



# REGULATORY AGENCY ACTION

appeared at the Board's July meeting. Associated Asian CPA Firms, Chinese for Affirmative Action, and Public Advocates have all written to the Board, expressing their interest in promoting minority rights through the committee.

The Board cited the committee's failure to "develop ongoing programs in which the Board could effectively contribute." Consolacion agreed to submit a position paper outlining specific programs and projects for a re-established committee. BOA has received the proposal and was scheduled to consider it at its October meeting.

## LEGISLATION:

The following is a status update of legislation discussed in detail in CRLR Vol. 8, No. 3 (Summer 1988) at page 45:

**SB 91 (Boatwright)**, which would have repealed the Tax Preparers Program and instead enact the Tax Practitioner Program in the Franchise Tax Board, died in the Assembly Committee on Governmental Efficiency and Consumer Protection.

**SB 315 (Montoya)** would have imposed specified reporting requirements on financial planners. The measure failed passage in the Assembly Committee on Finance and Insurance.

**SB 422 (Montoya)** would have clarified the law regarding transmittal letters and reports (see also CRLR Vol. 8, No. 1 (Winter 1988) pp. 41-42 and Vol. 7, No. 3 (Summer 1987) p. 55 for additional background information). This measure was dropped by its author.

**SB 1009 (Montoya)**, as amended on June 22, revises section 5100 of the Business and Professions Code to allow BOA to revoke any certificate for a licensee's fiscal dishonesty or breach of fiduciary responsibility. This bill was signed by the Governor (Chapter 728, Statutes of 1988).

**SB 1824 (Rosenthal)** increases the maximum amount which the Board may pay a nonprofit organization controlled by licensees of the Board to provide volunteer accounting services. The previous \$65,000 annual limit is now increased to \$100,000 per year. This bill has been signed and chaptered (Chapter 455, Statutes of 1988).

**SB 2553 (Keene)** would have prohibited the use of the term "qualified accountant," which might be confused with "certified public accountant" or "public accountant." This bill died in the Senate Business and Professions Committee.

**AB 3417 (Hughes)** requires the State Controller to issue and maintain a list

of ineligible and unacceptable auditors, based on specified criteria, and prohibits school districts and county offices of education from using their audit services. This bill also provides for withholding of audit fees for audits not conforming to reporting provisions. This measure was signed by the Governor (Chapter 1351, Statutes of 1988).

**AB 3818 (Bader)**, as amended August 29, requires the Board to establish regulations requiring specified continuing education courses in governmental accountancy and auditing for any licensee who approves audit reports of governmental agencies. This bill was signed by the Governor (Chapter 1312, Statutes of 1988).

**AB 4537 (Cortese)** would have fixed the biennial renewal licensing fee to boost the reserve in the Board's contingent fund to equal six months of authorized expenditures. This measure failed passage in the Senate Business and Professions Committee, and was scheduled for interim study by that committee.

## LITIGATION:

**Moore v. California State Board of Accountancy**, No. 863037 (San Francisco Superior Court), challenging the Board's restriction on the use of the term "accountant" to licensees, was rescheduled for trial beginning October 17. (For background information, see CRLR Vol. 8, No. 2 (Spring 1988) p. 40.)

## RECENT MEETINGS:

At its May 26-28 meeting, the Board agreed that it would discourage any CPA exam review course provider representatives from attending the CPA examination. This decision resulted from a request by one course provider for permission to pass out apples or other non-promotional items to its students attending the exam.

Also at the May meeting, BOA members voted unanimously to release transcripts of invitations to appear (ITA) to respondent licensees if requested and paid for by the licensee. The Board voted to support Deputy Attorney General William Goode's action to oppose the subpoena of transcripts by a government agency acting as a civil litigant. (For background information, see CRLR Vol. 7, No. 4 (Fall 1987) p. 37.)

The ITA procedures were again discussed at the Board's July 29-30 meeting in San Diego. The Board voted to adopt interim guidelines proposed by Deputy Attorney General Grannen subject to the May agreement regarding transcript release. The new guidelines ITA would

give the Board's Administrative Committee greater flexibility than formal regulations.

## FUTURE MEETINGS:

January 27-28 in Orange County.

March 18 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 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.

## MAJOR PROJECTS:

**Regulatory Changes.** At its August 30 meeting, the Board adopted several changes to its regulations contained in Chapter 2, Title 16 of the California Code of Regulations (CCR). Sections 111 and 112 are new sections adopted to comply with the Permit Reform Act of 1982, which requires licensing boards to identify the time periods within which they will process applications for licensure. An amendment to section 121(a), regarding reciprocity licensure without taking the written examination, was also adopted by the Board in August. At this writing, the rulemaking packages on these sections have not yet been submitted to the Office of Administrative Law (OAL).

Also at the August meeting, the Board heard testimony by American Institute of Architects (AIA) representatives in opposition to its proposed changes to section 144, which would increase licensing fees and the cost of taking the CALE. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 46 for background information.) Based upon the testimony, the Board was scheduled to discuss section 144 again at its October 7 meeting.

