At this writing, NCARB has not yet responded to PQC's letter, and the Board has not yet considered PQC's motion to develop a California-specific internship program while NCARB is evaluating CAB's requests.

♦ **Task Force on Post-Licensure Competency.** CAB's Task Force on Post-Licensure Competency is examining the appropriate role of CAB in ensuring the continued competency of those already licensed as architects in California, and is currently focusing on the issue of continuing education (CE). CAB currently does not require CE as a condition of biennial license renewal, but the results of several 1998 focus groups indicate that architects may be able to benefit from a focused CE requirement. Following an April 1999 meeting, the Task Force decided to further study several critical issues, including the specific areas of competency which should be covered by a CE requirement, who should accredit CE providers and courses, who should keep records of CE satisfaction, how a mandatory CE requirement in California would affect reciprocity, and the relationship of CE to the "larger picture" of competency assurance (including professional education, the internship experience, entrance examinations, and professional practice). The Task Force agreed to contract with PMES, the consultant that assisted the Board in its occupational analysis and validation of the California Supplemental Examination, to help achieve some of the above objectives. [16:2 CRLR 78-79]

At its May 25 meeting, the Task Force reviewed a list of CE requirements of other state architects' boards and other California boards. Thirteen state boards of architecture require CE (approximately 12-15 hours per year). On May 25 and June 30, the Task Force returned to the findings of the focus groups and their listing of architects' qualities and skills that are "perishable" and might benefit from continuing education. On June 30, the Task Force listed 12 such areas, including ability to determine which laws, codes, regulations, and standards apply to a project; knowledge of contractual obligations with respect to clients; identification of relationships with relevant regulatory agencies; understanding the application of the principles of construction law to the practice of architecture; assessing professional liability issues, including recognized standards of care, related to the conduct of an architectural practice; ability to assess and apply specific provisions of relevant laws, codes, regulations, and standards; translation of program information into a design solution; selection and integration of appropriate building systems, building materials, and building elements; documentation and communication of podecisions for project implementation; and implementation of the construction administration process.

At its September 21 meeting, the Task Force considered a draft report outlining various alternatives to ensure that architects can demonstrate continuing competence throughout their careers, especially in the above-identified areas of concern. These alternatives include periodic reexamination, mandatory continuing education, voluntary continuing education, increased enforcement, enhanced information dissemination by the Board, or a combination of these alternatives. The draft report also listed several considerations which should be taken into account when weighing the adequacy of the various alternatives, including the need to weigh each alternative within the context of the regulatory program as a whole, the costs and benefits to the public (if a program increases costs to licensees, "we should assume those costs will be passed on to the public"), the extent to which licensees currently participate in CE (which is apparently unknown), whether the Board has adequate resources to implement the alternative; whether the profession supports the alternative; and reciprocity—"those trying to get licensed in other jurisdictions, and those in other jurisdictions trying to get licensed in California." After listing these alternatives and considerations, the draft report recommended that CAB (1) sponsor legislation authorizing mandatory continuing education, and (2) authorize the Task Force to undertake additional study in preparation for implementation of a CE requirement and the development of appropriate regulations.

At its September 29 meeting, the Board's Executive Committee reviewed the Task Force's report. After lengthy discussion, the Executive Committee modified the Task Force's recommendation and suggested that (1) CAB seek enabling legislation authorizing mandatory continuing education, when it deems appropriate; (2) the Task Force undertake additional studies in preparation for the implementation of a CE requirement, such as determining who is currently taking CE courses, validating the areas of concern identified in the focus group meetings report, studying the effectiveness of existing CE programs, studying the potential costs to licensees and the public, studying how to mitigate the problems in existing mandatory CE programs, and looking at other alternatives to address the identified areas of concern in the focus group meetings report; and (3) CAB specify the further charter of the Task Force at its January 2000 strategic planning session.

At its October 14 meeting, CAB considered the recommendations of the Task Force and the Executive Committee. Following lengthy discussion, CAB agreed to seek legislation imposing mandatory CE "when it deems appropriate" and "when all of the considerations identified in the Task Force Report have been studied and resolved." CAB's decision also adopted the recommendation of the Executive Committee regarding the future areas of study by the Task Force, and authorized staff to take the necessary steps to contract with a vendor for services to conduct additional studies.

CAB's Task Force on Post-Licensure Competency is examining the appropriate role of CAB in ensuring the continued competency of those already licensed as architects in California, and is currently focusing on the issue of continuing education.

