



at its December 12 meeting, the Board unanimously adopted the amendments, which await review and approval by OAL.

**Reciprocity With Canada.** An Interrecognition Agreement between the Committee of Canadian Architectural Councils (CCAC) and NCARB became effective on July 1, 1994; this agreement provides for reciprocal architectural registration and permission to practice by qualified architects within participating jurisdictions in both countries. The Agreement also requires that each NCARB member board execute a Letter of Undertaking stating its intent to register Canadian architects who apply for licensure, based on meeting NCARB's certification requirements; California must also execute this letter in order to enable California licensees to practice in Canadian provinces. At its November 21 meeting, BAE's Written Examination Committee reviewed and discussed the Interrecognition Agreement and reciprocity with Canada, and reviewed four options for proposed regulatory changes to allow reciprocity with Canada. The Committee agreed to recommend that BAE allow Canadian licensees to be eligible for reciprocity licensure by either (1) obtaining a NCARB certificate or (2) establishing equivalent qualifications.

At its December meeting, BAE discussed the reciprocity issue; Department of Consumer Affairs (DCA) legal counsel Don Chang advised that the Board approve (1) above only, and require NCARB certification for Canadian architects seeking reciprocity licensure. According to Chang, this is the most uniform and efficient way to implement the Interrecognition Agreement. Committee member Raymond Cheng advised the Board that the Committee would support the revision. Following discussion, BAE approved the Committee's recommendation, and directed staff to commence the rulemaking process to amend the Board's regulations to permit Canadian architects who are NCARB-certified to be eligible for California licensure by passing the oral examination only.

**BAE Holds Strategic Planning Session.** On October 17-19, BAE conducted a strategic planning session in Newport Beach; the purpose of the session was to identify the Board's mission, goals, and objectives, and develop a strategic plan with steps to improve the Board's performance. [14:4 CRLR 38; 14:2&3 CRLR 37] Those in attendance at the session included BAE members, senior staff, DCA legal counsel, and the Board's architect consultant; the session was facilitated by Daniel Iacofano of Moore Iacofano Goltsman, Inc. At its December 12 meeting, BAE conducted an initial review of the

session's summary report, which was prepared by Iacofano; the Board directed staff to make further revisions and submit the report to the Executive Committee for additional review and editing. The Board is expected to review the final version of the report at its February meeting.

## LEGISLATION

**Future Legislation.** During the 1995-96 legislative session, BAE plans to sponsor legislation to require a written contract for architectural services. [14:4 CRLR 37] At its December meeting, the Board approved a motion to have a spot bill introduced during January, and directed its Executive Committee and Enforcement Committee to develop and review the exact language (see MAJOR PROJECTS).

## RECENT MEETINGS

At its December 12 meeting, BAE discussed the Written Examination Committee's recommendation that all applicants for relicensure be required to take the oral examination; according to BAE Executive Officer Steve Sands, the decision whether to require an examination for relicensure applicants has been made administratively on a case-by-case basis, and the Board has never developed a uniform policy relating to relicensure procedures. DCA legal counsel Don Chang explained the difference between a delinquent license, which can be renewed, and a lapsed license (one which has not been renewed for five years) which is in fact expired and cannot be renewed; in the case of a lapsed license, an architect has to reapply to re-establish qualifications for a new license, and the Board may either require the individual to take its examinations or otherwise demonstrate that he/she can safely practice. The Board took no action at the December meeting; BAE is expected to consider a proposal for regulatory language at a future Board meeting.

At the recommendation of its Executive Committee, the Board reviewed and unanimously approved a request for proposals (RFP) for an architect consultant for fiscal years 1995-96, 1996-97, and 1997-98 at its December 12 meeting; BAE's current architect consultant contract with Larry Segrue is due to expire on June 30. BAE will place an advertisement in the *State Contracts Register* to publicize the RFP. The Board also approved the Executive Committee's recommendation to appoint an Evaluation Committee to review the submitted proposals; this Committee will comprise one architect Board member, one public Board member, a member of the Enforcement Committee, and the enforcement officer.

