

BACKGROUND PAPER FOR THE CALIFORNIA COUNCIL FOR INTERIOR DESIGN CERTIFICATION

Joint Oversight Hearing, March 19, 2013,

**Senate Committee on Business, Professions
and Economic Development**

and

**Assembly Committee on Business, Professions
and Consumer Protection**

**IDENTIFIED ISSUES, BACKGROUND AND RECOMMENDATIONS
REGARDING THE CALIFORNIA COUNCIL FOR INTERIOR DESIGN
CERTIFICATION**

BRIEF OVERVIEW OF THE CALIFORNIA COUNCIL FOR INTERIOR DESIGN CERTIFICATION

The California law relating to certification of interior designers was initially enacted in 1990 by SB 153 (Craven, Chapter 396, Statutes of 1990). The current law provides for a voluntary system whereby an interior designer may become certified and obtain a stamp from an interior design organization by demonstrating competency by means of education, experience and examination (Business and Professions Code (BPC) §§ 5800 - 5812). The California Council for Interior Design Certification (CCIDC) was created by a coalition of professional interior design organizations in January 1992 with the intent of being the organization responsible for determining whether interior designers met the education, experience and examination requirements.

SB 1028 (Marks, Chapter 891, Statutes of 1995) amended BPC § 5800 to changed the definition of an interior design organization to a “nonprofit professional organization of certified interior designers whose governing Board shall include representatives of the public.” SB 136 (Figueroa, Chapter 495, Statutes of 2001) further refined the definition to remove “professional” from “professional organization” and to require the nonprofit organization to be registered as a 501(c)(3) nonprofit organization. The bill also established “title protection” for the term “certified interior designer” by making it an unfair business practice for an individual to represent himself or herself as a certified interior designer unless they comply with the requirements of the certified interior designer law. (BPC § 5812).

The legislation which initially established the Sunset Review process in California, SB 2036 (McCorquodale, Chapter 908, Statutes of 1994) established the sunset of the certified interior designer law (BPC § 5810). In 1996, the law was allowed to sunset, and SB 435

(McPherson, Chapter 351, Statutes of 1997) reversed the sunset as an urgency measure, and the law has been extended periodically by legislation since that time.

From 1996 until 2000 the International Conference of Building Officials (ICBO) had been creating a new universal international building code, the ICC 2000, for adoption in all states, including Canada and Mexico. The language in this code that was of concern to interior designers was the definition "Registered Design Professional." Many in the interior design field were concerned that adoption of this code and definition might prevent interior designers in California from being able to submit plans to local building officials for building permits, since in California the title "Certified" is used, and not the title "Registered."

In an effort to address that concern, CCIDC and the California Legislative Conference on Interior Design (CLCID) jointly sponsored AB 1096 (Romero) in 1999 which would have provided for the registration of interior designers by a Board of Interior Design within the Department of Consumer Affairs. That bill was vetoed by the Governor citing that the bill "creates a new regulatory program for an industry where there is no demonstrated consumer harm."

Since that time, two other bills have been introduced to establish interior designer registration/licensure under a state licensing and regulatory agency. Both bills (SB 1312, Yee in 2008, and AB 2428, MA in 2012) were sponsored by Interior Design Coalition of California, and received strong opposition, and ultimately died in the legislative process.

SB 136 (Figueroa) in 2001 further required all examinations utilized by CCIDC for the certification process to comply with BPC § 139 which establishes the uniform policy for examination development, validation and occupational analysis for all professional examinations under the DCA.

The current CCIDC mission statement, as stated in its Sunset Report is as follows:

To establish and implement professional standards and educational requirements, educate the public, and facilitate interior design professional's compliance with our standards and code of ethics in order to provide for the protection, health, safety and welfare of the public.

The CCIDC states that it regularly conducts strategic planning meetings as an ongoing process the day prior to each scheduled Board meeting; however the Report does not indicate that the CCIDC has a Strategic Plan. A review of the CCIDC Website does indicate that a Strategic Plan is posted on the site (www.ccidc.org).

Board Membership and Structure

The law provides for an "interior design organization" to administer voluntary certification. The organization is defined as a "nonprofit organization, exempt from taxation under Section 501(c)(3) of Title 26 of the United States Code, of Certified Interior Designers whose governing Board shall include representatives of the public."

