



REGULATORY AGENCY ACTION

the Governor on October 5 (Chapter 577, Statutes of 1991).

SB 869 (Boatwright), as amended April 30, 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 by BOA rather than by an agency approved by the U.S. Department of Education; and, as of January 1, 1997, requiring applicants for admission to the CPA exam 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. This bill is pending in the Assembly Committee on Consumer Protection, Governmental Efficiency, and Economic Development.

AB 1142 (Chacon), as amended July 1, would provide that licensees engaged in the practice of public accountancy shall display their Board licensee designation and other specified information in a manner determined by BOA to be appropriate. This bill is pending in the Senate Business and Professions Committee.

RECENT MEETINGS:

At its August 1-3 meeting, the Board directed its president to appoint Board members to work with the Administrative Committee (AC) to formulate a recommendation to the Board regarding public disclosure of disciplinary actions. Recognizing its role as a consumer protection agency, the Board agreed that such disclosure would serve the consumer and that the use of the Department of Consumer Affairs' Public Information Office might increase the effectiveness of this effort.

Also in August, the QC reported that of the 4,200 licensure applicants recently considered, 76% had been approved, 22% deferred, and 2% rejected; during the previous five years, only 54% had been approved. QC Chair John Steinbeck noted that BOA's new Form E may be responsible for the increased acceptance rate. (See CRLR Vol. 11, No. 3 (Summer 1991) pp. 56-57; Vol. 10, No. 4 (Fall 1990) p. 50; and Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) p. 64-65 for extensive background information on the Form E changes.)

At its September 27 meeting, the Board directed its staff to draft a letter to be included in the next Board newsletter informing all potential license applicants

to keep track of their experience documentation. The Board wants to minimize the problems created when employers lose or otherwise fail to maintain records of applicants' experience necessary to earn BOA certification.

Also in September, the AC reported that 72 complaints dating from 1988 or before remain outstanding; this number is down from the 106 reported at BOA's May meeting. Board President Ira Landis expressed concern about this high and persistent backlog. The Board urged that staff address this matter and offered to support the effort to bring complaint investigation up to date. The AC also reported that three completed citations with fines had been levied and that none of these actions were contested.

FUTURE MEETINGS:

January 31-February 2 in San Francisco.

March 21 in Los Angeles.

May 15-16 in Los Angeles.

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:

Board Amends Reciprocity Regulation. On August 27, BAE held a public hearing on its proposed amendments to section 121, Title 16 of the CCR, which

currently provides that a "candidate who is not a licensed architect and who has passed a written question examination prepared by the NCARB or divisions thereof in another American jurisdiction shall be entitled to receive board credit . . . for those examination sections or divisions as they correspond to the California architectural licensing examination sections." California presently administers NCARB's Architect Registration Examination (ARE), and the Committee of Canadian Architectural Councils has administered the ARE in Canada since 1984. However, no provision in BAE's regulations allows candidates to transfer ARE scores from Canada; therefore, BAE proposed to amend section 121 to so provide. At BAE's September 30 meeting, the Board adopted the proposed amendment, and hoped to submit the rulemaking record to the Office of Administrative Law during the first week in October.

Board Seeks Budget Change Proposal. At its September 30 meeting, the Board reviewed a budget change proposal (BCP) which has been approved by the Department of Consumer Affairs (DCA) and is currently pending approval by the Department of Finance. The BCP, which would provide the Board with an additional \$230,000 in fiscal year 1992-93, would enable BAE to microfilm all of its licensing and other vital records; the Board claims that this would be the most cost-effective and beneficial method of recovering its records following a disaster such as the 1989 Loma Prieta earthquake. According to the Board, this BCP was developed with the support of DCA, which may use the BCP as a prototype for its other boards to follow.

Budget Report. At its September 30 meeting, BAE discussed the fiscal impact of the state's 1991-92 budget on Board operations. The new budget requires a 5% salary cut for over 27,000 state supervisors, managers, and political appointees. In late September, Controller Gray Davis announced his refusal to enforce the pay cut. Thus, the Wilson administration petitioned for an injunction to require Davis to follow the law; Sacramento County Superior Court Judge James Ford was scheduled to hear the petition on October 9. The Wilson administration insists the pay cuts are necessary to avoid what could be large-scale lay-offs of state employees.

The Board also discussed the budget bill provision which will transfer all of BAE's special fund reserves in excess of three months' operating expenses to the state's general fund in order to help combat the state deficit. The Department of Consumer Affairs has estimated that the Board may lose approximately \$600,000



in unexpended reserves due to this provision in the budget.

