



(Fall 1987) p. 38 for background information.) The new law prohibited BAE from granting a reciprocal license to any candidate licensed under the ARE in another state unless both BAE and the home state agree the ARE and the CALE are mutually acceptable for licensing purposes.

At various times throughout this dispute, the parties attempted to solve the problem through professional mediation. With the passage of AB 1113, those attempts were discontinued. Nevertheless, as a result of intensive talks between NCARB President Walter Carry and BAE President Paul Neel, the two groups reached a tentative agreement at NCARB's 1988 annual meeting that both believe will lead to a settlement of the long-standing dispute. NCARB board members also voted unanimously to take no action on Resolution 6, which would have provided for the removal of the California Board from Council membership.

In addition to California's expressed intention to return to the use of the ARE, other major terms of the agreement include BAE's recognition of the NCARB certificate as a sufficient basis for reciprocal registration of out-of-state candidates; BAE will actively oppose any legislation in California which might hinder the process of reciprocity; and NCARB and BAE will establish a special Joint Committee for the purpose of studying the transition of candidates from the CALE to the ARE and the question of NCARB certification of those who have been licensed in California on the basis of the CALE. BAE has appointed Paul Neel, Lawrence Chaffin, Jr., and Robert DePietro as BAE members of the Joint Committee. A statement by the Committee in November 1988 indicates that the supplemental examination will be oral and will be administered by NCARB. While the Committee is still working out the details of the agreement, both NCARB and BAE have agreed to the process in principle. The Committee presented these concepts at NCARB's regional meetings, held March 2 through April 7, and they met with no objections. NCARB must formally approve the proposal at its annual meeting in June.

Last July, the Governor signed AB 4419 (Bradley), an urgency statute which effectively repealed AB 113 and allows BAE to grant licensure to applicants who passed written examinations prior to 1986 in other jurisdictions. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 43 for background information.) The law, termed a "limited opportunity" by BAE, will remain in effect until July 1, 1989.

Because there was no uniform examination before 1966, the law's provisions technically apply only to those candidates who passed the examination between 1966 and 1986. Under section 121(a) of Chapter 2, Title 16 of the CCR, reciprocity candidates who were licensed based upon passage of written examinations administered prior to 1966 and who possess five years of licensed practice as an architect are also eligible for licensure upon passage of BAE's oral interviews.

#### LEGISLATION:

*AB 1158 (Bradley)* would effectively make AB 4419 (Bradley), passed as an urgency statute in 1988, permanent. (See *supra* MAJOR PROJECTS for further discussion of this issue.) Because BAE has conditionally agreed to administer the ARE in 1990, a permanent repeal of AB 1113 would facilitate the normalization of reciprocity statutes. The bill is pending in the Assembly Ways and Means Committee at this writing.

*AB 1005 (Frazee)* would require an architect to affix a stamp bearing the architect's name, license number, the term "licensed architect", and the expiration date of the license on plans and documents in lieu of noting the license number. The bill would make it unlawful for any unlicensed person to use the stamp of a licensed architect or a stamp or seal which bears the legend "State of California" or words, symbols, or documents that indicate that he/she is licensed by the state on plans or documents for structures that are submitted to a governmental entity. At this writing, AB 1005 is pending in the Assembly Governmental Efficiency and Consumer Protection Committee.

#### RECENT MEETINGS:

At its January 26 meeting in Millbrae, the Board welcomed Peter S. Chan as a public member to the Board. Chan, who has a bachelor's degree in civil engineering from California Polytechnic University in Pomona, is chairman and president of PSC Associates, Inc., a geotechnical consulting firm in Mountain View. He is also chairman and president of Mountain Savings Bank and Mountain Pacific Holding Company. Chan replaces Paul W. Morgal, who resigned.

#### FUTURE MEETINGS:

June 15 in Sacramento.

#### ATHLETIC COMMISSION

*Executive Officer: Ken Gray*  
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The Athletic Commission regulates amateur and professional boxing, contact karate, and professional wrestling. The Commission consists of eight members each serving four-year terms. All eight seats are "public" as opposed to industry representatives.

The current Commission members are Bill Malkasian, Raoul Silva, Roosevelt Grier, P.B. Montemayor, M.D., Jerry Nathanson, Thomas Thaxter, M.D., Charles Westlund, and Robert Wilson.

The Commission is constitutionally authorized and 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.

#### MAJOR PROJECTS:

*Medical Advisory Committee.* At its January meeting, the Commission appointed six physicians to the Medical Advisory Committee. Under section 18645 of the Business and Professions Code, the Commission is empowered to appoint six licensed physicians to the Committee, which will provide information and advice to the Commission on medical issues that affect boxing. The six members of the Committee, appointed for two-year terms, are Dr. Fred Flynn and Dr. Jonathan Mueller (neurologists), Dr. Howard Cohen and Dr. Michael Skala (ophthamologists), and Dr. Robert Karns and Dr. William Lundeen (physicians with sports medicine experience).

At its February meeting, the Commission appointed Commissioner P.B. Montemayor and Bill Malkasian to its two-member Medical Committee. The Committee will act as the liaison between the aforementioned Medical Advisory Committee and the Commission.

*Safety Equipment Committee.* Also at its February meeting, the Commission appointed Commissioners Charles Westlund and Roosevelt Grier to the newly formed Safety Equipment Committee. The Committee will be responsible for



# REGULATORY AGENCY ACTION

studying the specifications and suitability of various brands of boxing gloves and ring floor padding.

