



satisfactory evidence regarding the content and hours claimed by it.

The Board also discussed a recent brochure from Western Schools, which states that all of its courses are "registered" with the Board. However, none of the courses included in the brochure are registered with the Board or included in any existing PSA. The Board also voted to request that the Continuing Education Committee review the PSA form in order to make recommendations for improvement and consider whether new regulations or statutory changes are necessary.

At its March 12 meeting in Los Angeles, the Board adopted a proposal to approve a Memorandum of Understanding between the Board of Accountancy and the Department of Corporations, which concerns the duties and responsibilities of the Department's Internal Review Committee (IRC), and the Board's intention to rely upon the IRC's certification of the experience of Department employees, for purposes of qualifying for CPA certification.

Also, the Board reported a reduction in exam cheating due to its new security procedures. In November 1986, there were 1,168 exam cheating incidents; in November 1987, there were only 256 such incidents. This is a reduction of 78%.

FUTURE MEETINGS:

May 19-21 in Lake Tahoe.

July 29-30 in San Diego.

October 7 in Fresno.

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 levels of competency for licensed architects and regulates the practice of architecture. Duties of the Board include administration of the California Architect Licensing Exam (CALE) and enforcement of Board guidelines. BAE is a ten-member body evenly divided between public and professional membership.

The election of BAE officers was held at the Board's January 28 meeting in Millbrae. Paul Neel was re-elected Board President; Robert DePietro was re-elected Vice-President; and Lawrence Chaffin, Jr. was selected Secretary.

MAJOR PROJECTS:

Regulatory Changes. In January, the Office of Administrative Law (OAL) approved the adoption of section 153 in Chapter 2, Title 16 of the California Code of Regulations (CCR), regarding multiplex dwellings. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 38 for background information.)

BAE has filed notice with OAL of proposed changes to section 109, which (as amended) would require CALE candidates to submit all documentation relating to eligibility for the exam by March 1 in the year in which application is made; section 116(a), which would require that a CALE candidate's graduation must be confirmed by the March 1 filing deadline, and that qualifying work experience could be evaluated up until the test date; and the proposed repeal of section 125, which would eliminate applicants' ability to appeal failing scores on the CALE. (See CRLR Vol. 8, No. 1 (Winter 1988) pp. 42-43 for background information.) A hearing on the proposed changes was scheduled for March 15 at the Department of Consumer Affairs in Sacramento.

On February 8, the Board held a hearing on proposed changes to several of the Board's regulations. No public comment was received on any of the proposed changes. The Board proposes to adopt new section 134, which will specify appropriate titles which may be used by architectural firms to identify themselves in all forms of advertising. An amendment to section 135 would delete the term "registered building designer" from the regulation, and would establish requirements for architects who wish to form a partnership with unlicensed persons. A proposed amendment to section 151 would implement existing law which provides that an architect is prohibited from signing plans or specifications which have not been prepared by him/her or under his/her "immediate and responsible direction." The proposed amendment to section 151 would establish criteria for determining compliance with the intent of "immediate and responsible direction." These proposed regulations were scheduled for Board consideration and adoption at its March 29 meeting.

Training Session. On February 26, the BAE conducted a training session designed to aid the Board in setting goals and objectives for the next three to five years. The training session was facilitated by Michael Tompkins, a lecturer and consultant who specializes in management training and organizational

problem solving. Of primary concern at the session was BAE's continuing relationship with the National Council of Architectural Review Boards (NCARB).

FUTURE MEETINGS:

June 9 in Sacramento (tentative).

ATHLETIC COMMISSION

Executive Officer: Ken Gray
(916) 920-7300

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:

Neurological Examination Program. Members of the boxing industry have reported that they do not understand the neurological examination program required by the Commission. (See CRLR Vol. 8, No. 1 (Winter 1988) p. 43 for background information.) According to a report by Executive Officer Ken Gray, the Commission has received numerous complaints from industry representatives who want to understand how the examination is conducted and how to interpret examination results.

Thus, the Commission scheduled a March 18 workshop for boxers, promoters, managers, physicians, and Commission members, to inform the boxing industry, in a medical context, as to the specific requirements and objectives of a neurological examination.



REGULATORY AGENCY ACTION

Regulatory Changes. The Commission is drafting an amendment to section 330, subchapter 1, Chapter 2, Title 4 of the California Code of Regulations. The current regulation states that boxing "officials" include referees, timekeepers, announcers, physicians, and Commission representatives. The proposed amendment will broaden the definition of "officials" to include "physicians in attendance at a contest or exhibition at the Commission's direction," and "physicians appointed by the Commission to perform any examination of boxers."