Under the current bylaws of CCIDC, the Board is composed of eleven members. Five are members of designated national professional interior design associations: American Society

of Interior Designers (ASID); Interior Design Society (IDS); International Interior Design Association (IIDA); International Furnishing and Design Associates (IFDA); National Kitchen and Bath Association (NKBA). One member is a professional member who is not affiliated with any of these organizations and who is an “independent” or non-affiliated interior designer. One member is an educator from the Interior Design Education Council (IDEC). There are four public members, none of whom are associated, or have ever been associated with the interior design profession.

All professional members of the CCIDC must be certified interior designers, and all Board members must be residents of California. Each Board member serves a three-year term with a two-term maximum. The Board has occasionally granted a one year grace period to termed-out members in order to stagger terms and avoid too many members leaving the Board at one time, or in other instances to allow for continuity for a special project or program. The following is a listing of the current CCIDC members and a brief biographical summary:

Name and Short Bio	Appointment Date	Term Expiration Date	Appointing Authority
<p>Robert Wright , Chair, Public Member A top financial executive with over 35 years experience. A former Vice President for Unocal Corporation; established and managed Unocal's Investor Relations Department. Was Unocal's Assistant Corporate Comptroller, a Division Comptroller, Manager of Information Services, and an Accounting Supervisor. With a BA in Finance from University of Texas, he also served as Chairman of the Board and Board member of the Unocal Federal Credit Union.</p>	10/2007	5/2013	Public
<p>John Searles, Vice Chair, Public Member Has over 40 years in public education. Served in Palos Verdes as teacher, vice principal, and elementary and middle school principal. Was assistant superintendent of Personnel in Salinas and then in Martinez 9 years as superintendent. Retired in June 1993 from Alameda after completing 10 years as superintendent. Since that time has worked for the Association of California School Administrators, currently as a consultant. Very much involved in civic activities and is a two time past president of the local Rotary Club.</p>	5/2008	5/2014	Public
<p>Susan Hauser, CPA, Treasurer, Public Member With MBA, BA and Certified Public Accountant credentials, Ms. Hauser has extensive accounting and finance experience spanning over 25 years. Her consulting/accounting business was established in 1995 where she provides professional accounting services (including grant tracking and financial reports) to non profit organizations, small business, industries, medical service providers, schools, manufacturing and others.</p>	5/2008	5/2014	Public
<p>Richard Galitz, MD, Secretary, Public Member Started career as a Control Systems Engineer engaged in modeling control systems through computer firms in the aerospace field. In 1972, was a researcher at the UCLA Department of Physiology in conjunction with the Department of Engineering conducting research into modeling the contractile components of blood vessel walls in completion of a Masters of Science degree. Completed Medical School at UCLA in 1979. Completed intern residency at the Kaiser Foundation Hospital and went on to work as a partner at</p>	10/2007	5/2014	Public

OBGYN Affiliates. A Diplomat of the American Board of Obstetrics and Gynecology and a Fellow of the American College of Obstetrics and Gynecology.			
Patsy Zakian-Greenough, Certified Interior Designer Member Member of the National Kitchen and Bath Association (NKBA). Has been designing a variety of residential and commercial projects for over 25 years. Received a college degree and teaching credentials; studied architecture and design. Is a Certified Kitchen Designer, Certified Aging in Place Specialist, and Green Building Professional. Past president of CCIDC.	5/2011	5/2017	NKBA
Millie Kwong, Certified Interior Designer Member Millie Kwong is a Certified Interior Designer and a member of the International Interior Design Association (IIDA). She is currently an Associate with Gensler and has over thirteen years of experience in the commercial interiors industry. Her works include a broad range - from large scale aviation projects to conceptual retail interior environments. Particular areas of expertise include retail and hospitality design. Ms. Kwong is a graduate of the University of Cincinnati with a Bachelor of Interior Design and minor Electronic Arts, and she is also a LEED Accredited Professional.	1/2011	5/2017	IIDA
Michelle Eaton, Certified Interior Designer Member Member of the American Society of Interior Designers (ASID). Has 28 years' experience and has been internationally recognized in publications having won a number of awards for design projects. Has served for ASID as a chapter president three times and served on the ASID National Ethics committee for two years, and served as chair of that committee. Currently sits on the Advisory Board for the International Window Fashion "Vision" magazine 2010-2012.	9/2010	5/2016	ASID
Kimberly Alonzo, CID, Certified Interior Designer Member Member of the Interior Design Society (IDS). Graduated from the University of Nevada, Reno in 1995 with a degree in Interior Design, and since that time has been designing kitchens and baths, window treatments, performing product selection for flooring and paint and providing whole house consultations.	5/2011	5/2017	IDS
Marie Cooley, Educator, Certified Interior Designer Member Member of the Interior Design Educators Council (IDEC). Is an educator and interior design professional for over 20 years, and currently serves as Professor in the Interior Planning and Design Department of American River College in Sacramento, and has a practice specialty in Universal Design and Aging in Place.	5/2009	5/2015	IDEC
Deborah Ogden, CID, Certified Interior Designer Member Member of the International Furnishings and Design Association (IFDA). Holds a BA from Brigham Young University, and has 22 years of design-industry experience. Has served as principal for Ogden Studio Interior Design, in Martinez for 13 years, and teaches interior design.	5/2006	5/2013	IFDA
Brian Kaneko, CID, Certified Interior Designer Member Serves as an independent interior designer. Has practiced commercial interior design and graphics for over 30 years and has received notable awards for work from Disney Imagineering, AIA, and Architectural Record magazine. Currently serves as professor of interior design and was named as one of Los Angeles' most influential designers.	5/2011	5/2017	Independent

