

MINUTES

SPECIAL MEETING

CALIFORNIA ARCHITECTS BOARD

May 7, 2013

Sacramento, CA and Various Teleconference Locations

A. CALL TO ORDER – ROLL CALL – ESTABLISHMENT OF A QUORUM

President Sheran Voigt called the meeting to order at approximately 10:05 a.m. Secretary Pasqual Gutierrez called the roll.

Board Members Present

Sheran Voigt, President  
Hraztan Zeitlian, Vice President (arrived at 10:10 a.m.)  
Pasqual V. Gutierrez, Secretary  
Jon Alan Baker  
Chris Christophersen  
Marilyn Lyon  
Michael Merino  
Fermin Villegas

Board Members Absent

Jeffrey D. Heller  
Matt McGuinness

Guests Present (in Sacramento)

Mark Christian, Director of Legislative Affairs, The American Institute of Architects, California Council (AIACC)  
Kurt Cooknick, Director of Regulation and Practice, AIACC  
Linda Johnston-Panattoni, Panattoni Interiors  
Sonja Merold, Chief, Department of Consumer Affairs (DCA) Office of Professional Examination Services (OPES)  
Raul Villanueva, Personnel Selection Consultant, OPES  
Nicole Woods, Project Manager, OPES

Guests Present (other locations)

Jeff Hollander, Vice President of Government Regulatory Affairs, International Interior Design Association (IIDA)  
Doug Stead, Executive Director, California Council of Interior Design Certification (CCIDC)

Staff Present

Doug McCauley, Executive Officer  
Vickie Mayer, Assistant Executive Officer

Marcus Reinhardt, Program Manager Examination/Licensing Unit  
Mel Knox, Administration Analyst  
Robert Carter, Architect Consultant  
Don Chang, Assistant Chief Counsel, DCA

Six members of the Board present constitute a quorum. There being seven present at the time of the roll call, a quorum was established.

B. DETERMINATION OF NEED FOR SPECIAL MEETING PURSUANT TO GOVERNMENT CODE SECTION 11125.4 TO CONSIDER ACTION ON: 1) SENATE BILL (SB) 308 (PRICE) AND 2) CALIFORNIA SUPPLEMENTAL EXAMINATION (CSE), DEVELOPMENT, RESULTS AND ADMINISTRATION

Doug McCauley informed the Board that it had been assembled to conduct a special meeting under a provision of the Bagley-Keene Open Meeting Act, which only requires two days' notice and requires the Board to first adopt a finding that immediate action is necessary to protect the public interest. Don Chang advised the Board that a unanimous vote is required on any action taken during the meeting.

Mr. McCauley announced that the meeting was convened to discuss two separate items. The first item, he explained, concerned recent developments related to the Sunset Review for the CCIDC and SB 308 (Price). He said that the Board must take immediate action because the Senate Appropriations Committee is scheduled to consider SB 308 in less than one week, and the Board must take a position on components of the bill in order to participate in ongoing stakeholder discussions. The second item, Mr. McCauley explained, concerned recent events related to the CSE.

Accordingly, Mr. McCauley recommended that the Board consider a motion to determine the issues require immediate action to protect the public interest.

- **Michael Merino moved to adopt the finding of need for a special meeting pursuant to Government Code Section 11125.4 to protect the public interest.**

**Marilyn Lyon seconded the motion.**

**Vote was conducted by roll call by Pasqual Gutierrez and the motion passed 8-0 (Hraztan Zeitlian present at time of vote).**

C. PRESIDENT'S REMARKS

Ms. Voigt requested that Board members and members of the public announce their names before speaking for the record and to keep background noise to a minimum.

D. PUBLIC COMMENT SESSION

There were no public comments.

