

PA13-110

HB6404

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**JOINT
STANDING
COMMITTEE
HEARINGS**

**GENERAL
LAW
PART 4
892 - 1204**

2013

The -- the limited license does it cover in this case just the type of apparatus used to convey products and materials or is it a broader scope of a license?

DANIEL McINERNEY: It's a broader -- it's basically a broader scope of license. It falls under the elevator installers. They're also for conveying people and products and materials would be in our license.

REP. CARTER: Thank you very much.

REP. BARAM: Any other questions?

Thank you very much.

DANIEL McINERNEY: Thank you.

REP. BARAM: Next is the University of New Haven. I believe we have three students who are going to make a joint presentation.

HEATHER KONISH: Good evening, Chairman Doyle, Baram and all members of the General Law Committee. My name is Heather Konish and I am a sophomore student studying to become a professional interior designer at the University of New Haven.

I am here tonight in support of Bill H.B. 6404. I am also joined here today by many of my fellow classmates to share with you the passion that we have for our future as professional interior designers.

To become a professional interior design -- designer requires four years of the univer -- sorry -- four years of university education, two years of verifiable work experience under an NCIDQ certified interior designer or architect and the subsequent passing of the

NCIDQ exam. As a young emerging interior designer this is the career path that I have chosen and it is the minimum standard for me to become a registered interior designer in the State of Connecticut.

Being able to utilize my interior designer seal will differentiate me from those that do not have the education or minimum qualifications required to practice as a registered interior designer and will assure me a competitive edge for employment within the state.

This seal -- seal will identify and define me as a professional registered interior designer when submitting my drawings to building officials and other allied design professionals. It also opens access for me to work independently to dev -- and develop new business opportunities and advance my career through professional partnership opportunities within the state.

I ask the General Law Committee to approve this bill as -- approve this bill so as to further assure and affirm the educational value and skill sets for all interior design students who are entering the profession of interior design as defined and regulated in Statute No. 20-377.

Thank you.

REP. BARAM: Thank you.

We'll take all three presentations before we do questions.

ESTEBON MUNOZ: Good evening, Chairman Doyle, Baram and all members of the General Law Committee. My name is Steven Munoz and I would like to take this opportunity to ask for your support in the General Law Committee and on the floor

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of the Senate to propose and pass House Bill 6404, an act concerning the establishment of a uniform seal for the Connecticut registered interior designers.

The legislative passage of this bill will give existing registered interior designers and students currently studying the practice of interior design within the State of Connecticut a justifiable reason to work and live here.

I believe the passing of this bill will enhance my professional career being a resident in Guilford, Connecticut here. I am a senior at the University of New Haven, currently enrolled in the interior design program and pre-architecture. Graduating this spring I will be admitty -- immediately looking for a job either in an interior design firm or an architectural firm.

I have put the utmost importance on choosing to live and work in a state that has passed or will be passing legislation recognizing interior designers as professionals.

A VOICE: Good job.

ESTEBON MUNOZ: It is critical for me to get a job in the state that recognizes all the efforts and expenses that I have put into getting my education, future career and also recognizes that upon passing the NCIDQ exam I am considered to be a professional designer.

Having a uniform seal will affirm my professional status in the eyes of other allied design professional associates and peers and all future clients.

I thank you again for considering supporting and advocating for the passage of this

legislation. I look forward to working together with you in future legislative sessions to continue to improve upon the practice environment for interior designers. In this way consumers in Connecticut can be assured to be receiving the highest quality of design service that they will be looking for to redesign, renovate or build either living or working spaces.

Respectfully, Steven Munoz.

RACHEL PIROLI: Chairman -- Chairman Doyle and Baram and all members of the General Law Committee, my name is Rachel Pirolli and I am a senior student in the four year Bachelors program of interior design in the Department of Art and Design at the University of New Haven in West Haven, Connecticut.

I am also currently the student representative for the Connecticut Coalition of Interior Designers and I am one of the students that support H.B. 6404 establishing a uniform seal for the Connecticut registered interior designer.

I am here at this public hearing tonight to ask that you please support and approve House Bill 6404 to ensure that all registered interior designers in Connecticut have the ability to display their seal in order to keep the industry competitive with Connecticut and other states.

This means that the building officials, professional contractors and other allied design professionals and the everyday consumers can -- can more easily identify registered interior design professionals ensuring them that the person they have hired knows all building safety codes, fire codes, ADA

compliant codes and all other necessary regulations to keep Connecticut citizens safe.

In our opinion this is a common sense legislation. Approval of this bill will ensure that the safety -- retains more students who study interior design in Connecticut and would like to plan to work and live here as contractors and small business owners. Finally, it uniquely contributes in this way towards economic growth at no cost to the state.

Thank you in advance for considering approval of this critically important piece of legislation. Please let me know if there are any questions I can answer on our industry or this initiative.

REP. BARAM: Thank you all very much. It is very nice of you to take the time to join us and be part of the process.

Are there any other questions from members?

Representative Esposito.

REP. ESPOSITO: Mr. Chairman, I just want to thank them for coming up from West Haven which is my district and I'll be sure to mention to President Kaplan that you came up and made your presentation and you -- all of three of you were very professional. Thank you for coming up.

RACHEL PIROLI: Thank you.

REP. BARAM: Senator Witkos.

SENATOR WITKOS: Thank you, Mr. Chairman.

I also want to thank you for coming up and I know when we talked about interior design legislation a few years ago I was quite pleased at the amount of interest there was out there.

