



## BOARD OF ARCHITECTURAL EXAMINERS

*Executive Officer:*  
**Stephen P. Sands**  
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The Board of Architectural Examiners (BAE) was established by the legislature in 1901. BAE 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). Duties of the Board include administration of the Architect Registration Examination (ARE) of the National Council of Architectural Registration Boards (NCARB), and enforcement of the Board's statutes and regulations. To become licensed as an architect, a candidate must successfully complete a written and oral examination, and provide evidence of at least eight years of relevant education and experience. BAE is a ten-member body evenly divided between architects and public members. Three public members and the five architects are appointed by the Governor. The Senate Rules Committee and the Speaker of the Assembly each appoint a public member.

BAE recently welcomed two new architect members. Christine Lampert, who was sworn in on January 11, replaces Lawrence Chaffin, Jr., whose term had expired. Lampert, from San Clemente, has been a partner in the architectural firm of Lang Lampert Architects in Irvine since 1983; she is currently a member of the American Institute of Architects (AIA), Women in Commercial Real Estate, the International Council of Shopping Centers, and the International Conference of Building Officials. New member Edward Oremen, who was sworn in on January 14, replaces J. Paul Robinson on BAE. Oremen resides in La Mesa and is president and senior principal at Oremen Associates, a San Diego firm he founded in 1981. He was inducted last year as a member of AIA's College of Fellows in recognition of his contributions to the profession. He also served as a master commissioner for BAE's oral licensing examination and is a member of the board of directors of the San Diego Architectural Foundation.

### MAJOR PROJECTS

**Board Responds to Northridge Earthquake.** Following the January 17 earth-

quake in the Los Angeles community of Northridge, BAE took various steps to respond to the disaster. For example, the Board immediately revised its publication, *A Consumer's Guide to Hiring an Architect*, to include a section entitled, "In the Event of a Natural Disaster." BAE distributed over 18,000 copies of the guide to disaster assistance centers, building officials, legislative offices, and consumers. In addition, the Board established a toll-free number, 1-800-991-CBAE, to aid victims in the rebuilding process, and distributed news releases publicizing the 800 number as well as laws that go into effect when a disaster is declared. BAE Executive Officer Steve Sands participated in several public forums which focused on the rebuilding process of homes and small businesses. BAE will also be participating in the California Seismic Safety Commission's study of the policy complications arising from the earthquake.

**Intern Development Program Update.** Over the past several months, BAE members have been considering a proposal to require completion of a structured internship program with standards based on NCARB's Intern Development Program (IDP) as a requirement for licensure as an architect in California. [14:1 CRLR 30] On February 18, the Board jointly sponsored an IDP Symposium with the California Council of the American Institute of Architects (AIACC), and the California Polytechnic Institute at Pomona; Board President Betty Landess also spoke in support of the program at the AIACC Board of Directors meeting.

In March, BAE's Internship and Oral Examination Committee met to discuss several IDP implementation issues, such as obtaining the support of AIACC prior to implementation; providing for the "grandparenting" (*i.e.*, exemption) of candidates currently in the examination process and possibly those currently in the education process; coordinating the IDP requirements with the Board's current requirements under the Table of Equivalents in section 117, Title 16 of the CCR; taking into consideration the problems unique to a state with such a large candidate population; and establishing an advisory committee with AIACC to provide continual input to the program.

In April, AIACC's IDP State Coordinator, Joe Jackson, presented the Committee with AIACC's position on IDP, which includes concerns about requiring a mandatory IDP program. Although AIA supports in concept the implementation of a structured internship program, it "does not favor a singular path to licensure." AIACC

noted that the "option still stands of recommending IDP to all individuals involved in the licensing process, without making it a requirement" (emphasis original). AIACC urged BAE to convene, in cooperation with AIACC, a joint task force to define issues of concern and develop an implementation plan and set of regulations incorporating IDP standards; AIACC also urged BAE to fund this effort since it is the Board's plan to adopt and mandate IDP. In turn, the AIACC will provide an education program throughout its 21 chapters statewide to assist in the program's implementation.