E. DISCUSS AND POSSIBLE ACTION ON SUNSET REVIEW ISSUES RELATED TO THE CALIFORNIA COUNCIL FOR INTERIOR DESIGN CERTIFICATION – SB 308 (PRICE), INCLUDING BUILDING DEPARTMENTS’ ACCEPTANCE OF PLANS FROM CERTIFIED INTERIOR DESIGNERS, AND THE DEFINITION OF CERTIFIED INTERIOR DESIGNERS

Mr. McCauley provided background information on this item, noting that it came before the Board during the March 7, 2013 meeting and, per the Board’s request, is revisited with greater specificity on matters that require action. He stated that the CCIDC is the non-profit organization that certifies interior designers in California and operates under a credentialing model recognized in the Business and Professions Code (BPC). Mr. McCauley informed that the organization is currently undergoing a Sunset Review process despite it not being a State board, and, at this stage, there are ongoing opportunities to comment on SB 308 as the Sunset Review process progresses.

Mr. McCauley stated that there are two core issues the Board must address; the first of which is already included in SB 308, and the second is being considered for inclusion in the legislation. He noted that the issues are reflected on the cover page for Agenda Item E as numbers one (1) and two (2), respectively. Mr. McCauley also noted three additional related issues that the Board should consider. The Board agreed to take action on each item as it was presented.

Mr. McCauley summarized SB 308, reiterating the current definition of Certified Interior Designer (CID) and explaining that the proposed legislation expands its definition. He noted items in the proposed definition that may be of particular interest, such as “rated corridors” and “reflective ceiling plans,” which, if added, may impact the public health, safety, and welfare and expand the definition beyond the current exempt areas of practice in the Architects Practice Act (APA). Mr. McCauley then stated that, if members believe these changes exceed the exempt areas of practice in the APA, the Board may wish to consider a motion to oppose the expansion of the CID definition as reflected in SB 308.

Ms. Voigt asked for opinions from architect members regarding the proposed change’s potential to overlap into areas of architecture in which a CID may not be qualified to practice.

Jon Baker expressed a lack of certainty regarding matters of occupancy and building types as they relate to interior designers and the exempt areas of practice in the APA.

Mr. Merino expressed concern, stating that as soon as the lines are blurred between architects and interior designers, and interior designers find themselves in a position to consider fire code and other public safety issues, there becomes a threat to the public health, safety, and welfare. He said, if CIDs wish to provide those services, they should become licensed architects. Mr. Merino stated that CIDs should view the APA as a clear boundary, and that he highly supports staff’s recommendation to oppose the proposed expansion of the definition into areas of architecture.

Mr. Gutierrez expressed a sentiment of opposition to expand the definition, stating that, after reviewing the CCIDC sample examination and study-guide materials, he does not find there to be a sufficient test of knowledge of applied strategies and developed rationales related to code-required standards. He also said that he has a problem with the scope of public safety code issues proposed for inclusion in the definition.

Mr. Baker echoed Mr. Gutierrez's comments, adding that, although the CCIDC sample examination and study-guide materials appear to cover important areas that are relevant to interior space planning, CID certification requirements appear over-simplified compared to those of California architects, who must demonstrate competence in the same skill via the Architect Registration Examination, CSE, a structured internship, and, in most states, an accredited degree.

Mr. Baker announced there were two members of the public present at his location in San Diego; they introduced themselves as Jeff Hollander, Vice President of Government Regulatory Affairs for IIDA, and Doug Stead, Executive Director for the CCIDC. Ms. Voigt welcomed the two gentlemen and informed that the Board is discussing the definition of a CID. She noted that, so far, the voices heard have been in opposition to an expansion of the definition as reflected in SB 308 and invited public comments. Mr. Stead informed that, given the vocation's fluidity, the CCIDC prefers to use the term "occupational title standard" as an alternative to "definition" when referring to the interior design profession. He said that the clarifying language in the proposed legislation operates under sections 5537 and 5538 of the APA. Mr. Stead also stated that he is open to discussing and listening to the Board's objections to what interior designers have been doing for the past 40 years.