But my question to you is this is just really allowing a seal to be established that you could stamp your work with. Are you aware is that an industry norm throughout our country or surrounding states or through your research that you've found or would this -- Connecticut be the first that would establishing such a seal?

RACHEL PIROLI: I'm not sure but after us speaking is Eric Schoonmaker who could field that answer. As far as -- I'm not positive with that answer.

SENATOR WITKOS: Sure, great, thanks.

REP. BARAM: Any other questions?

Representative Carter.

REP. CARTER: Of course maybe I should hold this for the next one but are -- are you -- who -- who's going to establish the actual seal because I know what we're saying here what can be in it but is there one organization that's going to take the lead in establishing this or are there -- are there multiple organizations in Connecticut that could be weighing in on this?

RACHEL PIROLI: Um.

REP. CARTER: Would you like me to wait until the next one? No problem.

RACHEL PIROLI: Yeah I think Eric would be better to answer that question.

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REP. CARTER: Okay. Thank you very much. You know it's -- it's really great. I think all of us feel this way when -- when you show interest in this and be part of the process. It's great to see you here. Thank you.

RACHEL PIROLI: Thank you.

REP. CARTER: Thank you, Mr. Chairman.

REP. BARAM: I -- I think there are some colleague students of yours here too because they all stood up before. If you'd like to stand and be recognized that would be fine. Thank you very much.

Next is Eric Schoolmaker.

ERIC M. SCHOONMAKER: Senator Doyle, Representative Baram, Senator Fonfara, Representative Kiner, Senator Witkos, Representative Carter and other distinguished members of the General Law Committee, my name is Eric Schoonmaker. I'm the president of the curr -- current president of the Connecticut Coalition of Interior Designers and I'm here to testify in support of House Bill 6404, AN ACT CONCERNING REGISTERED INTERIOR DESIGNERS.

I have worked in Connecticut since 1984. I passed my NCIDQ professional exam in 1988 and became registered in Connecticut shortly thereafter. Between 1999 and 2007 I was vice president and partner in Vinick Associates, a Hartford-based nationally known interior design and retail planning firm. In 2008 I started my own firm, EMS Design.

I first want to thank the Committee for their leadership in passing H.B. 5307 last session which ended the prohibition of using our registration number on written communication in

order to identify our specialized skill set and affirming the specific knowledge and our abilities.

H.B. 6404 is a national -- a natural follow up to -- from the changes last session. H.B. 6404 would prescribe and approve the standard seal for use by registered interior designers when submitting construction documents and specifications for permit.

Current law prohibits those who are not registered interior designers from using an RID seal that does not specifically provide for what design the seal should take. Providing the technical specification in H.B. 6404 will eliminate any confusion among building code officials regarding an official RID seal.

Current statutes and the state building code requires registered design professionals, i.e., architects, professional engineers and registered interior designers, to seal and sign all drawings, specifications and construction documents submitted for permit. Many local jurisdictions require a sealed set of plans to be present on the construction site.

Thank you for considering H.B. 6404. I hope you can support the proposal and I would be happy to answer any questions you may have regarding this piece of legislation.

REP. BARAM: Thank you.

Any questions?

Senator Kissel.

SENATOR KISSEL: Thank you very much, Chairman Baram.

So again what I'm hearing is basically you just want something that's fairly simple and straight forward. I'm not familiar with some of those but I am familiar with like for example surveyor seals and so we're not talking about any work of art or anything like that. Just something standard; it's not going to cost a ton of money to create and just something that will have the imprimatur of your professionalism on the documents as projects move forward.

ERIC M. SCHOONMAKER: Currently, you know, most of the professions have standardized seals set in either statute or regulatory authority from the Department of Consumer Protection. At the time that the interior design registration act was passed nearly 30 years ago, our seal was not designed. It was sort of defaulted to the then president of the Connecticut Coalition of Interior Designer. He designed one and submitted it to state where it languished.

Since that time for the 28/29 years or so, his design has been used by registered interior designers and the membership of the Connecticut Coalition as our seal but it's never been approved. It's just been customary and it's been accepted and promoted by the state building official. It's been accepted by local building officials. It's -- you know when Bernard Vinick did the seal back in the mid-80s he based it upon the other professional seals, the architects, professional engineers, structural engineers.

This bill basically is standardizing and codifying the seal that we have used by custom for the last 28 years.

SENATOR KISSEL: Okay and so there -- there would be like low cost or no cost to the state and if

these individuals graduate and they're qualified they go out, they buy their own seal, so (inaudible).

ERIC M. SCHOONMAKER: Right just -- you know we all go out and buy our own seal. It's been customary to follow his design but, you know, it's never been standardized and approved --

SENATOR KISSEL: Gotcha.

ERIC M. SCHOONMAKER: -- which means someone who is not a registered interior designer could make a decoration on their drawings that mimics what we use and confuse the public and confuse building officials.

SENATOR KISSEL: Okay, thank you.

REP. BARAM: Any other questions?

Representative Carter.

REP. CARTER: Thank you, Mr. Chairman.

Part -- part of my question was I -- I guess you are the lead agency so to speak in the state with respect to be -- the Coalition of Interior Designers?

ERIC M. SCHOONMAKER: The -- the Coalition of Interior Designers is the lobbying and advocacy group for all registered interior designers.

REP. CARTER: Okay.

ERIC M. SCHOONMAKER: We get support from individuals and the professional societies like the American Society of Interior Designers and IBD and RBI and, you know, the others.

REP. CARTER: Okay and then you said the -- the intent is to use the established -- the established seal that you guys already have --

ERIC M. SCHOONMAKER: Right.

