

## Proposed Interior Design Law Stirs Controversy in California

Depending on your point of view, a proposed law brought before the California legislature in April is either a common-sense effort to inform consumers about the services provided by interior designers or a covert attempt to use the state's legal system to push contractors, remodelers, and other established providers of home-design services out of the marketplace.

The dispute centers on whether SB 1312 is a *title* bill — legislation intended to restrict the use of the term “registered interior designer” to those who have fulfilled the training program established by the private National Council for Interior Design Qualification (NCIDQ) — or a *practice* bill, which would limit the practice of interior design to those who have met that standard. As a rule, practice laws are enacted to protect public health, safety, and welfare, as in the establishment of standards regulating doctors, dentists, lawyers, funeral directors, and even tattoo artists.

According to NCIDQ executive director Jeff Kenney, SB 1312 is purely a title bill. “It doesn’t affect contracting law,” he says. “Builders can go on doing whatever they’ve been doing as long as they don’t call themselves registered interior designers.”

But Ed Nagorsky, a lawyer with the National Kitchen & Bath Association (NKBA) — which strongly opposes the bill — has a different view. “Read the bill,” he says. “It’s a practice act. It’s amazing to me that anyone can say otherwise with a straight face.”

In fact, the plain language of SB 1312 leaves little doubt that it could sharply limit the ability of traditional builders and remodelers to perform design work, regardless of what they call themselves.

Article 1 of the bill, for example, broadly defines “registered interior design or practice of registered interior design” as the “formulation of appropriate, functional, and safe preliminary designs, including space planning, for the interior area.” Article 5 declares it unlawful for a person to “practice registered interior design, or use the title ‘registered interior designer,’ in this state unless he or she holds a certificate of registration issued by the board pursuant to this chapter.” Chapter 5 proposes a \$500 fine and six months in jail for a first offense of improperly practicing registered interior design. Fines and jail time would be doubled upon a second offense.

Pressed to explain how that language could fail to apply to builders currently doing design work, NCIDQ’s Kenney points to a list of exemptions in Article 1, which permits those who are not

■ An uptick in residential arson may be linked to the mortgage crisis, say news sources. A *Fortune* story, for example, notes that questionable residential fires in California increased by 76 percent from 2006 to 2007. *MSN Money* reports that in Detroit, home prices are down 17.3 percent, foreclosures are up 65 percent, and arson arrest warrants nearly doubled from 2005 to 2007. “We’re up to our eyeballs in arsons,” a Detroit Fire Department spokesman said. “We’re not only dealing with hardened criminals. We’re dealing with desperate people.”

■ In a scene reminiscent of an old *Tom and Jerry* cartoon, workers from K. Hovnanian Homes spent several days in March cutting holes in the drywall of a brand-new Gilbert, Ariz., home while searching for a trapped cat. According to KNXV-TV in Phoenix, the animal was finally rescued through a hole upstairs, but not until all the downstairs drywall had been cut away. Whether the cat had been built into the home during construction or had entered later wasn’t clear. No word, either, on who’ll end up paying the bill.

■ Western lumber production in 2008 will be the lowest since 1982, predicts the Western Wood Products Association. Lumber imports, principally from Canada, fell by 20 percent in 2007 and are expected to decline an additional 17 percent this year. But the WWPA looks forward to modest gains in 2009, with increased housing starts pushing production upward by 6 percent.

## In the News

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registered interior designers to “prepare drawings of the layout of, or provide assistance in the selection of” about a dozen products and materials, including decorative accessories, draperies, blinds, window coverings, furniture, and equipment. “The way interior design is defined includes the exemptions,” he says.

Nagorsky scoffs at that explanation. “If you really want to exempt people, you don’t talk about materials,” he says. “You include language that says ‘anyone providing design services for one- and two-family homes is exempt,’ or something like that.” The real problem with SB 1312, he claims, is that it’s an effort to use state law as a heavy-handed marketing tool. “The NKBA spends a million dollars a year marketing its services to the public,” he says. “The interior designers spend millions on lobbying.” — *Jon Vara*

■ A raid on a Northern Virginia concrete contractor by federal immigration authorities has led to the arrests of 34 undocumented workers from Mexico, Guatemala, Honduras, El Salvador, and Costa Rica, the *Washington Post* reports. The March 24 arrests came three weeks after the enactment of a Prince William County law that allows police to check the immigration status of people stopped for nonimmigration-related infractions. According to early press reports, the arrested workers were being processed for deportation, but no charges had been filed against their employer, Manassas-based CMC Concrete Construction.

## Fatal Fall Leads to Criminal Obstruction Charge

In October 2007, roofer Walter “Boe” Whipple died after falling 16 feet through a skylight on a Rock Island, Ill., commercial job site. Five years earlier, his employer, Winter’s Architectural Roofing — a residential and commercial roofing and siding contractor based in nearby Carbon Cliff, Ill. — had been cited by OSHA for failing to provide fall protection to workers. That previous citation apparently prompted the astonishing series of actions taken by company superintendent Stephen V. Vyncke after Whipple’s death. OSHA compliance officer Jeff Strain described those actions in a sworn affidavit filed with the U.S. District Court for the Central District of Illinois. An excerpt from his deposition follows:

*On October 10, 2007, shortly after learning that Walter Whipple had died [Whipple had been pronounced dead at the scene at 8:39 a.m.], Mr. Vyncke loaded fall-protection equipment, including warning lines, into a truck and drove to the site. He placed the fall-protection equipment between two dumpsters. After Mr. Whipple’s body was removed but before OSHA arrived [at approximately 1 p.m.], Mr. Vyncke climbed*

*to the roof and, with two other Winter’s employees, erected warning lines along the edge of the roof. On or about October 10, 2007, Mr. Vyncke instructed another Winter’s employee who had worked at the site that day not to mention that warning lines were not present at the time of the accident and if asked about the warning lines to state that the warning lines were up the day of the accident.*

Because the case is still in court, none of the people directly involved in the case had anything to say on the record. But Sharon Paul, spokesperson for the U.S. Attorney’s Office for the Central District of Illinois, confirmed that Vyncke has been charged with one count of making false statements to an OSHA compliance officer and three counts of obstructing an OSHA investigation. If convicted on all four counts, Vyncke could face up to 20 years in prison.

So far no criminal charges have been filed against Winter’s Architectural Roofing. However, OSHA has cited the 70-year-old company for eight safety and health violations in connection with the accident, which carry a proposed fine of \$224,000. — *J.V.*