**Headgear Requirement.** This winter, Assemblymember Lloyd Connelly sought the Commission's input about possible legislation requiring professional boxers to wear headgear. Connelly was advised by the Athletic Commission that its previous studies on the subject indicated that headgear would increase the risk to boxers because it would increase the diameter of the target. According to the Commission, the increased target area would transform otherwise glancing blows into dangerous direct hits. Moreover, the Commission asserted that although headgear would reduce comparatively minor facial injuries, the increased target area would create a greater risk of neurological and spinal injury.

**Future Regulatory Changes.** Under Business and Professions Code sections 18884 and 18849, promoters are prohibited from having a direct or indirect interest in boxers without the written approval of the Commission. At the February meeting, Commissioners Nathanson, Wilson, and Malkasian were appointed to a committee which will recommend criteria for approving contracts which give promoters an interest in boxers. The three-member committee will also investigate the Commission's involvement in various boxing organizations. The Athletic Commission is presently a member of the World Boxing Council (WBC), the North American Boxing Federation (NABF), and the International Boxing Federation/United States Boxing Association (IBF/USBA). The committee will determine the extent, if any, to which the Commission should participate in these groups, and whether such involvement would result in any conflicts of interest.

Also at its February meeting, the Commission discussed the need to establish criteria in accordance with Business and Professions Code sections 475-486, which define general provisions regarding the denial, suspension, and revocation of licenses. In particular, the Commission is concerned with satisfying section 482 of the Code, which calls for the development of criteria "to evaluate the rehabilitation of a person" when considering the denial, suspension, or revocation of a license. At the February meeting, Commissioner Montemayor stated that the Executive Director should wield more power in making these decisions and that cases should be heard by the full Commission only when a "specific problem" exists. Drafting of

the proposed criteria was scheduled for discussion at the Commission's March 17 meeting in Los Angeles.

## LEGISLATION:

**AB 112 (Floyd)** would require the Commission to adopt regulations detailing the criteria for approving licensed physicians who are required to attend boxing contests. At this writing, AB 112 is pending in the Assembly Committee on Government Organization.

**SB 599 (Montoya)** would require a professional boxer or martial arts fighter to demonstrate his/her ability to perform prior to licensure. In evaluating licensure eligibility, the Commission would accept "whatever evidence" is available. The bill would require that all Commission evaluations or reevaluations be recorded on a Commission-approved form and maintained with the fighter's licensing file. Additionally, the operator of a professional boxers' training gymnasium would be required to maintain a daily log, which would include a record of the boxers' licenses and reports of any knockouts during a sparring session. At this writing, SB 599 is pending in the Senate Business and Professions Committee.

**H.R. 5244 (Williams)** is federal legislation which was originally introduced in 1988, but is currently being considered for reintroduction in 1989 in the House Commerce Committee. In its 1988 form, the bill would establish federal regulation of professional boxing through the creation of a twelve-member advisory council appointed by the Secretary of Labor. The council would consist of individuals "with a professional role in boxing, both as a sport and a business." One of the major tasks of the council would be to implement a "passport system" of boxer registration and tracking, designed to abolish the common practice of boxers working in one state after being knocked out, suspended for medical reasons or retired in another jurisdiction. The Commission supports any effort to set standards promoting the health, welfare and safety of boxers, but is concerned that the bill would weaken California's stringent regulation of all aspects of boxing.

## RECENT MEETINGS:

At its January 27 meeting in San Francisco, the Commission elected Raoul Silva as its Chair and Jerry Nathanson as Vice-Chair for 1989.

Also at the January meeting, the Commission considered a proposal presented by John Jackson of Forum Boxing to put on a kickboxing match with its regular boxing show. Citing the major decline in attendance at California box-

ing matches, the Commission decided to grant Mr. Jackson a temporary experimental license.

Finally, at the January meeting the Commission approved the promoter application of Michael C. Drysdale, and the boxing application of ex-heavyweight champion boxer Mike "Hernandes" Weaver. Although Mr. Weaver is over the age of 36, the Commission noted his career record (42-14) and past accomplishments in its unanimous decision to grant him a license to box in California.

At its February 17 meeting in San Diego, the Commission discussed its role in the continuing extortion investigation of Commission Assistant Executive Officer Marty Denkin. As reported in the *San Jose Mercury News* on January 27, Denkin is under investigation by the Los Angeles County District Attorney's Office for allegedly demanding cash and jewelry in exchange for his approval of bouts. At this writing, Denkin is on paid administrative leave. The Commission has pledged to support any official investigation of Denkin. On February 18, Commission Chair Silva met with Department of Consumer Affairs Director Michael Kelley to discuss the investigation and the Commission's stand on the matter.

## FUTURE MEETINGS:

June 16 in Sacramento.

July 21 in Los Angeles.

August 18 in San Diego.

September 15 in San Francisco.

## BUREAU OF AUTOMOTIVE REPAIR

*Chief: John Waraas*

*(916) 366-5100*

*Toll Free Complaint Number:*

*1-800-952-5210*

Established in 1971 by the Automotive Repair Act (Business and Professions Code sections 9880 *et seq.*), the Bureau of Automotive Repair (BAR) registers automotive repair facilities; official smog, brake and lamp stations; and official installers/inspectors at those stations. Approximately 39,200 auto repair dealers are registered with BAR. The Bureau's other duties include complaint mediation, routine regulatory compliance monitoring, investigating suspected wrongdoing by auto repair dealers, oversight of ignition interlock devices, and the overall administration of the California Smog Check Program.