The CCIDC states that it has no public committees per se, only four internal committees.

- **Compensation Committee** – prepares and anonymously surveys the entire Board on the performance of the Executive Director on an annual basis and determines salary and or salary increases.
- **CALBO Committee** – interacts, attends, and acts as liaison with CALBO (California Building Officials) especially at CALBO Annual Business Meetings. This gives CCIDC the opportunity to explain certification to hundreds of building officials from all over the state where certified interior designers submit plans for permitting purposes.
- **Marketing and Outreach Committee** –reaches out to various constituencies through Internet web based programs, print media and personal contact. The main communication to and from CCIDC is through its Website at www.ccidc.org where four distinct sections reach out to consumers, CIDs, students and non-certified interior designers and building officials.
- **Education & Examination Committee** –reviews the examination process CCIDC uses to qualify candidates for certification, to ensure such examination(s) conform to California standards as codified in BPC § 139 and the policies promulgated by the DCA Office of Professional Examination Services (OPES). The CCIDC has also determined that in order to protect California consumers, any examination must be relevant to the California Building Codes, Title 24, and all other regulations and codes applicable to the practice of interior design in California.

Fund Condition and Revenue

CCIDC as a private non-profit organization does not receive any public money from the State General Fund or from any State Special Fund.

CCIDC’s budget year runs from January 1 through December 31 each year. The current economy over the past several years has devastated the interior design profession in California. It has been especially hard hit in the residential arena due to the housing market. Consequently CCIDC has seen a lot of Certified Interior Designers either retiring, or moving into other professions. The bottom line has been a significant loss of revenue. However, since CCIDC started administering a California based examination (IDEX California) it has helped offset some of these losses due to shrinking certificate holders. The current reserve level is lower than desired, according to CCIDC; however, income will increase in the 2013 fiscal cycle. CCIDC’s renewals run high and low over a two year cycle with odd years having more renewals than even years. This has resulted in uneven income year to year since the inception of CCIDC in 1992.

CCIDC Fund Condition						
(Dollars in Thousands)	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Beginning Balance	31.0	55.8	51.4	59.8	31.0	23.1
Revenues	333.2	299.4	399.5	357.2	344.0	311.3
Total Revenue	\$364.2	\$355.2	\$ 450.9	\$417.0	\$375.0	\$334.4
Budget	300.5	320.7	401.8	354.3	359.0	325.2
Expenditures	307.5	352.5	383.1	376.8	341.9	312.5
Loans	0	50.0	40.0	31.0	20.9	11.8

Accrued Interest	0	.77	5.5	4.4	2.6	1.5
Fund Balance	\$55.8	\$51.4	\$59.8	\$31.0	\$23.1	\$
Months in Reserve	3.0	2.75	3.25	1.66	1.25	

The total revenues for 2011 are \$375.00 and for 2012 are \$334, 400. The total expenditures anticipated for 2011 is \$341,900, and for 2012, \$312.500.

Unless the economy and the housing market picks up considerably in 2013, CCIDC anticipates more losses of certified interior designers that will outpace the number of new candidates. This will in all probability result in a deficit in 2014. CCIDC is reluctant to raise fees at this point in time, or in the foreseeable future as it may result in more losses of current CIDs. CCIDC does not anticipate a fee increase in the next two to three years.