At its December 12 meeting, the Board elected the following 1995 officers: Edward Orem as President; Betsy Weisman as Vice-President; and Raymond Cheng as Secretary. The new officers assumed their offices on January 1.

## FUTURE MEETINGS

February 10 in Sacramento.  
May 30 in Sacramento (tentative).

## ATHLETIC COMMISSION

*Executive Officer:*

*Richard DeCuir*  
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The Athletic Commission is empowered to regulate amateur and professional boxing and contact karate under the Boxing Act, Business and Professions Code section 18600 *et seq.* The Commission's regulations are found in Division 2, Title 4 of the California Code of Regulations (CCR). The Commission consists of eight members each serving four-year terms. All eight members are "public" as opposed to industry representatives.

The Commission has sweeping powers to license and discipline those within its jurisdiction. The Commission licenses promoters, booking agents, matchmakers, referees, judges, managers, boxers, and martial arts competitors. The Commission places primary emphasis on boxing, where regulation extends beyond licensing and includes the establishment of equipment, weight, and medical requirements. Further, the Commission's power to regulate boxing extends to the separate approval of each contest to preclude mismatches. Commission inspectors attend all professional boxing contests.

The Commission's goals are to ensure the health, safety, and welfare of boxers, and the integrity of the sport of boxing in the interest of the general public and the participating athletes.

On August 17, Commissioner Jerome "Jerry" Nathanson passed away at age 83; Nathanson had served on the Commission for ten years. In September, Assembly Speaker Willie Brown appointed Manuel "Cal" Soto to the Commission. Soto, co-owner of La Quebradita Market in East Los Angeles, has a longstanding background and association with boxing.

## MAJOR PROJECTS

**Strategic Planning Update.** At the Commission's November 18 meeting, Executive Officer Richard DeCuir reported on the progress made toward achieving the Commission's seven goals identified



at a March 1994 strategic planning session. The strategic planning session was prompted in part by SB 2036 (McCorquodale) (Chapter 908, Statutes of 1994), which schedules the Commission for a comprehensive review by the legislature [14:4 CRLR 41] and by a 1992 Department of Consumer Affairs (DCA) audit of the Commission's fiscal management in which DCA made several suggestions [12:2&3 CRLR 63-64]. Among other things, DeCuir reported the following:

- The Commission's first goal is to refine and streamline its existing regulatory programs (such as the neurological examination, the Professional Boxers' Pension Plan, and inspections) and develop new programs (such as HIV testing). According to DeCuir, the neurological and neuropsychological exams have been streamlined and their costs reduced from \$200 to \$100 per neurological exam and from \$300 to \$200 per neuropsychological exam, and the overall per ticket assessment to finance these exams has been reduced from \$2 to \$1.25; the pension plan is undergoing a complete program overhaul (*see below*); the Commission implemented a new inspection program on January 1, 1995; staff is still working on implementing a "passport program" for boxers; and the Commission is currently contacting legislators regarding the introduction of legislation in 1995 regarding HIV testing for Commission licensees. [13:2&3 CRLR 49; 13:1 CRLR 20]

- The Commission's second goal is to become financially self-sufficient. To accomplish this goal, DeCuir reported that the Commission has increased its licensure fees, sought to eliminate complimentary ticket abuses, and placed minimum fees on all boxing and kickboxing shows; the Commission has also reduced its total expenditures from \$958,000 in fiscal year 1991-92 to \$743,000 in fiscal year 1993-94. DeCuir also noted that the Commission will again seek legislation to generate revenue by imposing fees on pay-per-view boxing events telecast into California (*see LEGISLATION*).