At BAE's May 13 meeting, the Internship and Oral Examination Committee presented to the full Board its recommendation that BAE approve the concept of requiring candidates for licensure in California to complete supervised training which meets the standards of NCARB's IDP training program, and that the Board direct the Internship and Oral Examination Committee to develop regulations and an implementation plan, in consultation with the AIACC, for review and approval by BAE by the end of 1994. BAE adopted the recommendations.

**Written Contract Requirement.** In its spring newsletter, BAE published an article by Lawrence Segrue, FAIA, the architect consultant who reviews disciplinary complaints and investigations for the Board. Segrue noted that in the past year, he has observed three recurring enforcement issues. First, "[t]he majority of complaints revolve around the architect's inability to communicate with the client or, at times, not accepting the responsibilities of the profession or his or her agreements. Many architects are providing services without the benefit of written agreements (33 of 107 recent claims did not have written contracts), and it is evident from the statements we receive that oral agreements are not clearly understood by either party." Segrue's comments, which also noted that an architect has a duty to "diligently work toward a clear understanding of services to be provided," appears to support the recommendation of the Center for Public Interest Law that BAE adopt and enforce a written contract requirement. [14:1 CRLR 30; 13:4 CRLR 9-10] The Board has established a Special Practice Committee to study the issue; at this writing, the Committee has yet to report to the Board on its recommendation.

Segrue also stated that many claims are brought against licensees who have contracted with third parties, such as construction managers, contractors, and developers. Again, problems arise when the



scope of the services contracted for by each of the parties and the relationship between each of the contracting parties are not clearly delineated in a written contract. Finally, Segreue stated that "many licensees are not familiar with the Architects Practice Act, their responsibility to the consumer, nor the disciplinary actions that the Board is obligated to administer upon findings of violation." He suggested that licensees review the Act, and warned that the Board is serious about its responsibility to protect the health, safety, and welfare of consumers.

### Oral Examination Issues Update.

After two years of discussion, BAE may soon have an appeals process for its oral examination. [14:1 CRLR 31; 13:2&3 CRLR 47; 13:1 CRLR 19-20] At BAE's May 13 meeting, the Internship and Oral Examination Committee recommended that the Board adopt a regulation to establish an oral examination review; proposed new section 124.5, Title 16 of the CCR, would allow a candidate who has failed the oral exam to apply for Board review when the candidate alleges that he/she was significantly disadvantaged due to a significant procedural error or adverse environmental conditions during exam administration. A candidate requesting review must file supporting documentation within 30 days after the date on which the examination result was mailed to the candidate. BAE agreed to pursue the regulatory adoption of section 124.5, but has not published it for public comment at this writing.

Also at its May meeting, BAE adopted the Internship and Oral Examination Committee's recommendation to retain all oral examination tapes, passing and failing, for a period of two years. [14:1 CRLR 31; 13:1 CRLR 20]

**BAE Proposes Repeal of Appeal Procedure for Graphic Building Design Division of Exam.** Section 125, Title 16 of the CCR, currently provides that a candidate may appeal in writing to BAE his/her failing score on the graphic building design portion of the ARE, provided that four evaluations comprising his/her failing score on the graphic portion contain at least one passing evaluation. Effective in June, however, the format of this portion of the exam will change from a single, twelve-hour design problem to a series of six separate vignettes with shorter and more detailed problems. Because the new vignettes will receive a maximum of three grades each, appeals cannot be administered under the Board's current regulation.

On May 6, BAE published notice of its intent to repeal section 125, since the new grading procedure does not meet the cri-

teria for the appeal process set forth in section 125. BAE also notes that it does not have an appeal process for any other division of the written examination; given the grading system, any appeal process would probably be complicated and difficult to develop and conduct; no other jurisdiction provides an appeal process for the ARE; the grading of the vignettes should be much more objective and structured than the grading of the single design problem; less than 1% of the failing building design solutions were granted a passing score through the appeal process in the June 1993 administration of the ARE; and passing scores that are granted through the appeal process are only valid in California and are not transferable to any other jurisdiction. At this writing, the Board is scheduled to conduct a public hearing on this proposal on June 20 in Sacramento.