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Update on Board Rulemaking Proceedings

The following is an update on recent CAB rulemaking proceedings, some of which are described in detail in Volume 16, No. 2 (Summer 1999) of the *California Regulatory Law Reporter*:

◆ **Rules of Professional Conduct.** On June 2, the Office of Administrative Law (OAL) approved CAB's amendments to section 160, Title 16 of the CCR, which sets forth rules of professional conduct governing architects. Specifically, the Board added subsection 160(c)(4), which prohibits an architect from acting in a dual capacity as (1) a person involved in a governmental (regulatory) agency as either an official, employee, appointee, or agent, and (2) as a person in a business or activity where such business or activity may later be subject, directly or indirectly, to any regulatory or enforcement action by the architect in his/her government agency capacity. CAB also added new subsection 160(e), which makes an architect's having been found by a court to have infringed upon the copyrighted works of other architects or design professionals a basis for discipline. [16:2 CRLR 80-81; 16:1 CRLR 97-98] These amendments became effective on July 2.

◆ **Disciplinary Guidelines.** At its October 14 meeting, CAB approved a revised 2000 version of its disciplinary guidelines, which were developed to guide and lend consistency to the decisions of deputies attorney general who prosecute Board disciplinary matters, the administrative law judges who preside over disciplinary hearings, and the Board itself in deciding disciplinary cases. The revisions incorporate the Board's new name, its preferred penalty for violation of section 160(e), Title 16 of the CCR (see above), and minor grammatical changes.

CAB also preliminarily approved an amendment to section 154, Title 16 of the CCR, which currently requires the Board—in reaching a decision in a disciplinary matter—to consider the 1998 version of its disciplinary guidelines. The amendment would require the Board to rely on the revised 2000 version of the disciplinary guidelines. CAB published notice of its intent to amend section 154 on October 22; at this writing, it is scheduled to hold a public hearing on the proposed amendment on December 7 in Sacramento.

◆ **Table of Equivalents.** On October 29, CAB published notice of its intent to amend section 117, Title 16 of the CCR, which contains the "table of equivalents" used by the Board in evaluating a candidate's education and experience for purposes of licensure eligibility. The Board's proposed amendments implement a recommendation of its Professional Qualifications Committee, which suggested that CAB amend the table of equivalents to (1) accept degree certification by the Canadian Architectural Certification Board, (2) clarify acceptance of NCARB IDP files for experience evaluation (see above), and (3) require candidates with foreign degrees to submit a certified transcript to the foreign education evaluation service. In addition, CAB proposes several nonsubstantive changes for clarifying and consistency purposes.

At this writing, CAB is scheduled to hold a public hearing on its proposed amendments to section 117 on December 14 in Sacramento.

◆ **Notice to Clients of State Licensure.** SB 2238 (Committee on Business and Professions) (Chapter 879, Statutes of 1998) requires CAB and other DCA occupational licensing boards to adopt regulations requiring their licensees to provide notice to clients that they are licensed by the State of California. [16:1 CRLR 102]

On June 25, CAB published notice of its intent to adopt new section 140, Title 16 of the CCR, to implement SB 2238. Under proposed section 140, a CAB licensee must provide notice to clients that he/she is licensed by the Board by displaying his/her license in a public area of the principal place of practice where the licensee provides the licensed service. The Board held a public hearing on proposed section 140 on August 10; no comments were received. At its October 14 meeting, CAB approved section 140, but then decided to reconsider the section in light of DCA model language offering more options to licensees. At this writing, CAB is scheduled to reconsider the language of section 140 at its December 3 meeting.

Board Recovery of Enforcement Costs

At its October 4 meeting, the Board's Regulatory and Enforcement Committee voted to recommend to CAB that it more fully implement its authority under Business and Professions Code section 125.3, which allows the Board to request that a disciplined licensee reimburse it for its "investigative and enforcement costs" up to the first day of the hearing. If the Board prevails in the disciplinary matter, the administrative law judge presiding over the hearing then considers whether to require the disciplined licensee to reimburse the Board for its costs. While most other DCA occupational licensing agencies have implemented this so-called "cost recovery" authority to its fullest extent, CAB has restricted its cost recovery requests to the costs it incurs on investigators, its architectural consultants, and outside expert witnesses; CAB has not requested reimbursement of charges billed by the Attorney General's Office for the time it takes to review and process a case, file the accusation, and engage in other legal work up to the date of the hearing. Following discussion, the Committee agreed to recommend that the Board change its policy and seek recovery of Attorney General costs as well. At its October 14 meeting, CAB approved the Committee's recommendation.

