

BACKGROUND PAPER FOR The California Council for Interior Design Certification

**Joint Sunset Review Oversight Hearing, March 10, 2022
Senate Committee on Business, Professions, and Economic Development
and Assembly Committee on Business and Professions**

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

BRIEF OVERVIEW OF THE CALIFORNIA COUNCIL FOR INTERIOR DESIGN CERTIFICATION

History and Function of the Council

The California Council for Interior Design Certification (CCIDC) was created in 1991 as a result of SB 153, (Craven, Chapter 396, Statutes of 1990) which established both a formal certification program and title protection for certified interior designers (CID). The legislation specified the education and examination requirements for certification. In addition, the enabling legislation required the formation of a non-profit entity for the role of oversight authority, and CCIDC formed as that regulatory body in 1991.

The legislation that initially established the Sunset Review process in California, SB 2036 (McCorquodale, Chapter 908, Statutes of 1994) established an original sunset date for the CID law for July 1, 1996. In 1996, the law was allowed to sunset, and SB 435 (McPherson, Chapter 351, Statutes of 1997) reinstated the sunset date in an urgency measure for one year, and the law has been extended periodically by legislation since that time. The CCIDC's last sunset extension legislation was SB 547, (Hill, Chapter 429, Statutes of 2017) where the CCIDC received a four-year sunset extension.

The creation of the CCIDC was a first of its kind to create a regulatory non-profit entity for the oversight of a profession in the Business and Professions Code (BPC) and subsequently the Legislature authorized the creation of two additional non-profit regulatory entities that oversee certification programs, one for tax preparers and one for massage therapists.

The current law provides for a voluntary system whereby an interior designer may become certified and obtain a "stamp" from an interior design organization (CCIDC) by demonstrating competency through education, experience, and examination (BPC §§ 5800 *et seq.*).

The current CCIDC mission statement, as stated in its December 2021, Sunset Review 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 by administering the Certified Interior Designers Title Act.

Board Structure and Membership

BPC § 5800(b) provides for an “interior design organization” to administer a voluntary certification program for interior design professionals. The regulatory entity must be a nonprofit organization exempt from taxation under Section 501(c)(3) of Title 26 of the United States Code, and whose governing board includes representatives of the public.

The current bylaws of CCIDC specify that CCIDC’s board of directors have no more than eleven members, five of whom occupy a seat for each of the designated national professional interior design associations: the American Society of Interior Designers (ASID); the Interior Design Society (IDS); the International Interior Design Association (IIDA); the International Furnishing and Design Associates (IFDA); and the National Kitchen and Bath Association (NKBA). There is also a professional member of the board who is not affiliated with any of the above-mentioned organizations and represents an “independent” or non-affiliated interior designer. There is a board seat for educators, which is designated for the Interior Design Education Council (IDEC). The bylaws specify that a nominating committee, established by the CCIDC, appoint five members (including four public members).

Both ASID and IDEC have chosen not to participate in appointing their respective designated seat holder, so the full CCIDC board makes the choice from volunteer candidates possessing the appropriate designations and qualifications.

Lastly, there are four public member positions on the board, who may not be current or former associates with the interior design profession.

All professional members of the CCIDC board must be a CID in accordance with the CCIDC bylaws. All board members must be residents of California.

Each director serves a three-year term with a two-term maximum. The board notes that it has occasionally granted a one-year grace period to certain termed out directors in order to stagger terms and avoid too many vacancies at one time, or in other instances to allow for continuity for a special project of program.

CCIDC reports that only one board meeting was cancelled in the last five years due to quorum issues. Currently, there are no board member vacancies.

The CCIDC’s current Bylaws require the board of directors to meet at least annually to conduct regular business. Per BPC § 5811.1, the CCIDC is subject to the provisions of the Bagley-Keene Open Meeting Act which requires, among other things, that meeting notices be posted at least 10-days prior to the meeting. Currently, the CCIDC’s Bylaws do not have a provision requiring compliance with that law. Since 2019, board meetings have been conducted remotely utilizing Zoom. Prior to that time, in-person board meeting locations fluctuated between northern and southern Californian cities, including

San Diego, Los Angeles, and Oakland. At the appropriate time, the CCIDC board intends to return to in-person meetings, while also allowing for the continuation of remote participation.

A list of the current board members are in the following table:

CCIDC/Committee Member Roster					
Member Name	Date Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type
George Brazil is a Certified Interior Designer as well as a professional member of ASID; he is currently serving as President-elect of the California North chapter.	01/11/2019	N/A	06/04/2022	ASID	Professional
Hooten Hamedani holds a Master of Science in Architecture, is a CID, he is also a LEED Accredited Professional and Professional Member of the Interior Design Society.	01/20/2018	06/05/2021	06/08/2024	IDS	Professional
Taylor Stead is a Licensed Marriage and Family Therapist. Taylor received a Master of Arts in Marital and Family Therapy from the University of San Diego. She has Extensive experience and training in individual, family, and group therapy working with severely and chronically mentally ill adults and substance use disorders.	01/21/2019	N/A	06/04/2022	CCIDC-Board	Public
Patricia Johnson is a Code Review consultant for the city of Livermore, CA. Prior to creating her own business code reviewing business; Patricia held positions as Captain, Deputy Fire Marshal and Fire Marshal at UC Davis, and Deputy Fire Marshal for the Santa Clara County Fire Department.	06/06/2020	N/A	06/03/2023	CCIDC-Board	Public
Christianne Barretto, has a broad accounting and	09/23/2017	06/05/2021	06/08/2024	CCIDC-Board	Public