### Strategic Planning Session for BAE.

Following a lengthy discussion at its March 30 meeting, BAE unanimously approved a motion designating a five-member committee to plan a strategic planning session, including the selection of a facilitator, and to take other steps necessary to arrange the session within the next six months. Some of the issues BAE plans to address through strategic planning include the role, function, and responsibility of the Board; the interests of consumers regarding architects in general; the role of the Executive Officer; the role of NCARB; the role of staff; and policy versus actions.

## LEGISLATION

**SB 2036 (McCorquodale)**, as amended May 18, would create a "sunset" review process for occupational licensing agencies within the Department of Consumer Affairs (DCA), requiring each to be comprehensively reviewed every four years. This bill is a direct result of the Fall 1993 oversight hearings by the Senate Subcommittee on Efficiency and Effectiveness in State Boards and Commissions in which BAE participated. [14:1 CRLR 30; 13:4 CRLR 5] SB 2036 would impose an initial "sunset" date of July 1, 1998 for BAE; create a Joint Legislative Sunset Review Committee within the legislature, which would review BAE's performance approximately one year prior to its sunset date; and specify 11 categories of criteria under which BAE's performance will be evaluated. Following review of the agency and a public hearing, the Committee would make recommendations to the legislature on whether BAE should be abolished, restructured, or redirected in terms of its statutory authority and priorities. The legislature may then either allow the sunset date to pass (in which case BAE

would cease to exist and its powers and duties would transfer to DCA) or pass legislation extending the sunset date for another four years. (See agency report on DCA for related discussion of the "sunset" concept.) [S. *Appr*]

**AB 2702 (Frazee)**. Existing law specifies a misdemeanor penalty of, among other things, imprisonment in the county jail not exceeding six months, for various violations of the Architects Practice Act. As introduced February 7, this bill would increase that penalty to imprisonment in the county jail for a period to not exceed one year.

Existing law authorizes BAE to suspend or revoke the license of any architect who commits acts or omissions constituting grounds for disciplinary action. This bill would provide that the fact that a licensee has had disciplinary action taken by any public agency for any act substantially related to the qualifications, functions, or duties as an architect constitutes a ground for disciplinary action. [14:1 CRLR 31] [S. *B&P*]

The following is a status update on bills reported in detail in CRLR Vol. 14, No. 1 (Winter 1994) at page 31:

**AB 1807 (Bronshvag)**, as amended March 23, authorizes BAE to establish by regulation a category of inactive licensure. This bill was signed by the Governor on March 30 (Chapter 26, Statutes of 1994).

**AB 1392 (Speier)**, as amended July 1, 1993, would—among other things—provide that BAE's executive officer is to be appointed by the Governor, subject to Senate confirmation, and that the Board's executive officer and employees are under the control of the DCA Director. [S. *B&P*]

## RECENT MEETINGS

At its February 18 meeting, BAE discussed the Enforcement Committee's recommendation to revise the Board's complaint disclosure policy. With regard to closed actionable complaints (defined as investigated complaints in which the Board has found a violation of the laws regulating the practice of architecture and taken disciplinary action), the Committee recommended that BAE disclose the number of closed actionable complaints, the nature of the complaints, the disposition or action taken, including any criminal conviction or any decision or stipulation which resulted from the filing of an accusation or statement of issues, and the date of closure. The Committee also recommended that the Board disclose the number of pending complaints against a particular licensee which are currently being investigated, the number of pending complaints which have been referred to the



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Attorney's General's Office, and the number of pending complaints which have been referred to the Attorney General's Office and have resulted in the issuance of an accusation or statement of issues; and that the Board furnish a copy of the accusation or statement of issues if requested. Following discussion, BAE unanimously adopted the proposed policy revision.

Also at its February 18 meeting, BAE elected architect Dick Wong to serve as President, public member Sheldon Grossfeld to serve as Vice-President, and public member Peter Chan to serve as Secretary during 1994.

At its May 13 meeting, the Board agreed to extend its oral examination contract with CTB/McGraw-Hill; the Board also approved its 1994-95 contract with NCARB for the ARE.

## ■ FUTURE MEETINGS

To be announced.