REP. CARTER: for -- for (inaudible) okay.

ERIC M. SCHOONMAKER: You know we've -- we've had a seal that we've been using, everyone is familiar with but it's been by custom and not by, you know, state authority.

REP. CARTER: Is that what is in -- I mean I'm curious -- a quarter of the testimony in the background, is that the seal?

ERIC M. SCHOONMAKER: Yes.

REP. CARTER: Okay, thank you very much.

ERIC M. SCHOONMAKER: Thank you.

REP. BARAM: Any other questions?

Thank you very much.

ERIC M. SCHOONMAKER: Thank you.

REP. BARAM: The next five people in this order are Alex Lanuk, John Arabolos, David Palmberg, Robert Dahn and Kevin DaRos.

ALEXANDRIA LANUK: Good evening Chaired -- Chairman Doyle and Baram and other distinguished members of the General Law Committee. My name is Alex Lanuk and I'm here to testify in support of H.B. 6404, AN ACT CONCERNING REGISTERED INTERIOR DESIGNERS.

I have been practicing in the Fairfield County area of Connecticut for 32 years in which 27 of

those years encompassed running my own small business specializing in commercial interiors. In addition I am also an interior design educator at Norwalk Community College.

Touching upon last session via the passage of House Bill 5307, I thank the Committee for their leadership in removing the prohibition from the registered interior designers utilizing their registration number in written communications in order to identify their specialized skill set thus -- thus affirming specific knowledge and abilities which in turn provides accountability for consumers, provides incentives for design professionals to practice in our state and encourages interior design students to remain in Connecticut after their graduation.

House Bill 6404 aligns and supports the changes made last session by prescribing and improving a standard seal for use by registered interior designers when submitting interior alteration plans and specifications for construction permitting.

Current law prohibits those who are not registered interior designers from using a seal but does not specify -- excuse me specifically provide for what the design the seal should take. If enacted, a uniform seal for all registered interior designers in Connecticut would be established and required.

Providing this technical clarification in H.B. 6404 will eliminate any confusion among building code officials regarding an official registration seal for registered interior designers.

Having and using a uniform seal will also affirm and identify the professional

capabilities that are provided by registered interior designers and necessary in conjunction with collaborative project teams consisting of various allied design professionals.

Thank you for taking the time to hear my perspective. I hope you will support H.B. 6404.

I'm happy to answer any questions.

REP. BARAM: Thank you very much.

Are there any questions?

Thank you, appreciate your testimony.

ALEXANDRIA LANUK: Okay, thank you.

REP. BARAM: Next is John Arabolos.

JOHN ARABOLOS: Good evening, Chairman Doyle and Baram and members of the General Law Committee. My name is John Arabolos and I am a registered interior designer small business owner in West Haven and an assistant professor in the Interior Design Program at the University of New Haven.

Today I -- I'm in front of you as an educator and design practitioner in support of H.B. 6404, AN ACT CONCERNING REGISTERED INTERIOR DESIGNERS. The passage of this legislation will confirm the registered interior designer's ability to utilize a uniform seal identifying their specialized skill set and affirming specific knowledge and abilities.

In turn the seal will provide safeguards for accountability to consumers and to building officials so that they will know they are working with qualified responsible

professionals that utilize the latest information regarding health, safety and welfare.

They will also know which interior designers have met specific nationally accepted standards of minimum competency and testing. H.B. 6 -- 6404 aligns registered interior designers with other major participants in the construction and design industries such as architects, landscape architects and engineers who are also required to stamp and sign their drawings.

It also provides building and fire officials with confidence that qualified individuals are submitting the appropriate nonstructural plans, drawings and specifications for permitting purposes and -- and assists municipalities in identifying qualified respondents in bidding procedures on local and/or state levels.

H.B. 6404, as with last year's H.B. 5307, offers consumers legal recourse against negligent and unethical designers who violate the law and additionally provide consumers a venue for redress of grievances.

Further it identifies and maintains registered interior designers who have high ethical standards when working individually or within professional partnership opportunities. In retrospect allowing registered interior designers to -- to utilize a uniform seal far better serves the state's interest in protecting consumers.

I ask that you support H.B. 6404 and thank you very much and if you have any questions I'd be more than happy to answer them.

REP. BARAM: Thank you.

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CAMERON CHAMPLIN: No.

REP. CARTER: Is it -- is it expanding it? It's not changing it?

CAMERON CHAMPLIN: No we are -- all -- all -- I'm sorry I didn't mean to interrupt you but all we're doing is clarifying what is already in the statutes.

REP. CARTER: Thank you.

Thank you, Mr. Chairman.

REP. BARAM: Any other questions?

I -- I think we all understand it now.

CAMERON CHAMPLIN: Thank you very much.

A VOICE: Is that 5.112 or --

REP. BARAM: Next is Diane Harp Jones.

A VOICE: (Inaudible) numbers.

DIANE HARP JONES: Good evening members of the General Law Committee. My name is Diane Harp Jones. I am the executive with the Connecticut Chapter of the American Institute of Architects. On behalf of our approximately 1,250 members we wish to speak against Raised Bill 6404, AN ACT CONCERNING REGISTERED INTERIOR DESIGNERS.

I have submitted written testimony which includes more detailed information for your later consideration. This evening I would like to address several of the more significant problems with this raised bill.

First and most critically this bill is misleading to consumers. Additionally it is not in the best interest of protecting public safety. Only the four licensed design professionals identified in our state statutes, architects, engineers, landscape architects and land surveyors, have the educational training to produce design and construction documents and stamp and seal those documents.