- The Commission's third goal is to move toward widespread license reciprocity, to outreach to other state boxing commissions, and to organize nationally. Among other things, DeCuir reported that the Commission is currently attempting to establish reciprocity with Nevada. [14:4 CRLR 41; 14:2&3 CRLR 39]

- The Commission's fourth goal is to fully automate Commission operations, both internally and externally. DeCuir reported that since the closure of the Commission's Los Angeles office, all Commission functions were shifted to Sacra-

mento; accordingly, the Sacramento office developed new computer programs for licensing, the neurological exam, show reporting, revenues and expenditures, officials' assignments, judges' scoring, and Commission forms. The Commission also had a local area network installed so that all information can be accessed by any workstation. According to DeCuir, for all logistical purposes, the Commission is now fully automated.

- The Commission's fifth goal is to increase all licensees' comprehension of Commission functions, rules, regulations, processes, and the reasons for each through training, education, and testing. DeCuir reported that this goal has yet to be actively pursued. Staff determined that before a comprehensive training and education program is implemented, the Commission should redraft its existing rules and regulations, many of which staff found to be grossly outdated. Many of the necessary changes are part of the Board's current rulemaking proposal (*see below*).

- The Commission's sixth goal is to promote martial arts in California. DeCuir noted that the Commission now has regulations governing professional and amateur martial arts and kickboxing [14:4 CRLR 40]; adoption of these regulations was necessary before the Commission can begin to actively promote martial arts.

- The Commission's seventh goal is to increase public awareness of the Commission and its work. DeCuir reported that, other than a series of meetings with the various amateur boxing organizations, the Commission has not engaged in any significant outreach programs.

In conclusion, DeCuir estimated that the Commission had achieved approximately 75% of the goals identified for a five-year period in less than eight months; in the future, the Commission will focus on developing new programs which further promote the Commission and its responsibilities.

**Commission Considers Broadcasting Tax Cap.** SB 2101 (McCorquodale) (Chapter 1275, Statutes of 1994) amended Business and Professions Code section 18824 to authorize the Commission to charge a fee of up to 5% of the gross price, as defined, for the sale, lease, or other exploitation of broadcasting or television rights associated with professional boxing and full-contact martial arts events televised in California. At its September 23 meeting, the Commission discussed the possibility of establishing a dollar cap on the amount of fees collected from any one event, in order to be competitive with what other states charge promoters. Following discussion, the Commission directed staff

to research the issue and present recommendations at the November meeting.

At the Commission's November 18 meeting, staff recommended that the Commission pursue regulatory language stating that the fee prescribed by section 18824 with respect to broadcasting rights shall be 5% of the gross price paid for the sale, lease, or other exploitation of broadcasting rights, exclusive of any federal taxes paid thereon, up to a maximum of \$25,000 per event. The Commission unanimously agreed to pursue this proposed regulatory language; at this writing, the Commission has yet to publish notice of the proposal in the *California Regulatory Notice Register*.

**Pension Plan Update.** The Commission is continuing its efforts to revise various aspects of its Professional Boxers' Pension Plan; the Commission has agreed that comprehensive reforms to its pension fund program are warranted. Prompting this reform movement is Center for Public Interest Law Director Robert C. Fellmeth, who chaired the Athletic Commission at the time the pension plan was established, and who has submitted a proposal which revises many aspects of the pension plan. Among other things, Professor Fellmeth's proposal would establish a sliding scale to determine promoter contributions to the pension plan; cap promoter contributions at \$10,000 per event; provide that boxers would not contribute at all to the pension plan until they "vest" (have enough rounds and years to receive benefits); allow the Commission to approve early withdrawal of a boxer's own contributions for the limited purpose of vocational training, education, or apprenticeship; require the last California-licensed manager of a boxer to exercise due diligence in maintaining contact with that boxer; and authorize the Commission to use up to 20% of the pension fund's annual receipts for the monitoring and tracking of potentially eligible boxers and for fund education, outreach, and administrative costs directly related thereto, to ensure the receipt of benefits by those who are eligible for them. Another proposal was submitted to the Commission by attorney Kevin Long, the Commission's consultant on pension plan issues; Long's proposal incorporates many of Professor Fellmeth's recommendations. Additionally, Long's proposal would convert the defined benefits plan to a defined contribution plan; also, there would only be one assessment on the boxer's purse and the disability payments would be converted to a disability retirement type of plan. [14:4 CRLR 39; 14:2&3 CRLR 38-39; 14:1 CRLR 32-33]