operations background in both for-profit and non-profit industries, leading in positions of Director of Finance & Operations, Finance Director, Administrative Manager, and now Consultant					
Carol Lamkins is recognized on a national level as an NKBA Certified Master in Kitchen & Bath Designer. Carol is a representative and spokesperson for the design industry for over three decades, member of the certification task force creating the IDEX CA, author and presenter of The Original IDEX CA Prep Class and prior co-ownership of a kitchen and bathroom design center and showroom.	05/19/2018	06/05/2021	06/08/2024	NKBA	Professional
Caryn Menches is a CID and the Principal Designer/Owner of Modern Lotus Interiors in Orange County, California.	06/05/2021	N/A	06/08/2024	Educator	Professional
Deborah Ogden is a CID, a member of IFDA, an NCIDQ Certificate holder, Principal for Ogden Studio Interior Design, and Adjunct Instructor at 3 Bay Area Interior Design programs.	05/11/2019	N/A	06/04/2022	IFDA	Professional
Linda Thomas is a CID and an independent interior designer. Linda is the owner of Lido Interiors and general contractor with over 20 years in the field of interior design.	05/19/2018	06/05/2021	06/08/2024	CCIDC- Board Independent Designer	Professional
Julissa Garcia is a 19-year veteran of San Diego's design industry and as the principal designer at j.design.studio; she is involved in all projects. Her creative talent, combined with extensive knowledge of the commercial interior design and construction process, make her	01/22/2022	N/A	06/07/2025	IDA	Professional

one of the most sought after designers in San Diego.					
Niloofar Rezvanpoor is currently an attorney for the Department of State Hospitals. She has worked closely with District Attorneys in the insurance fraud unit to help detect the unusual pattern, trends and fraud schemes within the insurance industry.	01/22/2022	N/A	06/07/2025	CCIDC-Board	Public

Committees

CCIDC does not have any statutorily required committees but utilizes five internal committees.

- **Executive Committee** – Comprised of the Chair, the Vice-Chair, the Treasurer, and the Secretary. The Executive Committee may act on behalf of the board on day-to-day issues governing the operation of CCIDC and its staff. If an emergency arises that cannot wait until the full board can convene, the Executive Committee can make determinations on behalf of the board in order to maintain the integrity and operational stability of the corporation in accordance with its Bylaws.
- **Compensation Committee** – Comprised of the Chair, the Vice-Chair, the Treasurer, the Secretary, and the Executive Officer. This committee prepares and anonymously surveys board members on the performance of the Executive Director on an annual basis and determines compensation and benefits.
- **Marketing & Outreach Committee** – Comprised of one or two active board members, and the Executive Director as well as outside paid consultants as needed. The committee assists in the development of strategies for CCIDC to reach out to its various constituencies through web-based programs and personal contact.
- **Education & Examination Committee** – Comprised of board members who are also interior design school educators as well as staff. The committee reviews the examination process CCIDC uses to qualify candidates for certification, and to ensure the certification examination complies with BPC § 139.
- **Compliance Committee** – The compliance committee is comprised of two board members. This committee reviews applicants twice a year after the examinations to ensure applicants meet all of the requirements for initial certification.

Fiscal and Fund Analysis

CCIDC is a non-profit, privately funded organization and does not rely on any General Fund monies. Unlike the State of California, the CCIDC’s fiscal calendar runs from January 1 to December 31.

The fee for an initial application is set at \$150 and has not increased since 1992. For applicants who have passed a national examination, the CCIDC will provide a \$100 discount with proof of successful passage of that examination. In 2017, CCIDC raised and revised the 2-year re-certification fee and created a tiered renewal structure.

Certificate renewals occur bi-annually. Under the current renewal structure, certificate holders select from four renewal options, which include a different fee per the renewal path selected.

*Tier 1: \$275: CCIDC issued ID hard card.

*Tier 2: \$300: CCIDC issued ID hard card and electronic/digital stamp.

*Tier 3: \$325: CCIDC issued ID hard card and rubber stamp.

*Tier 4: \$350: CCIDC issued ID hard card, digital stamp and rubber stamp.

*Renewal fee amounts reflect a \$25 increase as of January 1, 2022.

The CCIDC board has also created a new Emeritus category for CIDs over 62 who may contemplate retirement from the profession, but would like to keep their certification credential without having to comply with continuing education (CE) requirements or the need for a Certified Interior Design stamp. This fee is \$150.00 every two years.

Any changes in the number of new and existing interior design certificate holders impacts the revenues of the CCIDC. As noted in the CCIDC’s 2021 Sunset Review Report, the COVID-19 pandemic and the ramifications on the economy remain a challenge for the interior design profession. Shifting to remote work and stay-at-home orders affected the commercial industry designers. CCIDC reports a continued decline in its certification population, affecting revenues.