LEGISLATION:

The following is a status update on bills reported in detail in CRLR Vol. 11, No. 3 (Summer 1991) at page 58:

SB 527 (Davis), as amended May 20, extends until January 1, 1997, section 411.35 of the Code of Civil Procedure, which requires the plaintiff's attorney, in specified actions for indemnity or damages arising out of the professional negligence of a person licensed as a professional architect, engineer, or land surveyor, to attempt to obtain consultation with at least one professional architect, engineer, or land surveyor who is not a party to the action and file a certificate which declares why the consultation was not obtained or that on the basis of the consultation, the attorney believes there is reasonable and meritorious cause for filing the action. This bill was signed by the Governor on July 29 (Chapter 272, Statutes of 1991).

AB 766 (Frazee), as amended June 28, among other things, provides that the body of law regulating the practice of architecture may be cited as the Architects Practice Act; officially changes the name of the California State Board of Architectural Examiners to the California Board of Architectural Examiners; and deletes the requirement that examination questions regarding exterior and interior barrier-free design be reviewed by an ad hoc advisory committee of disabled persons appointed by the Department of Rehabilitation. This bill was signed by the Governor on October 5 (Chapter 566, Statutes of 1991).

RECENT MEETINGS:

At BAE's September 30 meeting, the Examination Committee reported on its review of the Board's design appeal process. Staff explained that when a person fails NCARB's design examination, he/she may appeal directly to BAE under specified circumstances. It is possible for an applicant to pass the design test on appeal; however, this does not mean that the applicant is NCARB-certified. Further, he/she has no reciprocity privileges because other states do not accept these changed scores when certifying a transferring California architect.

Also in September, the Enforcement Committee presented a report on the Board's disciplinary statistics for fiscal year 1990-91. During that year, BAE received 336 inquiries, opened 194 complaints, closed 180 complaints, referred 18 to the Department of Consumer Affairs' Division of Investigation, and forwarded 3 accusations to the Attorney

General's Office. The Board revoked 2 licenses and issued warnings to 4 others.

FUTURE MEETINGS:

January 27 in San Luis Obispo.

ATHLETIC COMMISSION

Executive Officer: Vacant
(916) 920-7300

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, Ara Hairabedian, Bill Malkasian, Jerry Nathanson, Carlos Palomino, Thomas Thaxter, M.D., and Robert Wilson.

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:

Commission Continues Search for New Executive Officer. Following Executive Officer Ken Gray's resignation in July, the Commission has conducted an extensive search to fill the vacancy. (See CRLR Vol. 11, No. 3 (Summer 1991) p. 59 and Vol. 11, No. 2 (Spring 1991) p. 55 for background information.) Although the Commission planned to interview candidates and make its decision at its July 19 meeting, it instead scheduled a meeting in September to address this issue, on the condition that the five finalists then under consideration be included. On September 20, the Commission decided to devote its entire October 18 meeting to interviewing finalists and se-

lecting a new Executive Officer. At this writing, thirteen applicants are being considered for the position.

Regulatory Changes. On March 15, the Commission adopted new section 288 and amendments to section 282, Title 4 of the CCR, regarding vision requirements and ringside physicians, respectively. (See CRLR Vol. 11, No. 3 (Summer 1991) p. 59 and Vol. 11, No. 2 (Spring 1991) p. 55 for background information.) According to Commission staff, the rulemaking file on these proposed regulatory changes was forwarded to the Office of Administrative Law for review and approval on September 27.

The Commission has proposed an amendment to section 312 of its regulations, regarding technical requirements for ringside ropes; the proposed amendment would increase the number of ring ropes from three to four and specify that the fourth rope shall be 54 inches above the ring floor. (See CRLR Vol. 11, No. 3 (Summer 1991) p. 59 for background information.) A public hearing on this proposed amendment was scheduled for November 15.

At its July 19 meeting, the Commission decided to draft an amendment to section 401 of its regulations, regarding the professional boxers' pension plan. Currently, the regulation requires that a licensed professional boxer's contributions to the pension plan shall begin once the boxer's total purse exceeds \$1,500 per calendar year from fights in California. The proposed amendment would provide that a boxer's contributions shall begin once the boxer's total purse exceeds \$5,000 per calendar year. According to the Commission, the considerable staff time spent reviewing show reports to determine those boxers required to contribute to the plan justifies this amendment. The proposed amendment was scheduled to be discussed at a November 15 public hearing.

Also on November 15, the Commission will conduct a public hearing on its proposed amendment to regulatory section 345, which currently provides that in cases where a boxer receives a cut eye from a fair blow or an intentional butt or any other injury which the referee believes may incapacitate the boxer, the referee shall call into the ring the club physician for examination of the boxer. The proposed amendment would specify that a mandatory time-out shall be called whenever the ringside physician examines a boxer.

At the September 20 meeting, Commission staff recommended a proposed rule change to section 352, Title 4 of the CCR, which currently requires that a boxer who has been knocked out be