Task Force Reviewing Advertising Regulations and Potential Firm Registration

At CAB's October 14 meeting, Regulatory and Enforcement Committee chair Lynn Morris noted that a task force of the Committee is currently looking into AIACC's complaints about section 134, Title 16 of the CCR, its current regulation that requires all architect advertising to include the name of a licensed architect and the fact that he/she is a licensed architect. AIACC believes the Board should register architectural

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firms (in addition to individual architects) offering services in California, and permit firms to advertise using their Board-approved names (without including the name of an individual licensed architect). AIACC has argued that noncompliance with existing section 134 is widespread, and that a large number of complaints concerning improper advertising is generated by Board staff when processing documents or investigating unrelated complaints. [16:2 CRLR 81]

The Regulatory and Enforcement Committee discussed the matter at its July 30 meeting, and agreed to keep separate the issues of the advertising regulations and potential firm registration. As to section 134, DCA legal counsel Don Chang noted that it was adopted before the Board's statutory written contract requirement was enacted; the written contract requirement may have resolved the problems leading to the adoption of section 134, making the need for the regulation moot. The Committee agreed to look at how other states regulate architects' advertising. Regarding firm registration, the Committee appointed a three-member task force to look into whether other state architectural boards register architectural firms, the cost of registration, and alternatives, and to check with NCARB to see whether it has a model law dealing with firm registration.

LEGISLATION

AB 1678 (Consumer Protection Committee), as amended August 30, changes the Board's name from "Board of Architectural Examiners" to "California Architects Board." The bill also amends Business and Professions Code section 5536.25 to provide that a licensed architect who signs and stamps plans, specifications, reports, or documents is not responsible for damage caused by subsequent changes to or uses of those plans, specifications, reports, or documents, where the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved in writing by the licensed architect who originally signed the plans, specifications, reports, or documents, provided that the written authorization or approval was not unreasonably withheld by the architect and the architectural service rendered by the architect who signed and stamped the plans, specifications, reports, or documents was not also a proximate cause of the damage.

AB 1678 also amends section 5536.1 to clarify that architects who prepare or are in responsible control of plans, specifications, and instruments of service for others must sign those plans, specifications, and instruments of service and all contracts therefor, and must affix their stamp to those documents as evidence of their responsibility for them. Finally, AB 1678 amends section 5616 to delete several of the required components of the written contract that that landscape architects must use. Specifically, a landscape architect written contract no longer needs to list any consultants who may

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be used under the contract, or the date of completion of the work to be performed under the contract. The Governor signed AB 1678 on October 10 (Chapter 982, Statutes of 1999).

AB 540 (Machado). Existing law requires the attorney for the plaintiff or cross-complainant in any action arising out of the professional negligence of an architect, professional engineer, or land surveyor to file a certificate declaring either that the attorney has consulted and received an opinion from an architect, professional engineer, or land surveyor licensed to practice in this state or in any other state, or that the attorney was unable to obtain that consultation for specified reasons. As amended May 6, AB 540 requires the certificate to be served in addition to being filed. This bill was signed by the Governor on July 26 (Chapter 176, Statutes of 1999).

AB 1096 (Romero), as amended August 25, would create a Board of Interior Design within DCA and establish a registration program for interior designers. The regulatory scheme would replace an existing state-sanctioned private certification program with respect to interior designers, whereby practitioners who meet specified education and experience standards may use the designation "certified interior designer." Under AB 1096 (which is intended to be a title act to protect the use of the term "registered interior designer"), an interior designer must satisfy certain education, experience, and examination requirements and be registered by the Board in order to advertise or otherwise hold him/herself out as a "registered interior designer." CAB opposes this bill. [S. B&P]

AB 229 (Baldwin). The Beverly-Killea Limited Liability Company Act, Corporations Code section 17000 *et seq.*, allows certain business interests to operate a limited liability

company (LLC), whereby the members of the LLC may not be held personally liable for the debts of the LLC except in those circumstances where a shareholder of a corporation could be held liable for the debts of the corporation.

