



ments for reentry applicants, discussed above). The remaining three proposals—the repeal of existing section 66.1 (and substitution of existing section 75.7 in its place), the amendment of new section 66.1, and the adoption of new section 66.2—all pertain to the approval and use of fictitious names for accounting corporations. At its September 22 meeting, the Board acted to adopt all of these proposed regulatory changes, with the exception of renumbering section 75.7 and adding section 87.2 (discussed above). Additionally, the Board tentatively adopted new section 37 (relicensing without reexamination) at its September meeting, although it has not announced when further action will be taken on this item. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 41 and Vol. 9, No. 3 (Summer 1989) p. 36 for background information on these regulatory changes.)

LEGISLATION:

At its November meeting, the Board announced that it has no plans to sponsor legislation during 1990.

The following is a status update on measures reported in CRLR Vol. 9, No. 4 (Fall 1989) at page 41:

AB 1336 (Eastin), which would amend the Board's CE requirements, is pending in the Senate Business and Professions Committee.

SB 465 (Montoya), which would change existing statutes on appeal procedures to gender-neutral language, is pending in the Senate Rules Committee.

SB 1496 (McCorquodale), which would have permitted payment to and acceptance of commissions by Board licensees in limited situations, was dropped by its author.

AB 459 (Frizzelle), which would have provided that a previously licensed individual may renew his/her license at any time after license expiration upon payment of the applicable fees and satisfaction of CE requirements, was dropped by its author.

LITIGATION:

Briefing is drawing to a conclusion in *Moore v. California State Board of Accountancy*, No. A046279 (First District Court of Appeal), in which plaintiffs-appellants challenge the validity of the Board's Regulation 2, which prohibits persons not licensed by BOA from using the terms "accountant" or "accounting" in their titles or advertisements. (See CRLR Vol. 9, No. 4 (Fall

1989) p. 42; Vol. 9, No. 3 (Summer 1989) p. 37; Vol. 9, No. 1 (Winter 1989) p. 37; and Vol. 8, No. 2 (Spring 1988) p. 40 for background information on this case.) The appellate court has accepted *amicus curiae* briefs from the Center for Public Interest Law, the National Society of Public Accountants, and the California Society of Enrolled Agents—all on behalf of plaintiffs-appellants.

KMG Main Hurdman. At BOA's November 17 meeting, the Board adopted a proposed stipulation and order regarding this lengthy and protracted disciplinary proceeding. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 42; Vol. 9, No. 1 (Winter 1989) p. 37; and Vol. 8, No. 4 (Fall 1988) p. 41 for background information.) KMG, which has undergone merger and transformation during the proceeding, agreed to surrender its certificate for cancellation and was relieved from further action subject to its payment of BOA's enforcement costs totalling \$975,000. Charges against KMG's successor firm, Peat Marwick & Main, were dismissed, but the firm is subject to reporting requirements. Two individual KMG employees were disciplined; the Board imposed probation periods and CE requirements, and is requiring one of the individuals to retake the audit portion of the CPA exam.

RECENT MEETINGS:

At its November 17 meeting, the Board announced its CPA exam statistics for fiscal year 1988-89: of 16,081 candidates, 8,040 (50%) were successful in passing two or more parts. BOA also released its fiscal year 1988-89 enforcement statistics: 10 revocations; 9 suspensions; and 9 probations. Last summer, BOA contracted MGT, a management consultant firm, to analyze and suggest improvements to BOA's enforcement program; MGT was scheduled to present its report by February 15.

On November 17, the Clearinghouse for Voluntary Accounting Services (CVAS) organization reported to the Board and requested renewed funding pursuant to Business and Professions Code section 5170 *et seq.* CVAS performs accounting services and auditing for nonprofit organizations which are unable to afford all the accounting services necessary and proper for their continued existence; over 2,000 nonprofit organizations have been served under this program. The Board acted to renew funding to CVAS for the 1990-91 fiscal

year at the near-current funding level of \$75,000. However, the statute under which CVAS is funded "sunset" on January 1, 1992; therefore, the Board indicated that it may reduce CVAS' funding next year if the legislature shows a lack of enthusiasm for continuing the program.

FUTURE MEETINGS:

May 11-12 in Napa.
August 3-4 in San Diego.