CCIDC does not track expenditures by program component, but compiled the following expenditure numbers using financial records. The personnel services are not tracked by component so they are inclusive of all components.

Expenditures by Program Component								
	FY 2008		FY 2009		FY 2010		FY 2011	
	Personnel Services	OE&E						
Examination	INCL.	40,461	INCL.	58,382	INCL.	26,015	INCL.	15,175
Certification	INCL.	52,518	INCL.	39,349	INCL.	51,909	INCL.	48,460
Administration*	180,671	78,850	206,574	78,851	210,580	88,296	204,525	73,745
TOTALS	\$180,671	\$171,829	\$206,574	\$176,582	\$210,580	\$166,220	\$204,525	\$137,380

*Administration includes costs for executive staff, CCIDC, administrative support, and fiscal services.

In 2011 the CCIDC spent approximately 53% of its budget on administration, 35% on certification program, and 11% on it examination program.

The certification fee for Certified Interior Designers is renewed bi-annually. The original fee for two years in 1992 was \$200. This was raised to \$250 for the initial fee and the renewal fee in 2008. All other fees have remained the same other than the IDEX examination fee, which was introduced in 2008. The IDEX fee is \$375.

Staff

The CCIDC staff is comprised of two people, namely the Executive Director and the Executive Administrator. The Executive Director, Douglas Stead, is a certified interior designer, and has served as Executive Director at CCIDC for 13 years. Using state of the art software programs and equipment, all or most of the organization's need's can be met with these two people. As a private organization CCIDC also has the ability to hire outside consultants as needed to deal with workload spikes and currently uses a webmaster for its Internet presence and a public relations consultant to reach out to consumers and students at interior design schools and programs.

Certification Population

Through 2011 CCIDC certified some 2,255 interior designers. In 2011, CCIDC received and approved 126 applications, and renewed approximately 1,000 certificates.

Certification Population					
		FY 2008	FY 2009	FY 2010	FY 2011
Interior Design Certification In the State of California	Active	2510	2420	2366	2255
	Out-of-State	216	232	197	170
	Out-of-Country	6	6	2	2
	Delinquent	234	293	357	390
	Expired	1263	1331	1391	1448
	Retired	103	149	182	216
	Deceased	35	39	42	47
	Revoked	2	2	2	2

CCIDC provides extensive application forms online on its Website for all candidates to fill out. Application forms are aligned with the different paths to certification. All applications must eventually be accompanied with sealed original school transcripts verifying education, a resume of affidavit, or tax return proving work experience, and proof of examination when using a national test in addition to the California supplemental examination. This last item will no longer be required in 2013 as all candidates will be required to take the IDEX California as the only valid examination.

For more detailed information regarding the responsibilities, operation and functions of the California Council for Interior Design Certification, please refer to the CCIDC’s “Sunset Review Report 2012.” This report is available on its Website at <http://www.ccidc.org/2013sunsetreview.html>.

PRIOR SUNSET REVIEWS: CHANGES AND IMPROVEMENTS

The California Council for Interior Design Certification was last reviewed in 2002 by the Joint Legislative Sunset Review Committee (JLSRC). During the previous Sunset Review, JLSRC raised a number of issues and recommendations to address the issues. Below are actions which the CCIDC took over the years to address these issues. For those which were not addressed and which may still be of concern to the Committee, they are addressed and more fully discussed under “Current Sunset Review Issues.”

In November, 2012, the CCIDC submitted its required sunset report to this Committee. In this report, the Committee described actions it has taken since its prior review to address the recommendations of JLSRC. According to the CCIDC, the following are some of the more important programmatic and operational changes, enhancements and other important policy decisions or regulatory changes made:

- BPC § 5811 was amended to address the multitude of examinations required in order to become a Certified Interior Designer. When certification was first introduced in 1992, only one portion of a six part national examination, the NCIDQ, was used prior to, and through, the grand-parenting period, which expired on December 31, 1994.

After the grand-parenting period expired by statute in 1994, the full six part NCIDQ examination was required by CCIDC in order to become a CID. The CCIDC developed a supplemental examination on California Codes and Regulations (CCRE) in order to address concerns of California building officials who felt the national examination was inadequate in California by itself.

The Sunset Review hearings in 1996 heavily criticized the NCIDQ examination for low passing rates. CCIDC and the NCIDQ was taken to task and accused of deliberately failing candidates in order to make more revenue by having them take certain sections over and over again.