Authorizing non-licensed professionals to stamp and seal documents will be confusing and misleading to consumers as well as detrimental to insuring the safety of our public and cause confusion with our building officials.

Secondly this will add a burden at the municipal level as building officials will be responsible for one more layer of unnecessary administration. Registered interior designers are currently not required to stamp and seal their work. We suggest that you reference the opinion written by Judge Kravitz in Roberts v. Farrell in 2009 when considering this bill.

This raised bill is restrictive to business in our state. We sho -- we would suggest that there has never been any project, not a single one within Connecticut, where the lack of an interior designer's stamp or seal has resulted negatively on public safety.

We do not believe this is a necessary bill. We ask that you not add authorization for the use of a professional seal by those who do not have the necessary qualifications.

REP. BARAM: Thank you.

Any questions?

Representative Orange.

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REP. ORANGE: What qualifies you to have a seal and for the interior designers not to have a seal?

DIANE HARP JONES: The state statutes identify four licensed design professionals and specify the level of education required and the responsibility to public safety including health and safety and welfare of our citizens. Registered interior designers do not fall under that statute.

REP. ORANGE: Thank you.

REP. BARAM: Any other questions?

Senator Doyle.

SENATOR DOYLE: Thank you.

Thank you, Mr. Chairman.

I just -- could you further expand on your -- you -- you profess that -- let me just -- you per -- concern -- your concern about public safety. How could this -- if we were to pass this legislation, would you please just define how we -- we would be harming the public. I'm a little --

DIANE HARP JONES: I would suggest that architects and engineers have education and training specific to load, specific to structural bearings, specific to our state fire code that are not necessary -- well which I -- I do not believe are included in the educational requirements of interior designers.

I would also suggest to you that currently approximately 25 percent of registered interior designers have been grandfathered in and have not passed the examination which they establish as their bare minimum. Fifty percent of the

licensed -- excuse me, 50 percent of the registered interior designers in the State of Connecticut are actually architects who have been exempted from this because they have a higher education standard anyway.

So you're talking about 25 percent of registered interior designers who have actually passed the examination that they refer to.

SENATOR DOYLE: But they're -- I'm a little confused because your -- the underlying assumption is that these people, these interior designers, would be stamping documents that are -- are related to work than an -- that one of you -- an architect would do --

DIANE HARP JONES: Well I --

SENATOR DOYLE: -- because their -- their work is much -- I -- I think it's of less significance of your architectural work so why -- unless you -- is it your assumption they're going to be doing your type of work?

DIANE HARP JONES: I'm not an architect. I'm the executive (inaudible) Association.

SENATOR DOYLE: Okay.

DIANE HARP JONES: I would suggest that when you are looking at interior -- interiors you can talk about egress and you can talk about exit strategies within a building all which fall within the purview of an interior designer and we're not suggesting they should not be doing that work. I'm just suggesting that to have that work stamped and sealed and approved by a building official is not in the best interest of the safety of the -- of the citizens of the State of Connecticut.

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SENATOR DOYLE: Be -- because you fear that -- that they will design something that's structurally deficient?

DIANE HARP JONES: I fear that they will design something that is not necessarily adequate to meet our code.

SENATOR DOYLE: Right so I mean it seems to me that you're heading on a question of whether they're working beyond the scope but -- they -- they cer -- maybe doing that today but you're saying don't give them a seal because then that will certified their noncompliance with their code?

DIANE HARP JONES: I -- I'm saying that if you are a building official and you have a question about safety issues, you're going to require the seal of a professional and if interior designers are afforded a seal you are making the assumption that they have the qualifications to provide the required safety according to our state building and fire code.

SENATOR DOYLE: But if our statutes maybe -- may -- maybe have to be refined, but if we were to clearly identify the limited scope of these interior designers and then set -- you know set -- make it clear, I'm not sure I could see the significant harm. I mean --

DIANE HARP JONES: I'm not sure that I see a need for them to be sealing drawings. Are you -- I -- I guess I don't understand your question and I apologize.

SENATOR DOYLE: I'm all set, thank you.

REP. BARAM: Any other questions?

Representative Carter

REP. CARTER: Thank you, Mr. Chairman.

So I understand where you're kind of going with this, protecting the integrity of a seal and the legitimacy of the seal, I -- I kind of get that. With respect to what somebody is going to have for an interior designer, do they -- do they even give those plans to building inspectors or --

DIANE HARP JONES: They just -- they just testified that one of the reasons they want the seal is for building officials, yes.

REP. CARTER: And -- and so what -- I'm trying to get my head around the scope of what an interior designer does as well because I always imagine that they were doing decoration. I mean maybe there's more than that.

DIANE HARP JONES: I think that there are levels of interior design and I think that one of the things that we heard this evening is that they're looking reasonably and responsibly to increase the perception of their professionalism and certainly we can talk about people who are interior decorators as opposed to interior designers and I certainly respect the difference between someone who is doing commercial interiors which has a very specific impact on the public.

People are going into large buildings where commercial interiors are being done and there is definitely a role there.

REP. CARTER: So -- so in -- and following up with the Chairman's question was is -- is it your take on this that somehow that the interior designers are not trained at a level to where safety is a concern of theirs?

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DIANE HARP JONES: Oh I think safety is a concern. I'm not sure that their education is equivalent to that of an architect. In fact I would challenge that their education is not equivalent to that of an architect or an engineer or a landscape architect or a land surveyor.

REP. CARTER: But does that -- does that in your opinion make it any less realistic that they would have training consistent with what their scope is? Obviously they're not an architect or they've left architecture. Are they -- are they performing something that's reasonable that they're trained for?