Fee Schedule and Revenue (listed revenue dollars in whole numbers)							
Fee	Current Fee Amount	Statutory Limit	FY 2017 Revenue	FY 2018 Revenue	FY 2019 Revenue	FY 2020 Revenue	% of Total Revenue
Application Fee – One time only fee	\$50.00 - \$150.00	N/A	\$13,375	\$11,925	\$16,300	\$7,100	4%
Certification/Renewal Fee Bi-Annual	\$275.00 – \$350.00	N/A	\$237,641	\$281,212	\$230,500	\$194,670	79%
Penalty Late Fee – Per occurrence	\$25 – \$200	N/A	\$3,225	\$7,500	\$5,437	\$3,400	2%

Emeritus Status Fee Bi-Annual	\$150.00	N/A	\$3,700	\$5,100	\$6,150	\$3,900	2%
IDEX Examination Fee Per registration	\$450.00	N/A	\$39,080	\$32,175	\$33,075	\$26,700	12%

*Note: This table was taken from the CCIDC's 2021 Sunset Review Report.

The CCIDC is not required to abide by any statutory mandate for holding funds in reserve.

Fund Condition					
(Dollars in Thousands)	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Beginning Balance	5.8	6.9	28.2	58.4	68.0
Revenues	297.1	276.8	292.1	236.9	256.2
Total Revenue	302.9	283.7	320.3	295.3	324.2
Budget	282.1	278.1	269.2	271.5	275.8
Expenditures	311.4	248.6	261.9	255.8	250.5
Loans	15.4	0.0	0.0	28.5	28.3
Accrued Interest	1.4	1.6	1.2	0.1	0.0
Fund Balance	6.9	28.2	58.4	68.0	82.6
Months in Reserve	0	1.3	2.7	3.1	3.8

*Note: This table was taken from the CCIDC's 2021 sunset review report.

The following table shows the amount of expenditures in each of CCIDC's program areas. CCIDC employs two staff members and does not break out administration costs by examination and certification. CCIDC tracks personnel expenses by salaries, health and worker's compensation insurance, payroll expenses, and employer taxes, among others in order to arrive at an "Administration" number. The Operating Expenses & Equipment in the adjacent column under "OE&E" are all of the other expenses not directly associated with the certification or examination processes. This would be office rent, equipment leases for the copier and postage meter, office supplies, computer maintenance and acquisition, bank fees, accounting fees, board meetings, etc.

Expenditures by Program Component (listed dollars in whole numbers)								
	FY 2017		FY 2018		FY 2019		FY 2020	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Examination	INCL.	\$18,482	INCL.	\$11,677	INCL.	\$13,067	INCL.	\$22,614
Certification	INCL.	\$31,905	INCL.	\$33,866	INCL.	\$30,838	INCL.	\$31,844
Administration *	\$196,898	\$64,863	\$141,325	\$61,722	\$155,181	\$63,425	\$161,716	\$39,580
TOTALS	\$196,898	\$115,250	\$141,325	\$107,265	\$155,181	\$107,330	\$161,716	\$94,038

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

*This table taken from the CCIDC's 2021 Sunset Review Report.

The OE&E expense under "Examination" are those costs CCIDC expends to an outside vendor for administering the IDEX California. They do not break out or track personnel time or costs to in house administration of the examination – as it is under "Administration".

The same applies to “Certification” which is all of the costs associated with both new and renewal certifications including issuing the stamps, I.D. cards, invoicing, postage, etc. This number varies each year depending on the number of new applications and the number of certificate renewals.

Because CCIDC is a private non-profit entity it does not have an enforcement program that includes any citation or fine authority, nor does it have a diversion program. Because of this, “Enforcement” is not included in the Expenditures by Program Component” table. If there is a discipline recommended for a CID, the CCIDC report that its goal is to rehabilitate the certificate holder through education by requiring attendance at appropriate classes for things such as ethics and business practices.

The CCIDC reports that it received two loans from the Paycheck Protection Program, as part of the federal CARES Act, which were subsequently forgiven.

Staffing

The CCIDC staff is comprised of the Executive Director and the Executive Assistant. Roze Wiebe is the current Executive Director and has been in that position since 2017. Prior to her Executive Director role, Roze was CCIDC’s Administrative Director.

As a non-profit entity, the CCIDC may hire outside consultants as necessary. Currently, CCIDC relies on outside consultants or volunteers to focus on consumer outreach.

As a non-profit regulatory entity, the CCIDC does not have “cite and fine” authority and does not employ investigators or staff attorneys.

Certification/Stamp

As of January 2022, the CCIDC reports there are approximately 2,080 interior design certificate holders. According to information provided in the CCIDC’s 2021 Sunset Review Report, the number of certificated interior designers has been steadily decreasing. The CCIDC attributes this decline to economic factors, aging workforce, and employment changes stemming from the pandemic. According to information provided by the Bureau of Labor Statistics, in May of 2020, there are approximately 9,480 interior designers in California, the majority of which are not certified.

There are four pathways available to obtain interior design certification.

Pathway 1: Is reserved for those applicants who have enough education or experience to be eligible to take IDEX® California examination, but do not meet the work experience requirement. A candidate under Path 1 may sit for the IDEX® California examination while continuing to gain the minimum work experience needed to become a CID. Path 1 candidates may take the IDEX® California examination upon graduating from school, or if they have a minimum of 5 years work experience. The CCIDC holds these applications until all education and experience requirements are met, and will then issue a certificate upon providing the required information to CCIDC.