Mr. McCauley suggested to Ms. Voigt that Mr. Stead may wish to address the degree to which CIDs have an appropriate balance of education, experience, and examination requirements. He suggested that Mr. Stead discuss the requirements for a CID. Mr. Stead stated that, contained within Chapter 3.9 (section 5801) of the BPC are the requirements for education, work experience, and examination. He explained that there are four codified categories of requirements for CID:

- (a) He or she is a graduate of a four- or five-year accredited interior design degree program, and has two years of diversified interior design experience.
- (b) He or she has completed a three-year accredited interior design certificate program, and has three years of diversified interior design experience.
- (c) He or she has completed a two-year accredited interior design program and has four years of diversified interior design experience.
- (d) He or she has at least eight years of interior design education, or at least eight years of diversified interior design experience, or a combination of interior design education and diversified interior design experience that together total at least eight years.

Mr. Baker inquired about the education component, to which Mr. Stead replied that all education programs must be accredited by an accrediting agency recognized by the United States Department of Education. He said that the three primary accrediting bodies that accredit colleges, universities, and vocational schools in California are the Council for Interior Design Accreditation, the Western Association of Schools and Colleges, and the National Association of Schools of Art and Design.

Chris Christophersen enquired about the work experience component, to which Mr. Stead replied that credit for experience must be verified, and at least 36 hours per week of continuous full-time work is required to satisfy the requirement, which ranges from two to eight years. Among a variety of other methods used to verify work experience, he stated that the CCIDC considers tax returns and affidavits from Certified Public Accountants and attorneys who perform bookkeeping and maintain

accounting records and corporate documents for self-employed individuals and interior design businesses seeking certification. Mr. Stead added that résumé details are, of course, verified.

Mr. Merino asked Mr. Stead why it has become necessary to amend the CID law to include fire safety and other code-related issues. Mr. Stead said that, because the CCIDC is currently undergoing a Sunset Review, this is the primary opportunity the Board has to assess the CID statute and address upcoming issues in the profession. He made it clear that the CCIDC is a certification board which reports to the Senate Committee on Business, Professions and Economic Development (BPED); it does not lobby, and it does not seek to change its statute unless there is an issue. Mr. Stead stressed that the CCIDC is not advocating a change to anything equivalent to the APA. He stated that interior designers are not interested in practicing architecture or anything beyond their expertise or scope. Mr. Stead noted a lack of consistency in California concerning the acceptance of non-structural, non-seismic plans from interior designers, which is most prominent in the jurisdictions of Los Angeles, San Jose, and San Francisco.

Mr. Stead said that the CCIDC seeks to expand the occupational title standard in order to spell out what interior designers can do under sections 5537 and 5538 of the APA. He said that most CIDs are practicing under the exemption of 5538, and fewer are practicing under 5537. Mr. Stead explained that the CCIDC seeks to clarify for building officials, with appropriate language, what interior designers do, noting that hundreds of practitioners already work with rated corridors, horizontal exiting, and other items of concern expressed by the Board.

Mr. Merino asked Mr. Stead if, under current law, interior designers are already allowed to work with horizontal exiting, assembly, and fire code issues. Mr. Stead said that there are fire codes that are beyond the expertise, scope, and ability of interior designers. He said that based on the proposed language that the CCIDC originally put into the bill and provided to BPED staff, other than the term “rated corridors,” he does not see the term “fire code” in the language. Mr. Stead stated that the CCIDC is not attempting to indicate or represent that CIDs are experts in fire code.

Mr. Baker commented that the language appears to be written in the context of exempt areas of practice, and noted that Mr. Stead’s suggestion that interior designers can already work in the mentioned areas of practice is questionable. After brief discussion, Mr. Baker and Mr. Stead agreed that there appears to be a means for interior designers to operate in non-exempt areas of practice, which the Board and the CCIDC should address.

- **Michael Merino moved to oppose the expansion of the definition of a CID as reflected in SB 308 (Price).**

**Marilyn Lyon seconded the motion.**

**Vote was conducted by roll call by Pasqual Gutierrez and the motion passed 5-2-0 (Chris Christophersen and Fermin Villegas opposed; Hraztan Zeitlian not present at time of vote).**

Mr. McCauley introduced the second component of the agenda item, which concerns the building departments’ acceptance of plans from CIDs. After presenting the issue, he suggested to the Board that it consider a motion opposing language being inserted into specified areas of law. Mr. McCauley explained that his suggestion was based on knowledge of building departments and survey data

conducted and evaluated by the Board, which indicates that building departments do accept plans within the exempt areas of practice.