The Commission seeks the amendment in response to a common practice among insurance carriers to refuse coverage to physicians who administer the Commission's neurological examinations. (See CRLR Vol. 8, No. 1 (Winter 1988) p. 43 for details.) By broadening the scope of boxing "officials" to include physicians who perform examinations of boxers, the Commission seeks to shield them from civil liability. "Boxing officials" are "public employees" under Business and Professions Code section 18735. Generally, the law grants public employees immunity from civil liability and affords them representation by the Attorney General in the event of a lawsuit.

As of this writing, the proposed regulation has not yet been published in the *Notice Register*.

LEGISLATION:

AB 529 (Floyd), a proposal to deregulate professional wrestling, was passed by the Assembly on January 25. (See CRLR Vol. 7, No. 2 (Spring 1987) p. 39 for details on this bill.) At its February 19 meeting in San Diego, Executive Officer Gray commented that the Commission will have to work hard to stop the bill in the Senate. The bill was referred to the Senate Business and Professions Committee on February 2, and is scheduled for hearing on May 23.

The Commission opposes the deregulation of professional wrestling for three reasons. First, the Attorney General's office has advised the Commission that the bill is unconstitutional. Since the California Constitution establishes the Athletic Commission's powers, the Commission contends that the legislature does not have the authority to abolish the Commission's authority to regulate wrestling. It is the Commission's position that deregulating sports within its jurisdiction may only be accomplished through a constitutional amendment.

Second, the Commission asserts that the regulation of professional wrestling is in the public interest. Regulation

should be performed at the state level, even if it is minimal. If the Athletic Commission is not permitted to regulate professional wrestling, local governments will have to bear the cost of regulating the "sport."

Finally, approximately 50% of the Commission's revenue comes from a tax on gate sales at wrestling exhibitions.

RECENT MEETINGS:

At the Commission's February 19 meeting in San Diego, Ken Gray reported on newly emerging forms of contact martial arts. Since the Commission began its regulation of the sport two years ago, the popularity of different forms of martial arts has fluctuated. The Commission noted its lack of communication with newly emerging groups, and suspects that these groups are not familiar with the Commission's rules and regulations. Gray stated that some techniques employed in the newer sports may violate Commission regulations.

Deputy Attorney General Ron Russo reminded the Commission of its responsibility to regulate the sport under current statutes and regulations. Gray suggested that Commission members meet with principal players in the industry in order to educate them on the Commission's rules and regulations, as well as to educate themselves about the rules and techniques of the sport. As of this writing, no date or location for the meeting has been set.

FUTURE MEETINGS:

To be announced.

BUREAU OF AUTOMOTIVE REPAIR

Chief: Martin Dyer
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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. The Bureau's other duties include complaint mediation, routine regulatory compliance monitoring, investigating suspected wrongdoing by auto repair dealers, and the overall administration of the California Smog Check Program.

The Smog Check Program was created in 1982 in Health and Safety Code section 44000 *et seq.* The Program provides for mandatory biennial emissions

testing of motor vehicles in federally designated urban nonattainment areas, and districts bordering a nonattainment area which request inclusion in the Program. Testing and repair of emissions systems is conducted only by stations licensed by BAR.

Approximately 130,000 individuals and facilities are registered with the Bureau. Registration revenues support an annual Bureau budget of nearly \$34 million.

The Bureau is assisted by a nine-member Advisory Board which consists of five public and four industry representatives.

MAJOR PROJECTS:

Proposed Regulatory Changes. At a public hearing on January 22, the Advisory Board discussed and approved the following regulatory changes, which affect Subchapter 1 of Chapter 33, Title 16 of the California Code of Regulations (CCR). As of this writing, these changes have not yet been submitted to the Office of Administrative Law (OAL).

New section 3340.1(j) would define the term "bureau" as used in Article 5.5, Title 16 of the CCR. Section 3340.15(d) was amended to repeal the requirement that Smog Check Program stations display station and inspection licenses under glass or other transparent material. An amendment to section 3340.17 deletes the requirement that licensed Smog Check Program stations maintain a service agreement with the manufacturer or manufacturer's representative of the station's test analyzer system. Also deleted is the provision that only Bureau-authorized representatives or authorized manufacturer's representatives shall have access to the test analyzer systems for service or inspection.

The Board voted to repeal section 3340.20, which provided that a Smog Check Program customer whose vehicle requires repair must sign an acknowledgment and waiver of his/her right to have such repairs performed at a facility other than the one at which the vehicle was tested. BAR suggested the repeal of this section because the topic is adequately addressed by section 44033(c) of the Health and Safety Code.

Subsection 3340.30(h), as adopted, establishes performance standards for qualified mechanics participating in the Smog Check Program. The Board voted to amend subsection 3340.35(a), to clarify that Smog Check Program certificates of compliance and noncompliance may be obtained only from BAR.

The Board also agreed to a technical