DIANE HARP JONES: Um I think that it is misleading to building officials to provide a seal when there's -- there is an industry understanding that sealed drawings are sealed by someone with a specific level of education.

REP. CARTER: Okay, thank you very much for your time.

DIANE HARP JONES: Surely.

REP. BARAM: Any other questions?

I just have one. In your testimony you refer to a United States district court case but you don't really tell us what the case says. Do you have --

DIANE HARP JONES: I left -- I left a copy of the case with -- it -- it talks specifically about the percentage of people in the State of Connecticut who are using the registration title through education as opposed to being grandfathered.

REP. BARAM: Thank you.

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Any other questions?

Thank you very much.

DIANE HARP JONES: Surely.

REP. BARAM: Next is Jennifer Jennings.

JENNIFER JENNINGS: Good evening, how are you? I'm Jennifer Jennings, the executive director of the Connecticut Heating and Cooling Contractors Association and I'm up here today to testify in favor of House Bill 6403, AN ACT MAKING MINOR AND TECHNICAL CHANGES TO DEPARTMENT OF CONSUMER PROTECTION STATUTES.

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This did pass last year. It passed through both this Committee and the House and I -- without reading the testimony that you guys already have it is -- we are looking to extent the timeframe that a contractor has to retest for -- for their license.

We were looking to have it match some of the other trades: the electricians, real estate appraisals and to move beyond one year to possibly to go to two. Currently with one year sometimes a contractor is working out-of-state. They could be working down in Florida and not received their renewal. It could be a divorce. They could be -- they could be taking care of an ill parent and just not received their renewal notification.

I have received multiple calls from many contractors and members who are in the -- in the current issue where they need to retest. I know it sounds ludicrous because many of you are attorneys and you would never retake the bar exam or allow that to happen to you.

trying to make sure we don't over-reach to Representative Aman's point we don't want to do that, but also to make sure that we narrowly focus in on what we're looking for.

So thank you for your time and I'd be happy to try to answer any questions you may have.

REP. BARAM: Are there any questions?

Thank you very much.

TIMOTHY G. PHELAN: You're welcome, thank you.

REP. BARAM: We actually had two more people sign up. They are David Barkin and Curtis Stubbs.

DAVID BARKIN: Thank you. My name is David Barkin and thank you to Chairmans Doyle and Baram and the -- and the General Law Committee. I am a licensed architect in Connecticut, New York, Massachusetts, New Jersey and pending in Nevada and I'm here to speak about -- in opposition to H.B. 6404.

I'm also a registered interior designer in the State of Connecticut. I'm a principal at JCJ Architecture in Hartford. We are architects and interior designers. Finally I'm an appointee to the Architectural Licensing Board, one of three professionals -- professional architects that serves on the Architectural Licensing Board.

My objections to H.B. 6404 is I feel a seal would confuse building officials by suggesting equivalency to an architect's seal which requires licensure. Licensed architects require -- there was some discussion earlier about when -- in -- in discussing this -- in questioning Diane Jones but we require a -- a nationally accredited degree. It's either a

five-year professional undergraduate degree or a roughly three-year professional graduate degree.

We require then three years of a prescribed internship that's controlled very -- by the National Council of Architectural Registration Boards (NCARB) followed by a comprehensive national exam. When I took it, it was before the computer exams that are given now and it consisted of three eight-hour days of testing and followed by one 12-hour day of -- of testing.

Currently there are seven parts of the exam. Each requires roughly four hours of -- of testing each -- so 28 hours of -- of testing.

License design professional -- professionals such as architects, professional engineers and landscape architects place their seals and signatures on documents to certify code compliance to assure citizens in Connecticut that buildings are safe to occupy.

Building officials rely on the training and -- and competency of these licensed professionals who attach their seals to documents and -- or to documents prepared under their careful supervision.

Registered interior designers are not licensed, do not have an appointed board of peers, and this is important, who help oversee the practice of interior design like professional -- like architects, professional engineers, landscape architects and surveyors.

Granting a seal to non -- non-licensed registered interior designers will confuse the public and will not add to the public's health,

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safety or welfare and should not be moved forward.

I ask that you take no further action on H.B. 6404 and I'm available for questions if you have any.

REP. BARAM: Thank you.

Are there any questions?

Thank you very much.

Next is Curtis Stubbs.

CURTIS STUBBS: Thank you. I'll try to make it brief so you all get -- get home. My name is Curtis Stubbs. I'm a -- a member of Millwrights Local 1121 and here representing the Local. We have about 800 members in our Local and it's part of the United Brotherhood of Carpenters where we have about 6,000 members that live in the state.

My concern with Bill 6442 is primarily about safety. You know in -- in just looking through some of the OSHA accident reports I found hundreds of accidents involving conveyors. These accidents happen from material falling from the elevated conveyors or from people getting their -- their arm or their -- their hand caught in the conveyor.

And, you know, our -- our feeling is that licensing helps drive the -- the safety in the industry. That when people have to pass an exam then there's a -- a set -- set of material that they have to master before they can pass the exam. If there wasn't any licensing then it would just be up to the individual operators and distribution centers to decide do I want to

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Good Evening, Chairmen Doyle and Baram and other distinguished members of the General Law Committee.

My name is Alex Lanuk and I am here to testify in support of HB 6404, "An Act Concerning Registered Interior Designers". I have been practicing in the Fairfield County area of Connecticut for 32 years in which 27 of those years encompass running my own small business specializing in Commercial Interiors. In addition I am also an Interior Design Educator at Norwalk Community College.