In September, Commissioners Kim Welshons and Willie Buchanon met with



Professor Fellmeth, Kevin Long, and top DCA officials to hammer out an agreement; at this writing, Long is making final revisions to the reform proposal, and is expected to submit it for consideration at a future Commission meeting.

**Commission Proposes Numerous Regulatory Revisions.** On November 25, the Commission published notice of its intent to amend sections 216, 234, 242, 272, 282, 287, 294, 298, 302, 305, 318, 319, 320, 321, 322, 330, 335, 337, 338, 339, 341, 342, 345, 346, 347, 349, 351, 352, 353, 354, 356, 357, 360, 361, 362, 363, 365, 368, 371, 372, 373, 375, 376, 378, and 379, adopt new sections 495 and 496, and repeal sections 223, 313, and 340, Title 4 of the CCR. Among other things, the rulemaking proposal would:

- amend section 216 to require boxers and managers licensed in other jurisdictions, before signing a contract with a promoter to box in this state, to become licensed in California;

- repeal section 223, which provides that managers shall not have more than three boxers under their management in any one show without written permission from the Commission;

- amend section 234, which specifies that payment of checks to boxers will be delivered to the Commission when a referee fails to render a decision at the end of a bout, to identify which Commission official should receive the check and authorize that person to determine the manner of payment;

- amend section 242, to change the term "emergency bout" to "standby bout" and indicate that this bout may be used to meet the minimum round requirement;

- amend section 272, which describes ticket refund procedures for boxing and wrestling events that do not take place, to delete the term "wrestling," add the term "martial arts," and delete the term "no contest" and replace it with the term "cancellation";

- amend its vision requirements in section 282 to provide that the Commission may deny, suspend, revoke, or place restrictions on the license of a professional or amateur boxer if it determines that the applicant or licensee cannot safely engage in boxing activities because of a visual condition, including but not limited to uncorrected visual acuity of less than 20/200 in either eye or 20/60 with both eyes; a visual field of 60 degrees or less extending over one or more quadrants of the visual field; the presence of glaucoma, whether or not such condition has been treated; the presence of aphakia or dislocated lens in either eye; or any other visual condition which the Commission determines would

prevent the applicant or licensee from safely engaging in boxing activities;

- amend section 287, which requires the Commission to maintain a list of certified physicians to be employed by promoters during boxing events, to specify that the physicians will be appointed by the Commission to work as ringside physicians;

- amend section 294 to update the required emergency equipment that must be provided by a promoter, and delete the existing requirement that all clubs set aside an emergency room on their premises;

- amend section 298 to add new weight classifications and amend the existing weight and class specifications;

- amend section 302 to specify that a minimum of two Commission-appointed physicians shall have seats at the immediate ringside at all boxing matches;

- amend section 305 to specify and limit the use of foreign substances to petroleum jelly or other similar substances;

- repeal section 313, which specifies what ring equipment promoters will provide for use by boxers and seconds;

- amend sections 318, 319, 320, and 321, regarding boxing gloves, to combine the four sections into one section and specify who has custody of the extra sets of gloves;

- amend section 322 to require that gloves be not less than eight ounces in the welterweight class and not less than ten ounces in the heavier classes, and to specify that when contestants differ in weight classes, they shall wear the gloves required for the higher weight specification;

- amend section 330 to broaden the definition of the term "officials" to include judges;

- amend section 335, which requires the referee to give instruction to the contestants, to give the referee some discretion as to where the instructions are given;