Pathway 2: Candidates who have the requisite education and/or work experience and only need to take the IDEX® California examination.

Pathway 3: This pathway is the same of Path 2, but candidates' education and work experience documentation is not required because they hold one of the accepted national examinations and the documentation is the same or exceeds the certification requirement. All they need to provide is proof of their national examination. They also receive a \$100.00 application fee discount as an incentive to becoming certified and because of the shortened documentation process.

Pathway 4: Candidates go through the exact same process as Path 3 with the addition of five additional courses on California Codes and Regulations created by the International Code Council (ICC) and CCIDC. These additional courses allow CIDs to obtain commercial designation status in addition to their certification.

CCIDC created a new designation for those CIDs seeking a commercial designation. The purpose of the certification program is to allow building officials to identify individuals (CIDs) who have prepared non-structural, non-seismic commercial tenant improvement plans in accordance with specified provisions of the Business and Professions Code that do not require an architect or engineer. In order to obtain the commercial designation, the applicant needs to take and pass one of six national examinations in addition to the IDEX® California, or take the Residential Interior Design Qualifying Certification examination, which is a national examination, plus have two years diversified interior design experience along with the passage of the IDEX® California.

CCIDC does not require fingerprint background checks for purposes of obtaining certification.

As of September 9, 2010, CCIDC's Administrative Rules and Regulations require that certificates expire twenty-four months after the issue date. Certification shall remain in effect until revoked or suspended for cause, or until expiration, and shall be renewable every two years. To renew an unexpired certificate, the CID shall, on or before the expiration date of the certification, pay the renewal fee as well as report required continuing education (CE).

Examination

As part of the qualifications for certification, CCIDC currently requires the passage of the IDEX®, which is a California-specific examination. BPC § 5800 specifies in the definition of a "certified interior designer" that the person has...demonstrated by means of *education, experience and examination*, the competency to protect and enhance the health, safety, and welfare of the public. While there are national certifying examinations for interior design professionals, the CCIDC requires that applicants take and pass only the IDEX® California examination (which is not a national examination). In 2008, the CCIDC, under the direction of the Joint Sunset Review Committee, eliminated the requirement for using a national examination and instead required an examination that includes testing on the requirements that are germane to the practice of interior design in California, including California Building Codes and Title 24 related to building energy standards. The CCIDC states the following reasons for continuing to rely on a California-specific examination as opposed to accepting the passage of a national examination for certification:

- *Do not test on California codes.*
- *Do not test on California Title 24 accessibility and energy codes.*
- *Do not allow for experience only candidates as required by California law.*
- *Limit prior work experience even with education.*
- *Do not meet Section 139 of the California Business & Professions Code.*

- *Cannot take the examination right after graduation.*
- *Require work experience to be under supervision of specific supervisors.*
- *Unregulated without any government or regulatory oversight.*
- *Difficult to access because examination is not totally online.*
- *Very expensive compared to other licensing and regulatory examinations.*
- *Exams are promoted for reasons other than public interest and safety.*

The CCIDC reports that applicants for CCIDC certification, who provide proof of passage of a nationally recognized interior design examination, are eligible for a \$100.00 discount from the CCIDC application fees; however, they are still required to take and pass the IDEX®.

The IDEX® California Examination is computer-based and administered by Scantron Corporation. The Scantron Corporation determines the examination fee, which currently costs \$82.50. This is separate than the application fee assessed to each applicant by the CCIDC. The examination is offered twice annually in May and October, and the test is available each day of the month. There are reportedly 39 testing centers throughout California and over one hundred sites worldwide. Since May of 2020, the CCIDC offers a live, online-proctored option, which allows candidates to take the examination at home. CCIDC allows anyone with a minimum of 40 semester units in interior design education or a minimum of 5 years diversified interior design working experience to sit for the IDEX California examination.

The CCIDC notes, “It should be noted for the record that because the IDEX® California is an examination used exclusively in California, the number of candidates registering for each examination window is relatively small compared to national examinations for similar purposes. Because the candidate pool is relatively small, the candidates are extremely well prepared and therefore the pass rate tends to be higher than it would be for a national examination with a much larger pool. This has been confirmed as a typical anomaly for smaller test pools by the psychometricians at Scantron who administer the IDEX® California examination. In analyzing those who fail the IDEX® California over the past 5 years, most indications point to a lack of preparation for the failure. There are several third-party examination preparation companies who provide study prep services for those wishing to take the IDEX® California, so CCIDC knows who has taken a class and who has not. This does not account for those who self-study.”

Examination Data					
California Examination (include multiple language) if any:					
FY	2017	2018	2019	2020	2021
Certification Type	Certification	Certification	Certification	Certification	Certification
Exam Title	IDEX®	IDEX®	IDEX®	IDEX®	IDEX®
# of 1 st Time Candidates	94	69	73	51	62
Pass %	78%	88%	75%	84%	81%
Date of Last OA	N/A	N/A	N/A	1/15/2020	1/15/2020
Name of OA Developer	Castle Worldwide	Scantron	Scantron	Scantron	Scantron
Target OA Date	N/A	N/A	N/A	10/1/2021	10/1/2021
High Score (Out of 150)	145	140	139	142	134
Low Score (Out of 150)	70	69	79	90	74

*Note: This table is taken from the CCIDC’s 2021 Sunset Review Report.