Touching upon last session via the passage of HB5307, I thank the committee for their leadership in removing the prohibition from Registered Interior Designers (RIDs) utilizing their registration number in written communications in order to identify their specialized skill set thus affirming specific knowledge and abilities which in turn provides accountability for consumers, provides incentives for design professionals to practice in the State and encourages Interior Design students to remain in Connecticut after graduation.

HB6404 aligns and supports the changes made last session by prescribing and approving a standard seal for use by RIDs when submitting interior alteration plans and specifications for construction permitting. Current law prohibits those who are not RIDs from using a seal but does not specifically provide for what design the seal should take. If enacted, a uniform seal for all RIDs in Connecticut would be established and required. Providing this technical clarification in HB 6404 will eliminate any confusion among building code officials regarding an official RID seal.

Having and using a "Uniform Seal" will also affirm and identify the professional capabilities that are provided by RIDs and necessary in conjunction with collaborative project teams consisting of various allied design professionals

Thank you for taking the time to hear my perspective. I hope you will support HB6404.

Sincerely,



Alexandra Lanuk, ASID
Principal, ATL Environments, LLC
Registered Interior Designer #517
NCIDQ Certificate #015357
VP Membership, CCID
Adjunct Faculty, Norwalk Community College

ATL

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March 5, 2013

Testimony before the Committee on General Law re:

Raised Bill No. 6404

AN ACT CONCERNING REGISTERED INTERIOR DESIGNERS

Good afternoon Co-Chairs and members of the Committee. This testimony is being presented by the Government Affairs Committee of the Connecticut Chapter of the American Institute of Architects, AIA Connecticut. We are opposed to this bill, as it proposes to introduce the use of a professional seal for Interior Designers, who have "title registration" in the State of Connecticut, and not "professional licensure."

The use of a seal is restricted to licensed professionals and is inappropriate for those with title registration only. The use of a seal would be misleading to the public, who might misconstrue the seal as an indication of licensure.

Thank you for your time and interest. Please feel free to contact me if you have any questions

Bruce J. Spiewak, AIA

Chair, Government Affairs Committee, AIA Connecticut

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National Kitchen & Bath Association

February 27, 2013

BY EMAIL (to brandon.mccall@cga.ct.gov)

The Honorable Paul R. Doyle, Co-Chair
The Honorable David A. Baram, Co-Chair
General Law Committee
Room 3500, Legislative Office Building
Hartford, CT 06106

Re: House Bill No 6404 - An Act Concerning Registered Interior Designers - **OPPOSE**

Dear Representatives Doyle and Baram:

On behalf of the National Kitchen & Bath Association (NKBA), an international trade association representing all facets of the Kitchen & Bath Industry and its 901 Members in the State of Connecticut, please accept this letter expressing our objection to House Bill No 6404 which would authorize the use of a seal by registered interior designers.

The term "seal" has a very specific meaning in the built environment and refers to the ability of licensed design professionals, primarily architects and engineers, to submit building plans to local construction officials for purposes of obtaining a building permit. By signing and affixing a seal of the licensed architect or engineer to those plans, the licensed professional is attesting to the safety of the plans and its compliance with state law. By confirming that the submitted plans have been "signed and sealed" by the proper licensed professional, the construction code enforcement official can reasonably be assured that the plans comply with all state laws, codes and regulations, and that the safety of the public is protected. Registered interior designers simply do not have documented education, experience and training to protect the life safety of the public in building design.

This is especially true given the fact that, as noted in the District Court case of Roberts v. Farrell, a substantial number of Connecticut registered interior designers "fall under the grandfather provision in § 20-3771 (3) and therefore may lack the education, experience, and certification held by the remaining percentage of "interior designers" registered with the State. See *Roberts v. Farrell*, 630 F. Supp. 2d 242,254 (D. Conn 2009).

For the above reasons, we would respectfully request that the Committee not support the amendment to Section 20-3771 of the General Statutes and oppose House Bill No. 6404.

Sincerely,

A handwritten signature in cursive script that reads "Edward S. Nagorsky".

Edward S. Nagorsky
General Counsel
National Kitchen & Bath Association



CCID

Connecticut Coalition of Interior Designers

50 Washington Street • South Norwalk, CT 06854 • Tel 203 322 2263 • Fax 203 329 7452

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LN # 12

Sen. Doyle, Rep. Baram, Sen. Fonfara, Rep. Kiner, Sen. Wilkos, Rep. Carter and other distinguished members of the General Law Committee:

My Name is Eric Schoonmaker and I am here to testify in support of HB-6404, - "An Act Concerning Registered Interior Designers". I have worked in Connecticut since 1984. I passed my NCIDQ professional exam in 1988 and became registered in Connecticut shortly thereafter. Between 1999 and 2007, I was Vice President and Partner in Vinick Associates, a Hartford based nationally known Interior Design and Retail Planning firm.. In 2008 I started my own firm, EMS Design.

I first want to thank the committee for their leadership in passing HB 5307 last session which ended the prohibition of utilizing our registration number in written communications in order to identify our specialized skill set and affirming specific knowledge and abilities. The new law protects consumers against those who are not registered with DCP and encourages in-state Interior Design students to stay in Connecticut after graduation.

HB-6404 is a natural follow-up from changes last session. HB-6404 would prescribe and approve the standard seal for use by Registered Interior Designers when submitting Construction documents and specifications for permit..If enacted, this will require a uniform seal for all RID in Connecticut. Current law prohibits those who are not RIDs from using an RID seal but does not specifically provide for what design the seal should take. Providing this technical clarification in HB - 6404 will eliminate any confusion among building code officials regarding an official RID seal.