Eventually, the National Kitchen & Bath Association (NKBA) and the Council for Qualification of Residential Interior Designers (CQRID) examinations were determined to be “valid” under BPC § 139, and were adopted as pathways to becoming a certified interior designer by CCIDC.

After the 2003 Sunset Review the Legislature amended BPC § 5811 to require CCIDC to assess the costs and benefits associated with the California Code and Regulations Examination and explores feasible alternatives to that examination.

It is CCIDC’s understanding that the JLSRC felt there were too many obstacles and costs associated with becoming a Certified Interior Designer in California, and that there were barriers to entry to the profession. Ultimately the CCIDC agreed.

With the adoption of a new building code in California in 2008, CCIDC determined that the CCRE was obsolete, and CCIDC developed an entirely new examination for California certified interior designer candidates and replaced the national exams and the CCRE, thus removing significant costs and barriers to entry to the profession. In 2008 the CCIDC developed the “IDEX California” examination as the only examination required in order to test candidates for certification.

CCIDC cites the following benefits of the examination change:

1. Barriers were removed by requiring only one examination for certification that actually tested candidates on codes, regulations, ethics, business practices and design standards relevant to California. CCIDC went to a single online 3-hour examination, the IDEX California in 2009, instead of several days of a mostly

pencil and paper examination in the case of the national examinations that did not test on California knowledge.

2. The examination cost has been reduced to \$375 as opposed to as much as up to \$1,200 or more for a national examination. In addition candidates that were taking national examinations were required to learn codes that were not applicable to the California Building Code and Title 24.

Of further note, the NCIDQ examination no longer accepted "Experience Only" candidates described in paragraph (d) of BCP § 5801.

The CCIDC Board believes by doing this it has responded to the JLSRC's concerns from the last sunset review.

CURRENT SUNSET REVIEW ISSUES FOR THE CALIFORNIA COUNCIL FOR INTERIOR DESIGN CERTIFICATION

The following are unresolved issues pertaining to the CCIDC, or those which were not previously addressed by the Committee, and other areas of concern for this Committee to consider along with background information concerning the particular issue. There are also recommendations the Business, Professions and Economic Development Committee staff have made regarding particular issues or problem areas which need to be addressed. The CCIDC and other interested parties, including the professions, have been provided with this Background Paper and can respond to the issues presented and the recommendations of staff.

ISSUE #1: Written Contract

Background: In its Sunset Report, CCIDC recommends amending the law to require CIDs to use a written contract when providing interior design services to a client. CCIDC points out that there are not current requirements in the law of interior designers to provide a contract or written agreement. In fact in a number of the complaints that are made against designers by clients, there is no written contract. CCIDC feels that requiring CIDs to use a written contract would provide clarity and structure to the transaction between the CID and the consumer.

Committee staff notes that although CCIDC has received only 71 complaints against certified interior designers in the 20 plus years it has been in operation, the large amount of those complaints relate to unfulfilled contract obligations, disputes over charges for goods sold, and failure to deliver goods. No doubt the use of written contracts would lend clarity to those types of disputes.

Written contracts are an effective tool for protecting all parties in business transactions. Architects, contractors, engineers and land surveyors are required to use written contracts. Written contracts enhance protection of consumers by ensuring fair contracting and billing practices. They also would protect certified interior designers by ensuring that both parties understand the essential terms of the agreement.

Staff Recommendation: *Recommend amending the interior designer law to require a certified interior designer to use a written contract when entering into an agreement with a client for interior design services.*

ISSUE #2: Use of the term “CID”

Background: The interior designer law, defines the term “certified interior designer” (BPC § 5800) and makes it an unfair business practice for a person to represent themselves as a certified interior designer unless they comply with the requirements of the certified interior designer law (BPC § 5812). This is the provision in the law which restricts the use of the title “certified interior designer” to those who meet specified requirements of the law. This is a practice known as “title protection.”

CCIDC indicates that the abbreviation CID is often used to indicate one’s status as a certified interior designer, and requests that title protection be extended to the use of that term as well when used within the context of interior design services.

Committee staff notes other title acts in the BPC, such as those for registered dietitians and massage therapists, contain similar restrictions against the use of abbreviated titles. Staff further advises that if the amendment requested by CCIDC were made relating to certified interior designers that it would not prohibit the otherwise legitimate use of the initials CID in other contexts.