- amend section 337, which lists fouls in boxing, to include hitting below the hip line (instead of below the belt); hitting an opponent who is down, is getting up after being down, or who is hanging helplessly over the ropes; excessive holding or deliberately maintaining a clinch; biting; grabbing or holding the ropes; hitting with the forearm or the knee; deliberate use of the "rabbit punch" (hitting behind the head); spinning and hitting; hitting an opponent who is entangled in the ropes; and excessive taunting, abusive language, or gestures;

- amend section 338 to modify the procedures a referee should take when a boxer is guilty of intentional fouling and include additional options available to the referee regarding point deductions, and to clarify that the referees may interrupt the bout in

order to allow an injured boxer time to recover;

- amend section 339 to broaden and update the procedures to be taken when a bout is stopped because of an unintentional foul, and to specify the penalty to be assessed in that situation;

- repeal section 340, which describes the procedures a referee should take if a bout is stopped because of an unintentional head butt;

- amend section 341 to specify that a fair blow is a blow delivered above the hip line;

- amend section 342, which identifies the procedures a referee should take when deducting points from a boxer because of an infraction, to add additional requirements in the form of identification of the boxer as well as the notice of the foul and the number of points to be deducted;

- amend section 345 to delete language specifying what a referee should do if both contestants in a bout are in such condition that they are unable to continue, and clarify when a time out should be called when a ringside physician examines a boxer;

- amend section 346, which specifies the procedure a referee should take when a boxer fails to compete or "takes a dive," to delete language authorizing the referee to inform the audience that no decision has been rendered;

- amend section 347 to give the referee the discretion to award a knockout decision to the opponent of a boxer who failed or refused to resume boxing;

- amend section 349, which specifies the method of counting over a boxer who is down, to make clarifying changes;

- amend section 351 to specify what should be done when a boxer falls or is knocked from the ring by a legal punch;

- amend section 352 to specify that only the referee may touch the boxer prior to the ringside physician's examination of that boxer;

- amend section 353 to set forth procedures to follow when a boxer's mouthpiece is knocked from his mouth;

- amend section 354 to provide that no second shall be in contact with the ring apron prior to the sounding of the bell;

- amend section 356, which specifies the procedures for distributing the scorecards to the judges prior to a bout and collecting the scorecards after each round or at the conclusion of the bout, to include referees as judges when they perform the duties of a judge;

- amend section 357 to amend the scoring procedures by adding that the referee or Commission representative may reach a decision which is different from the decision of the judges;



- amend section 360 to provide that no licensee shall verbally or physically abuse an official or Commission representative, and state that such abuse may result in suspension, fine, or disciplinary action as determined by the Commission;

- amend section 361 to clarify the position of the corner workers (seconds);

- amend section 362 to provide that excessive coaching may lead to point(s) deduction by the referee, ejection from the venue, and disciplinary action by the Commission;

- amend section 363 to provide that the designated chief second shall be responsible for ensuring that the corner is dry at the start of each round;

- amend section 365 to prohibit the use of fans and the swinging of towels between rounds;

- amend section 368 to make a clarifying change regarding referees used as judges;

- amend section 371 to provide additional requirements for licensure as a professional boxing referee and clarify that a licensed referee may serve as a judge without the need to obtain a judge's license;

- amend section 372 to specify that referees shall wear such apparel as may be approved by the Commission;

- amend section 373 to delete a reference to wrestling programs;

- amend section 375 to delete some duplication of the physical examination requirements for professional boxing referees;

- amend section 376 to allow a referee to protest a negative evaluation;

- amend section 378 to provide that any licensed boxing referee, judge, timekeeper, or physician shall be admitted to any boxing show upon presentation of his/her license card;

- amend section 379 to add additional requirements for licensure as a professional boxing judge; and

- adopt new sections 495 and 496, which would require all professional boxers' training gymnasiums licensed by the Commission to post their license in a conspicuous place and require owners of licensed professional boxing gymnasiums to submit to the Commission, on a monthly basis, the Commission-approved sparring form which shall include information on licensed boxers or holders of sparring permits who have been knocked out or injured at the gymnasium.