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 Chapter 2, Title 16 of the California Code of Regulations (CCR). Duties of the Board include administration of the California Architect Licensing Exam (CALE) 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:

Regulatory Changes. On December 4, the Office of Administrative Law (OAL) approved the Board's amendments to regulatory sections 109, 116, 119, 119.5, 121, 123, 125, and 144. These amendments delete all reference to the CALE, and facilitate BAE's administration of the Architectural Record Exam (ARE) of the National Council of Architectural Registration Boards (NCARB) beginning in 1990. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 43 and Vol. 9, No. 2 (Spring 1989) pp.



REGULATORY AGENCY ACTION

44-45 for background information.)

On December 14, the Board held a hearing in Sacramento to consider further proposed changes to the same regulations (with the exception of section 116). The proposed amendments provide for the administration of the ARE twice per year beginning in 1990; further specify the transition procedure from the CALE to the ARE; and provide for a 12.5% increase in the required fee for the exam starting in 1991. There was no public comment on the proposals at the hearing; the Board was scheduled to adopt the amendments at its January 27 meeting.

Licensing Examination. In June, BAE approved its Executive Committee's recommendation to develop a supplemental oral examination to test content areas not tested by the ARE but required in California. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 43 for background information.) This task has not yet been awarded to a private vendor. BAE has revised the estimated completion date of this project and now plans to have the examination ready to administer for the first time in January 1991.

LEGISLATION:

Three bills affecting BAE were introduced at the First Extraordinary Session of the legislature during the beginning of November:

ABX 24 (Eastin) and **SBX 16 (Roberti)**. Under existing law, acting as an architect without appropriate licensure is a misdemeanor. These bills would make this and related offenses punishable as either a misdemeanor or a felony, as specified, if committed in connection with the offer or performance of services for repair of damage caused to a structure by natural disasters for which a specified state of emergency is proclaimed by the Governor or for which a specified emergency or major disaster is declared by the President. SBX 16 contains language which states that an intent to defraud must be shown in order to make these provisions applicable. ABX 24 is pending on the Assembly floor, and SBX 16 is pending in the Senate Appropriations Committee.

SBX 46 (Lockyer) would provide that an architect or engineer who voluntarily, without compensation or expectation of compensation, provides structural inspection services at the scene of a declared national, state, or local emergency caused by a major earthquake at

the request of a public official, public safety officer, or city or county building inspector acting in an official capacity shall not be liable in negligence for any personal injury or property damage caused by the good faith but negligent inspection of a structure used for habitation or owned by a public entity for structural integrity or nonstructural elements affecting health and safety. This immunity would apply to inspections within 90 days of the earthquake, and would not apply to gross negligence or willful misconduct. This bill passed the Senate on January 8, and is awaiting committee assignment in the Assembly at this writing.

The following is a status update of bills described in detail in CRLR Vol. 9, No. 4 (Fall 1989) at page 43:

AB 1789 (Cortese) would give architects, engineers, and land surveyors a specified design professional's lien on real property for which a work of improvement is planned, and for which a specified governmental approval is obtained. This bill is pending in the Senate Committee on Insurance, Claims, and Corporations.

AB 459 (Frizzelle), which would have provided that a previously licensed individual may renew his/her license at any time after license expiration upon payment of applicable fees and satisfaction of continuing education requirements, was dropped by its author.

AB 1005 (Frazee) would require architects to affix on plans a stamp bearing the architect's name, license number, the term "licensed architect," and the renewal date of the license. This bill is pending in the Senate Business and Professions Committee.

FUTURE MEETINGS:

To be announced.

ATHLETIC COMMISSION

Executive Officer: Ken Gray
(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 Chapter 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 Bill Malkasian, Raoul Silva, Ara Hairabedian, P.B. Montemayor, M.D., Jerry Nathanson, Thomas Thaxter, M.D., Charles Westlund, 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, martial arts competitors, and wrestlers. 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:

Regulatory Changes. The Commission was scheduled to hold a regulatory hearing on January 19 in San Diego on two proposed changes to its regulations in Chapter 2, Title 4 of the CCR. First, the Commission proposes to amend section 220, which specifies that contracts between boxers and managers shall be executed on printed forms approved by the Commission, and that the Commission may approve a contract that is not on its printed form if it is entered into in another jurisdiction by non-residents of California. The proposed amendment would delete the phrase referring to non-residents.

The Commission also proposes to adopt new section 279. Existing regulations do not provide for the copying of any videotape made of a professional fight. Section 279 would provide that the promoter shall obtain the name, address, and telephone number of any person who records all or part of a boxing contest on videotape; the promoter shall be responsible for providing the Commission with a copy of any videotape made of a boxing contest.

At its November 17 meeting in Sacramento, the Commission amended section 330 of its regulations to: (1) include as "boxing officials" physicians