Staff Recommendation: *Recommend amendments to include the term “CID” in connection with interior design in the title protection provisions of BPC § 5812.*

ISSUE #3 : Acceptance of Stamp

Background: The CCIDC has raised the following as an issue in its Sunset Report. Over the last few years two separate bills have been introduced to license or register interior designers under a practice act within the Business and Professions Code. Both of these bills, SB 1312, (Yee in 2008) and AB 2428 (MA in 2012) were the focus of a good deal of controversy, and were ultimately never enacted and eventually died in the legislative process.

One of the biggest concerns raised by the proponents of these bills was the issue of interior designers being able to submit non-structural, non-seismic interior design plans to local building departments for building permit approval and acquisition purposes and being denied access without an architect or an engineer’s stamp. The proponents felt that a state program for registered interior designers would provide greater acceptance in local building departments across the state.

A significant issue in this discussion is the use of the title “registered design professional” in the International Building Code, and concern that local building departments in California might refuse to accept designs from an interior designer who was “certified” as provided in the interior designer law (BPC § 5800 ff.), rather than “registered.”

CCIDC contends that use of the “registered design professional” in building codes typically is a general title used to refer to registered architects and licensed engineers, and is for the

benefit of building officials so that they know who can stamp and sign structural and seismic drawings used for permitting and construction purposes. CCIDC states that the issue of “certified” or exempt persons who are allowed by both the building code and state law to do non-structural and non-seismic work is not addressed in the building code.

A certified interior designer under the BPC is defined in part as “a person who prepares and submits nonstructural or nonseismic plans consistent with Sections 5805 and 5538 to local building departments . . .”

The BPC § 5538 provides that the Architects Practice Act does not prohibit the submission of plans or drawings for nonstructural or nonseismic work provided the work does not change or affect the structural system or safety of the building. This is regarded as exempting certified interior designers, all other interior designers, building designers, contractors, owner builders, and the general public from the Architects Practice Act for these purposes.

BPC § 5805 provides that nothing in the interior design law precludes certified interior designers or any other person from submitting interior design plans to local building officials, except as provided in the BPC § 5538. This section further provides that in exercising discretion with respect to the acceptance of interior design plans, the local building official shall reference the California Building Standards Code.

Taken as a whole, these provisions of law allow certified interior designers to prepare and submit plans to local building departments for permitting purposes. However, it remains true that the law does not require a local building official to accept plans or drawings from a certified interior designer or from any other person regardless of whether the person has a license, registration or certification in the design profession. A building department must use its discretion, including looking at the character of the plans, and the project involved.

However the law relating to interior designers is still a source of contention and controversy.

CCIDC states the following:

Simply put; in the very large jurisdictions like Los Angeles, San Francisco, and San Jose, CIDs literally have to “beg” to be able to submit their non-structural/non-seismic drawings, and continuously try to explain a complicated exemption in another professions practice act. All the profession is looking for is a level playing field. Perhaps there is a way of tying the “certification” aspect to the “registration” aspect. As stated at the bottom of page 12 under Section 4, Certification Program, “The term license in this document includes license, certificate, or registration.”

If we could get building officials to view “certification” as it would pertain to the building code and viewed in a similar manner as the term registered design professional it would go a long way to alleviating this problem, and possibly avoid a future barrage of “registration” practice acts from the profession.

CCIDC further indicates that is has worked closely with the California Association of Local Building Officials (CALBO) for 15 years or more to educate and inform the more than 450

building departments in the state of the existence and competency of certified interior designers. CCIDC further states:

In our many discussions with building officials one theme has stood out, and that is that they would like to see a clearer description in our statute of what Certified Interior Designers are allowed to do under state law and specifically with regard to the exemptions contained within the architect's practice act. They have said if they can see it in a statute or regulation they will be more inclined to allow it, providing they still maintain their authority over the permitting process.

To address this concern CCIDC had recommended amendments to clarify the law as it relates to the acceptance of plans from a certified interior designer by local building officials.

The Sponsor of both SB 1312 and AB 2428, the Interior Design Coalition of California (IDCC) has also submitted its concerns to Committee staff of the lack of uniformity in stamp acceptance across the state by building departments. IDCC has proposed amendments to the BPC and the Health and Safety Code to expressly use "registered design professional" for purposes of the building codes use by local building departments to include certified interior designers.