Under the Act, most providers of professional services are prohibited from operating as LLCs. As amended in March 1999, AB 229 would permit certain providers of professional services (such as general contractors, subcontractors, real estate agents and brokers, aircraft repair dealers, private detectives, bail bondspersons, restaurants, and approximately fifty others) to form LLCs, but would prohibit other professionals, including architects and landscape architects, from operating as LLCs.

AB 229 failed passage in the Assembly Judiciary Committee on April 27, 1999, but was granted reconsideration. Supporters argue that the bill would be a boon to business by providing the liability shield to more types of businesses. Opponents argue that allowing professionals to escape personal liability for the harm they cause could place the public at risk. [A. Jud]

AB 1626 (Migden), as amended June 15, would generally require building codes to conform to the model codes

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listed in the California Building Standards Law, which the bill would recast to refer to the most recent edition of specified model codes, or to specified amendments to a model code. The bill would also require the California Building Standards Commission to specify a model code when the model code writing body becomes defunct or ceases publication and to report the change to the legislature. [S. H&CD]

RECENT MEETINGS

At its October 14 meeting, CAB reviewed recent pass rates on its newly-restructured California Supplemental Examination, the oral exam required for California licensure. [16:2 CRLR 77-78] The CSE was administered to 138 candidates in May in Irvine, with a pass rate of 42%; the July administration to 130 candidates in South San Francisco yielded a 55% pass rate; and the September administration to 138 candidates in Irvine resulted in a 46% pass rate.

Also in October, CAB discussed the concerns expressed by some licensees that their home addresses will be displayed on the "licensee look-up" function of the Board's website. Licensee addresses will be displayed, and some licensees who

use their home address as their "address of record" have expressed alarm. Pending direction from the Board, staff has deleted the address line temporarily. CAB directed staff to write a letter to all licensees explaining that their "address of record" will be made public on the Internet, provide them with a change of address card and an opportunity to change their "address of record" on file with the Board, place an article regarding "addresses of record" in the Board's newsletter, and restore licensee addresses to the Internet site in 2000 after affected licensees have been given an opportunity to respond.

FUTURE MEETINGS

- December 3, 1999 in San Francisco.
- January 14-15, 2000 in San Diego.
- March 17, 2000 in Burbank.
- May 24, 2000 in Irvine.
- September 15, 2000 in San Diego.
- December 8, 2000 in the Bay Area.

Contractors' State License Board

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MAJOR PROJECTS

Board Prepares for Sunset Review

On October 1, in preparation for its upcoming sunset review hearing, CSLB submitted a report to the Joint Legislative Sunset Review Committee (JLSRC) documenting the actions it has taken to resolve problems identified by the JLSRC during CSLB's 1996-97 sunset review. [16:2 CRLR 86; 16:1 CRLR 104-07]

The Board's October 1999 report updates an October 1, 1998 report that it submitted in anticipation of a fall 1998 sunset review. However, that review was postponed until the fall of 1999, and SB 1306 (Committee on Business and Professions) (Chapter 656, Statutes of 1999) has extended the existence of the Board to accommodate the new schedule (see LEGISLATION). The October 1999 report summarizes the

Board's progress on resolving outstanding issues remaining after its 1997 sunset review:

♦ **New Guidelines for B-General Building Contractors.** While the Board was undergoing sunset review in 1996-97, the Fourth District Court of Appeal disagreed with CSLB's interpretation of Business and Professions Code section 7057,

Created in 1929, the Contractors' State License Board (CSLB) licenses contractors to work in California, handles consumer complaints, and enforces existing laws pertaining to contractors. A consumer protection agency within the Department of Consumer Affairs (DCA), CSLB is authorized pursuant to the Contractors' State License Law (CSLL), Business and Professions Code section 7000 *et seq.*; the Board's regulations are codified in Division 8, Title 16 of the California Code of Regulations (CCR). CSLB currently licenses over 278,000 contractors in California.

CSLB licenses general engineering contractors, general building contractors, and approximately 40 specialty contractor categories; in addition, the Board registers home improvement salespersons who market contractor services to consumers. The thirteen-member Board consists of seven public members (one of whom must be an active building official), one general engineering contractor, two general building contractors, two specialty contractors, and one member from a labor organization representing building trades. The Board currently maintains five committees: executive, contractor and consumer education, enforcement, licensing, and legislation.

On October 1, in preparation for its upcoming sunset review hearing, CSLB submitted a report to the Joint Legislative Sunset Review Committee documenting the actions it has taken to resolve problems identified by the JLSRC during CSLB's 1996-97 sunset review.