BPC § 5801.1 requires that the procedure for issuing the CID stamp, including the requirement of an examination in order to obtain certification, be subject to BPC § 139 which requires specified entities under the Department of Consumer Affairs to submit a report every two years ensuring that every licensing examination is subject to periodic evaluation.

The CCIDC reports that it complies with the requirements of BPC § 139, as the IDEX® California examination was recently reviewed in 2019 by a task force of subject matter experts after the adoption of the new 2018 California Building Code. The IDEX® examination was reviewed and revised in 2021. An Exam Task Force was created, comprised of Subject Matter Experts, Scantron Corporation Psychometricians, and the International Code Council (ICC). The Subject Matter Experts included Interior Design Educators (all of which are CIDs), Building Officials, Fire Marshals, Architects and Engineers. CCIDC collaborated with the ICC to create all code-based questions. ICC creates Building Codes, Exams, and Certifications. ICC also will review and revise code related questions after each code updating cycle.

Schools

The CCIDC does not approve any program offering an interior design course or education. Instead, the CCIDC simply verifies the appropriate education and work experience has been completed for purposes of certification. There are currently 44 programs offering interior design education in California, many of which are part of the California State University and the California Community College systems. Because the CCIDC does not approve educational institutions, there are no separate requirements for individuals seeking certification who are educated outside of California. The CCIDC reports that it provides the list of interior design programs on its website. All programs listed on the CCIDC's website are reportedly accredited by an accrediting agency recognized by the United States Department of Education.

Continuing Education

There is no statutory mandate for current certificate holders to obtain CE in order to renew the certificate. However, the CCIDC established through internal policies a board-policy to require certificate holders to obtain 10 hours of CE every two years in any subject related to interior design. Only those certificate holders who have the commercial designation are required to take five hours of CE in courses related to California building code. All others may choose the courses as long as they are from an approved provider.

CCIDC accepts CE from a variety of providers including the Interior Design Continuing Education Council, AIA, ASID, IDS, IFDA, IIDA, NKBA, California Association of Building Officials (CALBO), CSI (construction specifiers) along with other construction/design industry organizations. CCIDC also provides a page on its web site for CIDs that offer relevant CE courses, many of which are free. There have been no changes to this policy.

The CCIDC reports that it does not audit certificate holders as to whether or not CE is completed. However, certificate holders are required to submit documentation of their CE at the time of renewal. CCIDC notes that if a certificate holder fails to submit the appropriate CE completion, the certificate holder will receive a first, second and final notification to comply with the requirement. After the third notification, their certificate is noted "delinquent" until the CE is complete. As noted by the CCIDC, if a certificate holder provides proof of a viable reason (long-term illness, impairment, etc.), the Board

can vote to waive the CE requirement for the period that they were incapacitated. The CCIDC does not approve any CE provider.

Enforcement

CCIDC reports that it does not have a traditional enforcement program because it does not have any statutory cite and fine authority. This is because certification for interior designers is a voluntary program and nothing prevents anyone from practicing interior design or calling himself or herself an interior designer. Other than certification and those who submit to the title act for “certified” interior designers, the practice of interior design in every other form is unregulated.

However, the CCIDC does take certain actions against certificate holders such as not meeting CE requirements and issuing cease and desist letters to uncertified individuals violating title act provisions (such as calling oneself “certified” without the appropriate certification by the CCIDC). Once a complaint is filed, CCIDC reports the following process when assessing enforcement related issues: gather all evidence (from both the complainant and the certificate holder), at the next board meeting, the CCIDC board will review all evidence, interview all parties involved in a closed session, and deliberate on the issue. From there the CCIDC board will determine if there has been a code of ethics violation and if so, recommend to the certificate holder a course of action. All parties are notified of the outcome and if there is a judgement against the certificate holder, this information is available on the CCIDC website under “Enforcement Actions.”

According to the CCIDC, since the inception of the certification program in 1992, CCIDC has received a total of 214 documented “official” complaints and of that total, only 83 were for those who have obtained the voluntary interior design certification. The remaining 131 were levied against non-CIDs. Since the CCIDC’s last sunset review in 2017, there have been three reported complaints against CIDs, and eight complaint against non-CIDs. Since CCIDC’s last sunset review in 2017, only one CID was placed on probation and required to complete two ethics course prior to reinstatement.

Certification for interior designers in California is a voluntary program; as such, there is no “unlicensed” activity. Anyone can hold oneself out as an interior designer, or practice interior design. There are no restrictions on an uncertified person other than use the title of “Certified Interior Designer”, or the appellation CID, which is specified by BPC §§ 5804 and 5812 as an unfair business practice. The CCIDC reports that when it becomes aware of uncertified individuals using the title “certified interior designer” who are not certified, they will issue a “cease and desist” letter to the individual citing BPC § 5812 of the, in order to resolve the matter. According to the CCIDC, there has not been a cease and desist letter sent since the last sunset review.

The CCIDC reports that the majority of complaints against CIDs are typically related to financial and contractual obligations. While the CCIDC does receive complaints related to interior designers who are not voluntarily certified, CCIDC cannot take action against those individuals unless they are in violation of BPC §§ 5812 and 5804.