## ATHLETIC COMMISSION

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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 current Commission members are Willie Buchanon, William Eastman, H. Andrew Kim, Jerry Nathanson, Carlos Palomino, Kim Welshons, and Robert Wilson. The term of Ara Hairabedian recently expired and no replacement has been named at this writing.

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.

## ■ MAJOR PROJECTS

**Neurological Examination Program Update.** At the Commission's January 7 meeting, staff presented an update on recent changes to the neurological examination program. [14:1 CRLR 31-32; 13:4 CRLR 32-33] Effective in January 1994, the Commission's traditional neurological exam is being replaced with a streamlined version dubbed the "Mini-Mental Status Exam." This streamlined version is designed to be completed in about thirty minutes at a cost of \$100 per exam. Staff also reported that it had asked over 1,800 licensed neurologists and neurosurgeons in California to assist in administering the exam, and received positive replies from approximately 60 doctors. By increasing the pool of potential examiners, the Commission hopes to reduce costs associated with the exam, and to make the exam more widely available in all geographical regions within the state. The Commission also passed a motion to reduce the neurological assessment fee from \$1.50 to \$1.25 per ticket, and to require that boxers and/or managers pay their \$30 assessments at the time of licensing.

At the Commission's February 18 meeting, Dr. Robert Karns of UCLA Medical Center reported that the Commission had held five meetings throughout the state for the purpose of training neurologists in the administration of the Commission's exam; Dr. Karns expressed confidence that an adequate number of qualified neurologists in the state are now familiar with the exam, and that those neurologists have been sufficiently trained in its administration to ensure consistency throughout the state. Dr. Karns predicted no delays or problems with the new doctors participating in the neurological testing, and suggested that the training program has significantly broadened the pool of potential examiners.

At this time, the Commission is not expected to pursue the proposal of allowing or requiring the administration of magnetic resonance imaging (MRI) tests as an alternative method of detecting brain damage in boxers. According to the California Medical Association, an MRI scan is an inappropriate substitute for the Mini-Mental Status Exam. [14:1 CRLR 32]

**Pension Plan Update.** For several months, the Commission has been preparing an invitation for bid (IFB) to retain an investment services provider for its Professional Boxers' Pension Plan. [14:1 CRLR 32] On January 28, the Commission officially re-

leased the IFB to potential bidders, and on March 28 selected the investment firm of Columbia Trust to administer the pension plan. Columbia Trust is based in Portland, Oregon, and works exclusively on pension fund investment plans.

In a related matter, at its January 7 meeting the Commission held a public hearing on proposed amendments to section 401, Title 4 of the CCR, which sets forth pension fund contribution requirements. Section 401 specifies a schedule of contributions to finance the pension plan to be paid by professional boxers, managers, and promoters. The Commission's proposed amendments to section 401 would specify that (1) the manager's contributions shall not be assessed for the boxer's first and second bouts in a calendar year; (2) a professional boxer's contribution shall not be assessed until after the boxer's first and second bouts in a calendar year and after the boxer's total purses in a calendar year exceed \$1,500 less the manager's share; (3) a promoter's contribution shall be capped at \$1,000 per event; and (4) all contributions shall be deposited in and credited to the Boxers' Pension Account. [14:1 CRLR 32-33] Following the January public hearing, the Commission discussed the proposed amendments, as well as other revisions to the pension plan submitted by Center for Public Interest Law Director Robert C. Fellmeth, who chaired the Athletic Commission at the time the pension plan was established. Among other things, Professor Fellmeth's proposal has the following features:

- Instead of a \$1,000 cap on promoter contributions, a sliding scale (rather than the current flat 3%) would be employed to allow promoters' contributions to decrease as revenues increase; promoter contributions would be absolutely capped at \$10,000 per event.

- Boxers would not contribute at all to the pension plan until they "vest" (have enough rounds and years to receive benefits), saving the Commission the cost of tracking and returning funds to the majority of boxers who are temporary and never vest.

- The Commission would be allowed to approve early withdrawal of a boxer's own contributions for the limited purpose of vocational training, education, or apprenticeship.

- The last California-licensed manager of a boxer would be required to exercise due diligence in maintaining contact with that boxer.

- The Commission would be authorized to use up to 20% of the pension fund's annual receipts for the monitoring and tracking of potentially eligible boxers, and