Committee staff believes that it may be appropriate to clarify the law relating to the acceptance of certified interior designer plans and designs by local building departments. However, more input is needed from all stakeholders before acceptable amendments are drafted. Stakeholders should include not only CCIDC and IDCC, but also other trade or professional associations for interior design, architecture, building officials, other state regulators. Any legislative proposal must allow building officials to retain the authority to accept submittals from architects, engineers, interior designers, building designers, and owners, as appropriate to protect the public health, safety, and welfare.

Staff Recommendation: Recommend that CCIDC and other stakeholders should seek to find a consensus on this issue and if appropriate, submit a specific legislative proposal to the Committee.

ISSUE #4: NCIDQ examination. Should the NCIDQ examination be accepted by CCIDC in order to meet the qualifications to become a certified interior designer in California?

Background: BPC § 5801 authorizes the CCIDC to approve an interior design examination which a certified interior designer must pass in order to receive a certification stamp from CCIDC.

When certification was first introduced in 1992, only one portion of a six part national examination, the National Council for Interior Design Qualification (NCIDQ) examination, was used through the initial grand-parenting period, which expired in 1994. After that time, the full six part NCIDQ examination was required by CCIDC in order to become a CID. The CCIDC developed a supplemental examination on California Codes and Regulations (CCRE) in order to address concerns of California building officials who felt the national examination was inadequate in California by itself.

Eventually, the National Kitchen & Bath Association (NKBA) and the Council for Qualification of Residential Interior Designers (CQRID) examinations were determined to be “valid” under BPC § 139, and were adopted as pathways to becoming a certified interior designer by CCIDC.

After the 2003 Sunset Review the Legislature amended BPC § 5811 to require CCIDC to assess the costs and benefits associated with the California Code and Regulations Examination and explores feasible alternatives to that examination. The JLSRC felt there were too many obstacles and costs associated with becoming a Certified Interior Designer in California which posed barriers to entry into the profession. Ultimately the CCIDC agreed.

After a new building code was adopted in California in 2008, CCIDC determined that the CCRE was obsolete and developed an entirely new examination for California certified interior designer candidates and replaced all of the national exams and the CCRE with the Interior Design Examination (IDEX California) as the only examination required in order to test candidates for certification.

CCIDC cites the following benefits of the examination change:

- Barriers were removed by requiring only one examination for certification that actually tested candidates on codes, regulations, ethics, business practices and design standards relevant to California. CCIDC went to a single online 3-hour examination, the IDEX California in 2009, instead of several days of a mostly pencil and paper examination in the case of the national examinations that did not test on California knowledge.
- The examination cost has been reduced to \$375 as opposed to as much as up to \$1,200 or more for a national examination. In addition candidates that were taking national examinations were required to learn codes that were not applicable to the California Building Code and Title 24.

CCIDC further states that the NCIDQ does not accept candidates who qualify through “experience only” without formal classwork as provided in paragraph (d) of BCP § 5801.

Regarding the current consideration of extending the certified interior designer law, IDCC writes that California interior designers who wish to bid on federal projects or to work in any of the 28 other state who have some type of state certification for interior designers must pass the NCIDQ Examination, and no reciprocity exists for the California CID credential or the IDEX California. IDCC indicates that all other states that regulate interior designers require passage of the NCIDQ exam, or equivalent exam.

IDCC further argues that NCIDQ is an independent, nonprofit organization of state and provincial credentialing bodies and has issued professional certificates to competent interior design professionals since 1974. The IDEX consists of 150 multiple choice questions, closed book examination written specifically for California building codes, ethics, business practices and design as it relates to health, safety and welfare in California, and has a practice analysis completed in 2009, according to NCIDQ.

IDCC also argues that most federal RFPs expressly require that those interior designers included in a bid for a project be an NCIDQ certificate holder.

Ultimately, IDCC proposes adding the NCIDQ as an alternative exam, to the IDEX California which would be accepted by CCIDC to meet the examination requirement for the certification of interior designers in California. IDCC does not argue to eliminate the IDEX for those interior designers who feel the IDEX/CID alone meets their practice needs.

Arguing against this idea, some have suggested that using a national examination allows the standards for certification to be dictated by the national examination vendor, and that California would lose control. However, Committee staff observes a number of professions in California use a national examination to meet the exam requirements without being deemed that California has lost control of the requirements to enter the profession or trade.