The CCIDC statute of limitations is one year when filing a complaint that requires the complainant to follow up with any requested documentation or evidence. CCIDC does not have cite and fine authority so there is little CCIDC can do other than revoke or suspend a CID’s certification.

Consumer Awareness and Education

CCIDC maintains a web site (www.ccidc.org) and reports to utilize social media (Facebook, Instagram, Twitter, and LinkedIn) to keep the public informed of its activities. CCIDC also issues a quarterly electronic online newsletter (CCIDC e-News) to over 5,000 subscribers, accessible to the public.

CCIDC reports that all meetings, locations, dates, and times as well as agendas for meetings are posted online and announced several months in advance via CCIDC electronic newsletter. This information remains on the CCIDC web site until the actual meeting date has passed and then removed, making way for the next scheduled meeting date.

Draft meeting minutes are not posted online until approved by motion of the board at a regularly scheduled board meeting. As soon as the previous board meeting minutes are approved, they are posted online within a few days. Meeting minutes are archived and available online to the public.

CCIDC launched an updated website in 2017. The new website offers video, webinars, and access to CCIDC's YouTube channel. CCIDC reports that staff updates and posts of new information regularly. The website integrates with the CCIDC database, enabling certificate holders to make renewal payments, examination payments, examination scheduling, and register CE.

CCIDC has an online database ("Verify a Designer") where the public can search for a CID by entering the designer's certification number, or any of the following key words: first name, surname, city, or state (as a number live outside of California). The website includes a "Hire a Local CID" search function.

PRIOR SUNSET REVIEW: CHANGES OR IMPROVEMENTS

The Senate Committee on Business, Professions and Economic Development and the Assembly Committee on Business and Professions last reviewed the CCIDC in 2017. At that time, the CCIDC was provided a four-year extension allowing it to continue its program of certifying interior design professionals. Due to the COVID-19 pandemic and strains on the Legislature in 2019 and 2020, the CCIDC was granted an additional one-year extension to balance workload and ensure an appropriate and thoughtful legislative review of the program. During the CCIDC's previous sunset review, the Committees found seven issues related to the administration of a voluntary certification program of the interior design profession, including the contemplation of whether the CCIDC should continue in its administrative capacity and whether or not the voluntary certification program still has merit.

In December 2021, the CCIDC submitted its required sunset report to the Senate Committee on Business, Professions, and Economic Development and the Assembly Committee on Business and Professions. In this report, the CCIDC described actions it has taken since its prior review to address the recommendations of the Committees among other changes resulting from changing economies, the recent COVID-19 pandemics and other issues to address issues. According to the CCIDC, the following are some of the more important programmatic and operational changes, enhancements, and other important policy decisions or changes made:

- **The website has been updated.** In September 2017, the CCIDC launched an updated website that includes Certified Interior Design accountant portal where certificate holders can update contact information, upload completion of CE, and pay certification fees.
- **Fund stability.** In 2017, CCIDC revised certification and renewal fees and created a tiered renewal system, in January 2022 CCIDC increased all fees by \$25.
- **New certification for commercial interior design.** Instead of establishing an entirely new certificate program for those seeking a commercial interior design certificate, the CCIDC opted to establish a commercial interior design designation.
- **CCIDC moved to a new headquarters and appointed a new executive officer.**

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

The following are unresolved issues pertaining to the CCIDC and other areas of concern for the Committees to consider along with background information concerning the particular issue. There are also recommendations the Committees' staff have made regarding particular issues. This Background Paper has been shared with the CCIDC and other interested parties, including the profession, and can respond to the issues presented and the recommendations below.

ADMINISTRATIVE ISSUES

ISSUE #1: *Bagley-Keene Open Meetings Act.*

Background: Although the CCIDC is a nonprofit 501(c)(3) entity, pursuant to BPC § 5811.1, it is required to comply with the provisions of the Bagley-Keene Act. The Bagley-Keene Act generally requires public bodies to publicly notice their meetings at least 10 days prior to the meeting, prepare agendas, accept public testimony, and conduct their meetings in public unless specifically authorized to meet in a closed session.

Every state body, including a board, commission, or similar multimember body of the state that is created by statute or required by law to conduct official meetings, and every commission created by executive order is required to comply with the provisions of the Bagley-Keene Act. Since the Bagley-Keene Act is nuanced and complex, many incoming members of boards and bureaus overseen by the DCA are required to attend or participate in training programs that cover the important elements of the Bagley-Keene Act. BPC Section 453 specifies that every newly appointed board member is required, within one-year of assuming office, to complete a training and orientation program offered by the DCA regarding, among other things, his or her functions, responsibilities, and obligations as a member of that board. Part of that training incorporates providing information about the Bagley-Keene Act.

Currently, it is unclear if the CCIDC is abiding by the requirements of the Bagley-Keene Act. The CCIDC's current bylaws, Section 4.04, only require that written notices of board of directors meetings be sent to the directors no later than 20 days before the meeting, along with other requirements for notifying board members of meetings. However, nothing mentions requirements for the CCIDC to post agendas for meetings in the CCIDC's bylaws. Additionally, there is no mention in the 2021 Sunset Review Report about how the CCIDC complies with the requirements of the Bagley-Keene Act. Certainly, there is no indication that board members receive any training or information on the requirements on the Bagley Keene Act.