The Board's changes to section 117, regarding evaluation of a candidate's experience and education and adopted by the Board at its March 29 meeting, were rejected by OAL in June for numerous reasons, including lack of clarity. (See CRLR Vol. 8, No. 3 (Sum-



mer 1988) pp. 45-46 for background information.) The Board has since re-submitted the amendments to OAL. Amendments to two other sections (sections 109 and 116), concerning verification of graduation and credit for work experience, were approved by OAL in June. The Board's adopted amendments to sections 134, 135, and 151, affecting advertising guidelines for architects, penalties for aiding and abetting unlicensed architects, and CALE administration, are still awaiting OAL approval. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 46 and Vol. 8, No. 2 (Spring 1988) p. 41 for background information on these changes.)

Additionally, the Board scheduled an October 18 hearing to consider a proposed amendment to section 119.5. The amendment would clarify the numbering system for the various sections of the 1989 CALE.

## LEGISLATION:

**SB 2810 (Marks)**, the Board's fee bill, received the Governor's approval on August 25. This bill authorizes a fee for reviewing an applicant's eligibility to take any section of the architecture examination and increases the maximum fee for any section of the examination from \$50 to \$100; increases duplicate license fees; and increases the maximum renewal fee from \$100 to \$200.

**SB 1718 (Lockyer)** was signed by the Governor on September 21 (Chapter 1070, Statutes of 1988). Under existing law, a plaintiff who wishes to file suit for malpractice against a licensed architect, engineer, or land surveyor must file with the complaint a certificate stating that another construction design professional in that field has reviewed the facts and believes that the facts demonstrate a viable cause of action. This bill repeals that provision's original sunset date of January 1, 1988, and extends it until January 1, 1992.

**AB 4419 (Bradley)** was signed by the Governor on July 8 and took effect immediately as an urgency statute. This bill allows BAE a limited opportunity to grant licensure to reciprocity candidates who successfully completed written examinations prior to 1986. This opportunity will remain in effect until July 1, 1989. Thereafter, California's ability to grant reciprocal licensure will be contingent upon agreement between BAE and the licensing board in the candidate's base state that the architecture examinations used in their respective jurisdictions are mutually acceptable for licensing purposes.

## RECENT MEETINGS:

At its June 6 meeting in Sacramento, the Board welcomed two new staff members: Lin White, the new enforcement officer; and Kay Kruger, the new enforcement coordinator. The Board also discussed and adopted a response to NCARB's conditions for mediation of the reciprocity issue. (See CRLR Vol. 8, No. 1 (Winter 1988) p. 42 for background information.) The agreement has since been accepted by both parties as a gesture of goodwill.

The Board's August 30 meeting in San Francisco was attended by Herb McKim, first vice president of NCARB. This is the first time in recent memory that a representative of NCARB has attended a BAE meeting. He discussed the development of a computerized licensing examination. A completely computerized examination will be available by 1993. Mr. McKim also accepted a laudatory resolution on behalf of NCARB's Board of Directors. Laudatory resolutions were also adopted for the late Raphael Soriano, a former BAE member, and for Walter Carry, a former president of NCARB.

The Board adopted disciplinary guidelines to be used by administrative law judges and Deputy Attorneys General. These guidelines will be implemented to facilitate uniformity of penalties statewide and to ensure that the Board's disciplinary policies are known. The Board also noted that its consumer pamphlet, *Consumer Guide to Hiring an Architect*, would be available in late October.

## FUTURE MEETINGS:

To be announced.

## 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:

### *Neurological Examination Program.*

In an ongoing attempt to refine its neurological examination program, the Commission is implementing a more extensive counseling program. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 41 for background information.) According to Executive Officer Ken Gray, a boxer who fails the exam will have the opportunity to discuss potential health problems with a licensed physician. Additionally, the Commission has decided that any boxer who fails the first exam will automatically be given a second exam to confirm the results.

In a related area, the Commission is currently developing a news release covering the procedural and technical aspects of the program.

### *Commission Goals and Objectives.*

Last spring, the Commission adopted formal policy goals and objectives. The areas receiving special emphasis include the following: (1) ensuring that the appropriate medical and safety standards are met for boxers and wrestlers; (2) providing a quality medical insurance and pension program for professional boxers; (3) assigning competent officials to boxing matches; (4) approving safe and competitive boxing contests; and (5) consistently enforcing the statutes and regulations relative to boxing.

## LEGISLATION:

**AB 3150 (Floyd)**, which would have required the Commission to adopt regulations detailing the criteria for approval of licensed physicians required to be in attendance at all boxing matches, died in the Senate Business and Professions Committee.

**AB 529 (Floyd)**, which would have deregulated professional wrestling, also died in the Business and Professions Committee. The Commission actively opposed the bill. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 42 and Vol. 7, No. 2 (Spring 1987) p. 27 for additional information.)