Staff Recommendation: The CCIDC should discuss with the Committee the acceptance of the NCIDQ examination as an alternative to the IDEX California for certification of interior designers by CCIDC. Consideration should be given to accepting passage of the NCIDQ as an alternative to the IDEX California to qualify for interior design certification in California.

ISSUE #5: Transparency of operations of CCIDC. Should CCIDC be subject to the rules of the Bagley-Keene Open Meeting Act?

Background: The Committee points out that a major public protection among regulatory programs is the transparency of their operations. Under state law, the Bagley-Keene Open Meeting Act (Bagley-Keene) (Government Code (GC) § 11120) generally requires all state boards and commissions to publicly notice their meetings, prepare agendas, accept public testimony and conduct their meetings in public unless specifically authorized under by the Act to meet in closed session. The public meeting requirement applies, not only to board meetings but to all committee meetings as well. A meeting is "gathering" of a majority of the board or a majority of a committee of 3 or more persons where board business will be discussed. This includes telephone and email communications.

In its Sunset Report, in responding to the Committee's questions about any committees formed under the CCIDC board, the CCIDC indicates that it does not have any public committees per se, only four internal committees as previously noted above in this paper. In addition in its response to the question about strategic planning, CCIDC responds in part: "The board regularly conducts strategic planning meetings as an ongoing process the day prior to each scheduled board meeting."

Committee staff is concerned that these committees and planning meetings may fall short of the open meeting standard that is the standard in California.

In considering this issue, it is important to point out that CCIDC is not a state board or commission, and is not a public agency, and CIDs are not certified by the state. Indeed, the BPC § 5804 makes it an unfair business practice for any certified interior designer to represent that he or she is "state certified" to practice interior design. However CCIDC is the

entity that meets the criteria of an interior design organization under the interior design law and thus certifies certified interior designers in California. As such it is appropriate that CCIDC's functions, operations and deliberations be open and transparent.

Requiring private certification organizations that authorized by state law to issue specific certifications to comply with open meeting laws is consistent with what the Legislature has recently done regarding the massage therapy law. California law provides for a private certifying organization the California Massage Therapy Council to certify massage therapists and practitioners in California. Relating to the California Massage Therapy Council, BPC § 4600.5 (d) provides:

The meetings of the council shall be subject to the rules of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

This same requirement should be placed upon the interior design organization authorized which certifies interior designers in California. Committee staff recommends the following amendment:

Section 5811.1 is added to the Business and Professions Code to read.

5811.1 The meetings of an interior design organization issuing stamps under Section 5801 shall be subject to the rules of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

Staff Recommendation: *The interior designer law should be amended to require that the meetings of an interior design organization issuing stamps under Section 5801 shall be subject to the rules of the Bagley-Keene Open Meeting Act.*

EXTENSION OF THE INTERIOR DESIGN LAW

ISSUE #6: Continuation of the Interior Designers law. Should the Interiors Designer law be continued?

Background: The California law relating to certification of interior designers was initially enacted in 1990 by SB 153 (Craven, Chapter 396, Statutes of 1990). The current law provides for a voluntary system whereby an interior designer may become certified and obtain a stamp from an interior design organization by demonstrating competency by means of education, experience and examination (Business and Professions Code (BPC) §§ 5800 - 5812).

The voluntary certification for interior designers in California serves a valuable benefit to the public, and should be continued and reviewed again by the appropriate policy committees of the Legislature in four years.

Staff Recommendation: *Recommend that the certified interior designer law should be continued and be reviewed once again in four years.*

CONTINUED CERTIFICATION OF INTERIOR DESIGNERS
BY THE INTERIOR DESIGN ORGANIZATION

ISSUE #7. (CONTINUED CERTIFICATION BY CCIDC) **Should the certification of interior designers be continued by the current Interior Design Organization?**

Background: The California Council for Interior Design Certification (CCIDC) was created by a coalition of professional interior design organizations in January 1992 with the intent of being the organization responsible for determining whether interior designers met the education, experience and examination requirements. The CCIDC operates outside of the state government, is not a state agency, and does not rely on any funds from the state for its operations.

As a private certifying organization, the CCIDC serves a valuable benefit to the public, in certifying interior designers in California and should be continued and reviewed again by the appropriate policy committees of the Legislature in four years.

Staff Recommendation: *Recommend that interior designers in California should continue to be certified by the California Council for Interior Design Certification in order to protect the interests of the public and be reviewed once again in four years.*