Current statutes and the State Building Code requires "Registered Design Professionals" (i.e. Architects, Professional Engineers and Registered Interior Designers) to seal and sign all drawings, specifications and construction documents submitted for permit. Many local jurisdictions require a sealed set of plans be present on the construction site.

Thank you for considering HB-6404. I hope you can support this proposal and I would be happy to answer any questions you may have regarding this piece of legislation.

Eric M Schoonmaker

Eric M. Schoonmaker
Registered Interior Designer
President, Connecticut Coalition of Interior Designers

3. 5. 2013

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pg 6

LN 1

Chairmen Doyle and Baram and all Members of the General Law Committee.

My name is Rachel Pirolli and I am a senior student in the 4 year Bachelors Program of Interior Design in the Department of Art and Design at the University of New Haven in West Haven Connecticut. I am also currently the Student Representative for the Connecticut Coalition of Interior Designers and am one of the students that support HB-604 establishing a "Uniform Seal" for the Connecticut Registered Interior Designer.

I am here at this public hearing tonight to ask that you please support and approve House Bill-6404, to ensure that all registered interior designers in Connecticut have the ability to display their seal in order to keep the industry competitive within Connecticut and other states. This will mean that building officials, professional contractors, other allied design professionals and the everyday consumers can more easily identify "Registered Interior Design professionals", ensuring them that the person they hire knows all building safety codes, fire codes, ADA compliance codes and all other necessary regulations to keep Connecticut citizens safe.

This is common sense legislation. Approval of this bill will ensure that the state retains more students who study interior design in Connecticut and would like to plan to work and live here as contractors and small business owners. Finally, it uniquely contributes in this way towards economic growth at no cost to the state.

Thank you in advance for considering approval of this critically important piece of legislation. Please let me know if there are any questions I can answer on our industry or this initiative.

Rachel Pirolli
Student Representative for the Connecticut Coalition of Interior Designers



interior design **PROTECTION** consulting

The nation's leading advocate protecting designers' livelihoods

502 March Court, Concord, Greer SC 29651 pmorrow.IDPC@gmail.com www.IDPCinfo.org

March 1, 2013

BY EMAIL (to brandon.mccall@cga.ct.gov)

The Honorable Paul R. Doyle, Co-Chair
 The Honorable David A. Baram, Co-Chair
 General Law Committee
 Room 3500, Legislative Office Building
 Hartford, CT 06106

Re: **OPPOSE** HB 6404 - An Act Concerning Registered Interior Designers

Dear Representatives Doyle and Baram:

On behalf of the below-listed trade associations' Connecticut members, we'd like to express two objections to House Bill No 6404 which would authorize the use of a seal by registered interior designers, and ask you to reject this bill.

Designer Society of America (www.dsasociety.com)
 Interiors by Decorating Den (www.decoratingden.com)
 Foodservice Equipment Distributors Association (www.feda.com)
 Foodservice Consultants Society International (www.fcsi.org)
 Manufacturers Agents' Assoc. of the Foodservice Industry (www.mafsi.org)
 North American Association of Food Equipment (www.natein.org)

1. **Fraud.** When Connecticut's original title act was struck down and declared unconstitutional in Roberts v. Farrell, it was revealed that over 50% of the registered interior designers were "grandfathered" and did not possess the education or had passed the examination required in the statute. When the title act was subsequently amended to fix the constitutional defects and reinstated, the grandfathering was not addressed. Therefore, allowing currently registered interior designers to use a seal would perpetrate a fraud on the public and mislead building officials who would mistakenly assume that registered designers have met certain criteria, when in fact the majority have not.

In December, 2012, Texas considered repealing their Registered Interior Designer law. While the repeal failed, they amended the law to require that the 84% of Texas interior designers who had originally been grandfathered, would have to pass the exam within three years in order to keep their certification. At the very least, Connecticut should amend their law to do the same.

2. **Public Safety.** Historically, use of a seal has been reserved only for professionals who impact the structure and lifesafety of the built environment – usually architects and engineers. Since interior design work does not impact the health or safety of the public, there is no need for a seal. Indeed, a building official seeing a seal on a submitted plan may mistakenly assume that the plans have been sealed by a licensed professional; interior designers are not trained nor examined to protect the public, and sealing construction drawings may jeopardize public safety.

We respectfully urge you to protect the good citizens of Connecticut and **REJECT HB 6404**.

Very sincerely,

Patti Morrow

President

ADE, CAPS, DSA, RESA, RIDE, USGBC-NH

Principal, Juxtapose Design

Adjunct faculty, New Hampshire Institute of Art

Certified Residential Interior Designer (RIDE)

Certified Aging in Place Specialist (CAPS)

Winner of the Real Estate Staging Association "2011 INNOVATOR OF THE YEAR"

Board of Directors - Designer Society of America (DSA)

3.5.13

Pg 5
LN 25

Chairmen Doyle and Baram and all Members of the General Law Committee:

My name is Estebon Munoz and I would like to take this opportunity to ask for your support in the General Law Committee and on the floor of the Senate to propose and pass House Bill 6404, an act concerning the establishing of a "Uniform Seal" for Connecticut Registered Interior Designers

The legislative passage of this bill will give all existing registered interior designers and students currently studying the practice of interior design within this state, a justifiable reason to work and live in Connecticut.

