capacity of a licensee or registrant under the jurisdiction of that board, bureau, or commission. [A. CPGE&ED]

**AB 2743 (Lancaster)**, as amended April 9, would revise revocation, suspension, or refusal to renew requirements with respect to the licensure of accountants. Specifically, existing law provides that a candidate who qualifies for admission to BOA’s CPA examination under Business and Professions Code section 5081.1(d) and who passes the examination in one or more subjects shall have the right to be reexamed in the remaining subject(s) only at subsequent examinations held by the Board; if he/she passes the remaining subject(s) within a period of five years, he/she shall be considered to have passed the examination. This bill would require such candidates to pass the examination in two or more subjects in order to be eligible to be reexamined only in the remaining subject(s).

This bill would also amend Business and Professions Code section 5100 to provide that a violation of Business and Professions Code sections 478, 498, or 499 dealing with false statements or omissions in the application for a license, in obtaining a CPA certificate, registration under BOA’s enabling act, or a permit to practice public accounting under BOA’s enabling act shall constitute grounds for discipline by the Board. [A. Floor]

**SB 869 (Boatwright)** is a controversial bill which would revise existing educational prerequisites for admission to the examination for a CPA certificate by, among other things, revising Business and Professions Code section 5081.1(a) to require 45 hours of instruction in a four-year institution in accounting, commercial law, economics, finance, and related business administration subjects and, effective January 1, 1997, 55 semester units in those subjects; providing for qualification by examination only; requiring applicants for admission to the CPA examination to have completed at least 150 semester hours of education in a four-year institution and a baccalaureate or higher degree, or be a public accountant. DCA considers the bill to be an unnecessary barrier to entry into the profession; BOA considers it an upgrading of the qualifications of candidates for licensure.

Conran also announced the establishment of a direct liaison between BOA and his office by appointing one of his ranking assistants to attend each BOA meeting; members were pleased to have this direct link in place.

**FUTURE MEETINGS:**
September 18–19 in San Diego.
November 13–14 in San Francisco.

**BOARD OF ARCHITECTURAL EXAMINERS**
Executive Officer: Stephen P. Sands (916) 445-3393

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.

**MAJOR PROJECTS:**
Association Issues Discussed. The Board’s Enforcement Committee has
recently engaged in lengthy discussions regarding the interpretation of section 135, Title 16 of the CCR, which provides that, among other things, an architect who associates with a person who is not a California licensed architect, civil or structural engineer, or bona fide employee to jointly offer architectural design services shall, prior to offering architectural services, enter into a written agreement of association with the unlicensed person whereby the architect agrees to be responsible for the preparation of the instruments of service and other phases of the work required by law. Section 135 also provides that an architect who associates with one who is not a California licensed architect shall send a copy of the written agreement of association by certified mail to the Board for each such association prior to engaging in the design phase of the project.

Following its review of the regulation, the Committee requested that the Department of Consumer Affairs' (DCA) Legal Office determine whether section 135 authorizes such an association between an architect and an unlicensed person to advertise its architectural services. In a January 22 memorandum, DCA legal counsel Don Chang noted that section 135 requires that the notice of association be executed "prior to offering architectural design services." Based on the California Supreme Court's definition of the term "offer" in People v. Ah Fook, 62 Cal. 493 (1881), Chang opined that offering architectural services is synonymous with advertising to the public that the association performs architectural services, and concluded that section 135 allows an association which has been formed pursuant thereto to advertise architectural services. However, Chang noted that an association which is advertising architectural services pursuant to an agreement of association would have to comply with the advertising provisions set forth in section 134, Title 16 of the CCR.

In light of this opinion, staff recommended that the Committee review section 134 and consider possible revisions which would be appropriate if the Committee determines that the existing language does not adequately regulate advertising by associations. For example, a possible provision would require that any entity which includes a licensee who has associated with an unlicensed person and which advertises architectural services must list the name of the licensee followed by the word "architect." The Committee is expected to continue to review its options at a future meeting.

Elimination of the Oral Examination

Discussed. At its January 27 meeting, the Board discussed the possible elimination of its oral examination, the articulated purpose of which is to ensure that the entry-level architect understands the integration of the phases of architectural practice and the architect's responsibilities as they relate to each other. The oral exam, which lasts approximately one hour, assesses a candidate's competence in the phases of predesign, schematic design, design development, construction documents, bidding/negotiation and construction contract administration, and aspects of architectural practice specific to California. After reviewing the history of BAE's decision to administer an oral exam, the Board unanimously agreed to retain the oral exam.

Despite the Board's action, BAE staff requested on February 18 that DCA Central Testing Unit Manager Norman Hertz respond to various questions regarding BAE's oral exam, including identification of issues the Board should explore to determine whether to continue its oral exam; the problems and benefits Dr. Hertz recognizes in BAE's oral exam process; and any comments or recommendations Dr. Hertz has regarding the Board's oral exam process. On February 25, Dr. Hertz responded that the Board should determine the purpose of the examination. According to Dr. Hertz, administration of an oral examination is inappropriate unless it assesses higher order cognitive skills; includes a rating system with a continuum rather than a "pass/fail"; and requires examiners to make judgments about the level of performance. Dr. Hertz also stated that the Board should determine whether the higher order skills are being assessed in other ways, and opined that—based on his review of the ARE—they may be. Dr. Hertz also stated that the Board should determine whether the validity of the licensing decision is enhanced with the use of the oral examination and whether there are any other ways of ensuring that candidates are competent, noting that oral examinations should be viewed as a "last resort."