Staff Recommendation: *The CCIDC should advise the Committees on its processes and procedures for compliance with the Bagley-Keene Act.*

CERTIFICATION ISSUES

ISSUE #2: *Stamp Acceptance.*

Background: In establishing a regulatory program for certified CIDs, the goal was to help alleviate confusion amongst local building authorities in circumstances where building permits were required,

and provide assurance in knowing that a CID is competent to provide interior design services in accordance with the state building codes for the work they are allowed to perform.

Under BPC §§ 5537 and 5538 of the Architect's Practice Act, there are exemptions for "laypersons" to do non-structural and non-seismic work where a licensed/registered architect or engineer is not required to stamp and or sign drawings that may be needed for a building permit issued by a local jurisdiction.

"Laypersons" are individuals who are not a licensed/registered design professional, i.e. architect or engineer. Examples of persons who fit into this definition are licensed contractors or subcontractors, developers, interior designers, and members of the public who possess the skills necessary to prepare drawings that require the skills of a licensed contractor to implement them.

CIDs should not be a part of that group within the above definition, who practice under the exemptions in BPC §§ 5537 and 5538. CIDs are reportedly tested on California Codes and Title 24, along with California laws and statutes that are relevant to interior designers, and have a specified amount of education and experience as specified in BPC §§ 5800 – 5812. CCIDC contends that because of the requirements of BPC § 5800 – 5812, CIDs should not just be considered "laypersons".

CCIDC reports that plans designed by CIDs, which encompass non-structural, non-seismic interior design plans, have been rejected by local jurisdictions without an architect or an engineer's stamp. These concerns were expressed during the CCIDC's prior sunset review in 2017 and continue to be a noted concern.

In the past, the Legislature considered proposals to establish licensure for interior designers under a practice act within the BPC. Both of the bills, SB 1312 (Yee of 2008) and AB 2428 (Ma of 2012) ultimately failed passage in the legislative process. Proponents of these bills argued that a state program for interior designers would provide greater acceptance in local building departments across the state. As noted by the CCIDC, a few local jurisdictions continue to deny certified interior design plans without an architect or engineer's stamp.

As noted in the CCIDC's 2021 Sunset Review Report, the issue of stamp acceptance from local building departments continues to be a factor for whether or not an individual seeks the state certification. If the CIDs still need an architect or engineers' stamp, is the certificate being underutilized? There is nothing specified in the BPC related to CIDs that requires a local building department or anyone to accept the plans of a CID.

As noted by the CCIDC, building departments in large metropolitan cities such as Los Angeles, San Francisco, San Jose, and Sacramento regularly deny CIDs the ability to submit non-structural/non-seismic interior design plans for permit approval and acquisition purposes.

As noted earlier in this report, the issue of stamp acceptance was raised in prior sunset review reports and is generally raised as a concern by the profession in those years outside of the sunset review process. In 1991, then Senator Craven, who authored SB 153, the original legislation establishing a certification program authored a letter to a building official, stating that the former Senator "sponsored SB 153...as a means by which the public and local building officials could easily identify competent professionals qualified to work with building, life-safety, flammability and disable access for interior spaces." The letter further stated, "Building officials will then be able to recognize Certified Interior

Designers as professionals qualified to develop interior plans and specification in accordance with health, safety and welfare guidelines.”

It does not appear that CCIDC, the architect profession, stakeholder or building departments have found a viable path to ensure Certified Interior Designers are able to submit plans without denial for those projects for which they may be qualified to perform.

Staff Recommendation: *The CCIDC should advise the Committees on whether it believes the current certification program is working as intended to ensure CIDs are able to submit plans for approval at local building departments without additional approvals or oversight. The CCIDC should advise the Committees on what it believes is the appropriate solution to address this long outstanding issue.*

ISSUE #3: Commercial Designation.

Background: In November of 2017, the CCIDC board unanimously voted to create an additional path of certification. The Path 4 certification is for those candidates who wish to obtain a *Commercial Designation* as part of their certification. Path 4 certification has the same requirements as Path 3, with the additional requirement of completing five specific ICC courses developed specifically for CIDs. As noted by the CCIDC, the purpose of this program is to allow building officials to identify CIDs who have prepared non-structural, non-seismic commercial tenant improvement plans in accordance with BPC §§ 5537 and 5538 that do not require an architect or engineer’s stamp or signature who are submitting plans for the purpose of obtaining a building permit. The goal of this designation is likely to make it easier on plan reviewers to acknowledge the certification of the CID and approve plans (as authorized) without the requirement to obtain additional sign-offs from an architect or engineer as long as the project specifications meet the current exemptions to any licensure or practice requirements for architects or engineers.

This issue of a commercial designation was raised during the CCIDC’s last sunset review in 2017. As part of the staff background paper it was noted that, “Many interested parties have also suggested that, if a new certification for commercial interior designers were to be created, an individual should meet the following requirements: 1) Passage of the National Council for Interior Design Qualification (NCIDQ) Exam, 2) Passage of a supplemental exam testing knowledge of the California Building Code, 3) Annual CE courses sanctioned by the California Building Officials (CALBO) and agreed upon by the interior design profession.”