The Commission held a public hearing on these regulatory proposals on January 13 in San Diego; following the hearing, the Commission adopted the proposals, which await review and approval by the Office of Administrative Law.

## ■ LEGISLATION

**Proposed Legislation.** During 1995, the Commission is expected to pursue legislation to tax pay-per-view boxing events telecast in California. The proposed legislation would attach a 5% fee to the out-of-state promoter or producer of a pay-per-view boxing match (not the cable television company telecasting the event); allow 1% of the pay-per-view revenues to be used to support amateur boxing in California; and allow any excess pay-per-view revenues to be used to offset the cost of the Commission's neurological examination. If the Commission does not establish an event fee cap, staff estimates that the fee could generate as much as \$800,000 in annual revenue for the Commission.

The Commission is also expected to pursue legislative changes to Business and Professions Code section 18880 *et seq.*, its Professional Boxers' Pension Plan statutes (*see above*); at this writing, no specific language has been approved by the Commission.

## ■ RECENT MEETINGS

At its September 23 meeting in Los Angeles, the Commission again considered a promoter's application to sponsor a "toughman competition" in California. [14:4 CRLR 41] According to Commission staff, a toughman competition is a tournament in which each winning competitor advances to a new round until only one undefeated competitor remains; these tournaments are based upon different weight classes and typically include fighters who have no professional experience. The promoter in question was present at the meeting to answer the Commission's questions regarding the competition, and provided a letter of introduction, his proposed rules for the event, letters of endorsement, copies of articles regarding out-of-state competitions, and a press kit. The Commission expressed concern about how the fighters would be licensed, how the competitors train before the fights, and how the Commission would be able to judge the contestants' abilities; Commission members also noted that riots have erupted during toughman competitions conducted in other states. Following its consideration of the request, the Commission unanimously denied the promoter's application.

At its November 18 meeting in Irvine, the Commission discussed problems concerning the administration of its neurological examination. Specifically, staff reported that it is increasingly experiencing difficulties in scheduling timely neuropsychological examinations for boxers

who fail the mental status portion of their neurological examinations. In such cases, staff has required the individual to retake the initial examination with another neurologist; however, staff acknowledged that this interim procedure does not necessarily appear to be the optimum solution, as boxers are frequently able to memorize the test questions and answers. At the meeting, the Commission heard from three physicians who recommended that the Commission allow a boxer who has failed the mental status portion of the neurological examination to fight once, but require that he/she take the neuropsychological examination before he/she has any subsequent fights in California. Following discussion, the Commission adopted this recommendation.

At its January 13 meeting in San Diego, the Commission reelected William Eastman to serve as Chair and Willie Buchanon to serve as Vice-Chair during 1995.

## ■ FUTURE MEETINGS

February 23 in Irvine.

April 7 in Los Angeles.

May 12 in Sacramento.

July 13 in South Lake Tahoe.

August 18 (location to be announced).

October 6 (location to be announced).

December 8 (location to be announced).

## BOARD OF BARBERING AND COSMETOLOGY

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On July 1, 1992, pursuant to AB 3008 (Eastin) (Chapter 1672, Statutes of 1990), the enabling statutes of the Board of Barber Examiners (BBE) and the Board of Cosmetology (BOC) were repealed and replaced with an enabling act creating the Board of Barbering and Cosmetology (BBC); that act is found at Business and Professions Code section 7301 *et seq.* BBC licenses and regulates persons engaged in the practice of barbering, cosmetology, and electrolysis. The Board is authorized to conduct and administer examinations, adopt regulations governing public health and safety, and discipline persons in violation of its statutes or regulations. BBC represents the first merger of two California regulatory agencies. The Board, which consists of five public members and four members representing the professions, holds meetings at least four times per year.

On October 19, Paul Schwager announced his resignation from BBC, effective