According to Dr. Hertz, the major problem with BAE's oral exam is the difficulty in administering a fair examination when it is given by a variety of panels under unknown degrees of consistency. The examination must be standardized to ensure that all candidates are treated fairly and equitably; all candidates should receive examinations of equal difficulty, be asked questions of equal difficulty, be given equal opportunities to respond, and be evaluated on the same standards. Dr. Hertz noted that the fairness and validity of the examination are questionable unless these criteria are met.

Dr. Hertz concluded his response by opining that it is appropriate to reconsider the purpose and efficacy of BAE's oral examination, noting that oral examinations should be utilized only where there are absolutely no other alternatives available to assess candidates' competence.

At the Board's March 2 meeting, staff recommended that the Board develop an alternative to its oral exam, noting that there might be a more cost-effective method for ensuring that candidates possess the minimum qualifications for licensure in California. On April 3, BAE's Written Examination Committee and Internship and Orals Committee conducted a joint meeting to discuss the Board's overall examination process. Although no decisions were made, the committees are scheduled to continue their discussion at an August meeting.

Budget Cutbacks. The Assembly Ways and Means Committee recently requested that the Board submit a plan that would balance BAE's budget while maintaining at least a three-month reserve. At its March 2 meeting, the Board spent the majority of its time making budget cutbacks. Board staff recommended specific reductions which were developed after one-on-one interviews with each Board member. The recommendations included decreasing out-of-state travel, reducing Board staff by two positions, and consolidating administrative functions; these recommendations passed unanimously.

Even with these reductions, the Board still needs $340,000 in cuts or increased revenue to balance its budget over the next five years and maintain the three-month reserve. Although elimination of the oral exam would solve this deficit, the Board has decided against such an action at this time (see supra). Instead, several other proposals were discussed, such as a $50 fee increase and elimination of the Board members' per diem; however, these suggestions were tabled for future study.

LEGISLATION:

SB 2044 (Boatwright), as amended April 2, would declare legislative findings regarding unlicensed activity and authorize all DCA boards, bureaus, and commissions, including BAE, to establish, by regulation, a system for the issuance of an administrative citation to an unlicensed person who is acting in the capacity of a licensee or registrant under the jurisdiction of that board, bureau, or commission. This bill would also provide that the unlicensed performance of activities for which a BAE license is re-
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 Buchanan, William Eastman, Ara Hairybedian, Bill Malkiasian, Jerry Nathanson, Carlos Palomino, and Robert Wilson. Citing health reasons, Commissioner Thomas Thaxter, M.D., resigned his seat in November 1991, leaving one Commission seat open for appointment.

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 March 12, the Senate unanimously approved Governor Wilson's appointment of William Eastman to the Commission.

MAJOR PROJECTS:

Update on DCA Study of Neurological Examination. In May 1991, the Commission agreed to have the Department of Consumer Affairs' (DCA) Central Testing Unit (CTU) evaluate the Commission's neurological exam program for boxers, which has recently been the subject of considerable controversy. [12:1 CRLR 44; 11:3 CRLR 60; 11:2 CRLR 53] CTU's research will be completed this summer; the study is expected to be based on the profiles of 2,800 prior examinees, rendering a database with comparative statistics on cultural background, age, and numerous other factors. The results will be used in evaluating the feasibility and validity of the professional boxers' neurological examination. The program is often opposed by boxing promoters for financial reasons.

Budget Crisis. Currently, the Commission is projecting a budget deficiency of over $34,000 for fiscal year 1991–92. Because of this fiscal crisis, the Commission will seek alternative funding sources and investigate measures to reduce its current spending. At its February 28 meeting, the Commission decided to space its regular meetings seven weeks apart in order to save money; the Commission also voted to pursue an emergency budget change proposal for additional funding for fiscal year 1992–93.

In its Analysis of the 1992-93 Budget Bill, the Legislative Analyst's Office (LAO) recommended that legislation be enacted to change the funding source of the Commission's budget from the general fund to a special fund; LAO also recommended that the legislature adopt budget bill language to limit the Commission's expenditures to the revenues collected in 1992-93. According to LAO, the Commission annually receives part of its support from a general fund appropriation. In turn, revenues from various fees collected by the Commission are deposited in the general fund. Fee revenues in excess of the Commission's annual expenditures remain as general fund revenues. However, there is no assurance that the Commission's fee revenues will cover its expenditures fully; any deficit is therefore funded from the general fund. According to LAO, the Commission has required a general fund subsidy every year since 1987-88; for 1992-93, the Governor's Budget proposes a subsidy of $22,000 for the Commission. LAO opined that the Commission—like other boards that license occupations and professions—should be fully self-supporting from assessments and fee revenues. LAO concluded that there is no analytical basis for the Commission to be subsidized by the general fund, noting that with the general fund available as a back-up to fund any deficit, the Commission has no incentive to live within its revenues and does not have to raise fees to cover expenditure increases, as other boards and bureaus must. At this writing, the legislature has not yet acted on LAO's recommendations.

DCA Completes Internal Audit of DCA. On February 10, DCA's Internal Audits Section released its completed fiscal and management audit of the Commission; the audit was performed at the request of the Commission. [12:1 CRLR 44] The audit revealed that the Commis-