In response to the sunset issue, in September 2017, the CCIDC held a strategic planning meeting to address the topic, which reportedly included stakeholders, CIDS, and public participants. The outcome of the meeting was the creation of the *commercial designation* for CIDs who wish to use that particular designation when submitting plans for approval or providing services. There is no prohibition on a CID from providing commercial design services without the commercial designation, as it is voluntary.

There was an “inclusion” period given to all Certified Interior Designers in good standing to qualify for the commercial designation without requiring any additional examination. Effective January 1, 2020, commercial designation applicants must provide proof of passing one of the following examinations: ARE, CQRID, LEED-AP, NCBDC, NCIDQ, NKBA-(CKBD), RIDQC + 2 Years Diversified Interior Design Experience.

Qualified Candidates applying through Path 4 must also pass the IDEX California® Examination and candidates must provide proof of passing five specified ICC Courses. Courses must be complete and submitted within six months of application date. The CE requirements for the commercial designation are 10 hours every two-years and five of those hours must be in California-code specific courses.

The CCIDC notes that this designation is not a guarantee that plans will be approved or accepted, and is only one-step to aid CIDs in obtaining the appropriate plan approval.

The CCIDC reports that it works to educate building officials about the commercial designation, and attends monthly ICC Meetings (attended by local Building Officials and Industry Partners) in San Diego, Los Angeles, and plans to join the Bay Area and Orange County chapters as well.

To date, the CCIDC reports that nearly 200 candidates have successfully obtained the commercial designation.

Staff Recommendation: *The CCIDC should advise the Committees on whether or not the newly implemented commercial designation has increased the acceptance of CID stamps.*

ENFORCEMENT ISSUES

ISSUE #4: *Does the CCIDC need additional authority to enforce violations of the Interior Design Act?*

Background: The CCIDC reports that it does not have a formal enforcement program because it lacks the statutory authority for a citation and fine program. CCIDC reports that most complaints pertain to financial or contractual obligations, yet overall statistics from the CCIDC about enforcement related matters are relatively low. Since the inception of the program, the CCIDC reports only 214 documented official complaints against CID and data surrounding the number of disciplined certificate holders is unclear.

However, the CCIDC does note instances where certificate holders may face discipline, yet how the discipline is determined or appealed, or the steps in the process are extremely vague.

Staff Recommendation: *The CCIDC should inform the Committees about its enforcement process, and any availability to appeal disciplinary outcomes.*

ISSUE #5: *How does the CCIDC enforce the requirement for a CCIDC to use a contract?*

Background: BPC § 5807 requires a CID to use a written contract when contracting to provide interior design services to a client. Prior to the CID commencing work, the CID is required to execute the written contract. The written contract must include the following requirements:

- The name, address, and certification number of the CID and the name and address of the client.
- A description of the procedure that the CID and the client will use to accommodate additional services.

- A description of the procedure to be used by any party to terminate the contract.
- A three-day rescission clause.
- A written disclosure stating whether the CID carries errors and omissions insurance.

In the CCIDC’s Sunset Review Report in 2012, it recommended that CIDs be required to use a written contract when providing interior design services to a client. As noted at that time, “Although CCIDC has received only 83 complaints against CIDs since 1992, a substantial number of those complaints related to unfulfilled contract obligations, disputes over charges for goods sold, and failure to deliver goods. The use of written contracts would lend clarity to those types of disputes.” There is limited data provided by CCIDC as to the numbers of contracts utilized and whether or not CIDs are fulfilling this requirement.

Staff Recommendation: *The CCIDC should advise the Committee about how it ensures that CIDs are meeting the contract requirements. If the CCIDC has not encountered any issues with contract requirements, has it established a process for when a complaint is received?*

OTHER ISSUES

ISSUE #6: Technical Cleanup.

Background: There may be a number of non-substantive and technical changes to the Interior Design Act, which may improve operations of the CCIDC, or there may be provisions that are outdated and no longer applicable and code clean up may be warranted.

For example, BPC § 5811 specifies that *an interior design organization issuing stamps under Section 5801 shall provide to the Joint Committee on Boards, Commissions, and Consumer Protection by September 1, 2008, a report that reviews and assesses the costs and benefits associated with the California Code and Regulations Examination and explores feasible alternatives to that examination.* That provision was included so the CCIDC could review and assesses the costs and benefits associated with the California Code and Regulations Examination and explores feasible alternatives to that examination. This requirement was included in SB 363 (Figueroa, Chapter 874, Statutes of 2003) to address concerns about whether or not the national examination. That report was likely provided in 2008 and thus that requirement is no longer applicable.

Staff Recommendation: *The CCIDC should provide the Committees with any proposals for technical statutory cleanup that may be necessary.*

CONTINUED REGULATION OF THE COUNCIL FOR INTERIOR DESIGN CERTIFICATION

ISSUE #7: Continued Regulation by the CCIDC.

Background: The 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.

Although there continues to be stakeholder issues which impact this certifying body and its certificate holders related to the acceptance and appropriate utilization of the “stamp” for plan approval, and ensure the integrity and consumer benefit of a voluntary certification, 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 the CCIDC maintain its current oversight of voluntary certified interior design professionals and be subject to review by the Legislature once again in four years.*