Mr. Baker asked if the proposed language will expand the definition of Registered Design Professional (RDP) to include CID. Mr. McCauley answered affirmatively; he explained that, at present, the definition only includes registered engineers and licensed architects.

- **Michael Merino moved to support staff's recommendation to oppose the expansion of the definition of RDP to include CID without prejudice.**

**Chris Christophersen seconded the motion.**

During the public comments period, Mr. Hollander highlighted the challenges that face CIDs when presenting plans that carry a CID stamp. He explained that the quality of the plans are not considered for the simple reason that they are not appropriately stamped by a RDP. Mr. Hollander said that interior design associations would very much appreciate an ability to have their plans judged on the quality of work. Having the CID stamp and seal remain universally unaccepted, he said, is preventing people from practicing their livelihood. Mr. Hollander asked the Board to act in favor of universal acceptance of CID plans for review by building departments.

Mr. Merino asked Mr. McCauley if building departments would likely react negatively to a mandate that would limit their discretion to accept or not accept plans. Mr. McCauley answered affirmatively, noting the reality that building officials are accountable for the safety of the built environment in their communities; they possess broad authority and discretion to protect the public. He stated his opinion that the proposed language would not accomplish the goal of universal acceptance of plans as stipulated.

Mr. Baker expressed uncertainty that it is within the Board's jurisdiction to issue mandates to local building officials. He also said it would be misleading to the public to call a CID a RDP. Mr. Hollander said that the terminology of 'certified' and 'registered' is precisely the issue at hand. He explained that the purpose of the proposed language is to clarify that a practitioner, who has been tested, examined, has experience and is certified, meets the intent of RDP. Mr. Baker said that, by virtue of the earlier vote, he does not believe CID meets the RDP threshold; expanding the definition would be problematic.

Mr. Baker asked if his understanding is correct that most local building officials accept plans from interior designers. Mr. McCauley said that is indeed consistent with what the Board's surveys have shown. Mr. Stead agreed, acknowledging that building officials must first accept the plans for review before they can be rejected. Mr. McCauley stated that, if a problem exists due to a small number of jurisdictions, action should not be taken in state law with a broad approach, but, instead, with a more focused approach. He noted that the Board has a strong relationship with the California Building Officials and suggested that stronger results could be seen, perhaps, by working collectively with the CCIDC to prepare a joint communiqué to the building departments.

**Vote was conducted by roll call by Pasqual Gutierrez and the motion passed 6-1-0 (Fermin Villegas opposed; Hraztan Zeitlian not present at time of vote).**

Mr. McCauley noted three additional items before the Board to consider: 1) written contract, 2) public meetings, and 3) examinations. He recommended that the Board take the following actions: 1) support language in SB 308 relating to written contract requirements, 2) support language in SB 308 relating to CCIDC adhering to the Bagley-Keene Open Meeting Act, and 3) remain neutral on the issue of whether the CCIDC should utilize the National Council for Interior Design Qualifications (NCIDQ) examination.

- **Jon Baker moved to accept staff's recommendations and support language in SB 308 relating to written contract requirements and the CCIDC adhering to the Bagley-Keene Open Meeting Act, and to adopt a neutral position on whether the CCIDC should utilize the NCIDQ examination.**

**Michael Merino seconded the motion.**

**Vote was conducted by roll call by Pasqual Gutierrez and the motion passed 8-0.**

F. CLOSED SESSION - UPDATE AND POSSIBLE ACTION ON CSE DEVELOPMENT, RESULTS AND ADMINISTRATION [CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 11126(C)(1)]

The Board went into closed session to take possible action on CSE development, results and administration.

G. ADJOURNMENT

The meeting adjourned at approximately 12:10 p.m.