This bill will enhance my professional career. I am a senior in the Interior Design Program at the University of New Haven, graduating this spring and will be immediately looking for a job in an Interior Design or Architecture firm. I have put the utmost importance on choosing to live and work in a state that has passed or will be passing legislation recognizing Interior Designers as professionals. It is critical to me to get a job in a state that recognizes all of the effort and expense that I have put into getting my education, future career and also recognizes that upon passing the NCIDQ exam, I am considered to be a professional designer. Having a "Uniform Seal" will affirm my professional status in the eyes of other allied design professional associates and peers and to all my future clients.

I thank you again for considering, supporting and advocating for the passage of this legislation. I look forward to working together with you in future legislative sessions to continue to improve upon the practice environment for registered interior design professionals. In this way consumers in Connecticut can be assured of the highest quality design services when they look to redesign, renovate and build, their living and work spaces.

Please do not hesitate to contact us with any questions you may have regarding our industry or practice.

Respectfully,

Estebon Munoz

Good afternoon Co-Chairs and members of the Committee,

I am testifying about HB 6404, An Act Concerning Registered Interior Designers. Interior Designers currently can obtain a Certificate of Registration from the Commissioner of Consumer Protection "Title Registration" by providing some information on their achievements in interior design and paying a fee. The proposed legislation is to create a signature and seal for their documents. I feel this is potentially misleading to consumers. These are not licensed professionals and "sealing" drawings and documents implies a level of qualification which they do not have.

Their work does not affect Health and Life Safety of people. Seals and Signatures can also be misleading to the various city and town Building Inspectors. Documents given to an inspector with a Seal and Signature on it could be misunderstood as a submitted construction document for the walls, partitions and exits etc. shown on it, thus providing improper confidence on their correctness for code construction, exiting and structural veracity. Currently the only construction drawings a Building Inspector sees with Seals and Signatures are from Licensed Professionals in the Engineering and Architecture professions. This adds a level of potential confusion that is not good for the public.

The bottom line is that this is not a good modification for the State of Connecticut, and I hope that you will see fit to deny this bill.
Very truly yours,

S. Edward Jeter, AIA
221 Deercliff Road
Avon, CT 06001

P4
BPg 5
LN 24

3. 5. 2013

Chairmen Doyle and Baram and all Members of the General Law Committee.

My name is Heather Konish. As a sophomore student studying to become a professional interior designer at the University of New Haven, I am here in support of Bill # HB-6404. I am also joined here today by many of my fellow classmates to share with you the passion that we have for our future as professional Interior Designers.

To become a *Professional Interior Designer*, requires a four year university degreed education, two years of verifiable work experience under a NCIDQ certified Interior Designer or Architect and the subsequent passing of the NCIDQ Exam. As a young, emerging Interior Designer this is the career path I have chosen and is the minimum standard for me to become a Registered Interior Designer in the State of CT.

Being able to utilize my Interior Designer Seal will differentiate me from those that do not have the education or minimum qualifications required to practice as a "Registered Interior Designer" and will assure me a competitive edge for employment within this State. The seal will identify and define me as a professional Registered Interior Designer when submitting my drawings to building officials and other allied design professionals. It also opens access for me to work independently to develop new business opportunities and advance my career through professional partnership opportunities within this State.

I ask the General Law Committee to approve this bill so as to further assure, and affirm the educational value and skill set for all Interior design students who are entering the profession of Interior Design as defined and regulated in Statue #20-377

Sincerely,

Heather Konish



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 A
 PS: 11 LN: 1

March 5, 2013

Chairman Doyle, Chairman Baram, Committee Members,

My name is Diane Harp Jones. I am the Executive with the Connecticut Chapter of the American Institute of Architects. On behalf of our approximately 1,250 members, we wish to speak AGAINST Raised Bill 6404, An Act Concerning Registered Interior Designers.

I testified earlier expressing our opposition to this bill but would like to provide more detail than addressed in my spoken remarks.

I testified that first and most critically, this bill is misleading to consumers. Additionally, it is not in the best interest of protecting public safety. Registered Interior Designers do not have the qualifications required by the State of Connecticut to produce documents which are assured to protect the life-safety aspects of those projects being stamped and sealed. Only the four, licensed professions identified in our State Statutes, architects, engineers, landscape architects and land surveyors, have the educational training to produce design and construction documents and stamp and seal those documents. Additionally they are not required to have the same level of professional liability insurance coverage as any of the four licensed professionals. Authorizing non-licensed professionals to stamp and seal documents will be confusing and misleading to consumers, as well as detrimental to insuring the safety of our public. In 2009 there were approximately 600 'registered interior designers' listed with the State of Connecticut Department of Consumer Protection. Approximately only slightly more than 100 of those 'registered interior designers' had registered by virtue of having completed the examination which 'registered interior designers' identify as the benchmark of their knowledge from education, in 2009. One half of those registered in 2009 were licensed architects. The remainders were 'grandfathered'. To permit someone with no qualifications other than years of work to stamp and seal documents that are being submitted for the approval of Building Officials is not in the best interest of protection the public. Building and Fire Safety Code knowledge, knowledge of loads and structures are but two areas that should generate serious concerns when considering having a non-licensed person stamp and seal documents.

Secondly, this will add a burden at the municipal level as Building Officials will be responsible for one more layer of unnecessary administration. Building Officials have no training on the stamping and sealing of documents from anyone other than licensed professionals. Will the State of Connecticut now provide added funding for the education and training that Building Officials are required to have for this new responsibly requiring they understand the limit of the scope of these stamps and seals from Interior Designers?

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Thirdly, there is no way to enforce this. What would the stamp and seal actually mean, what is the standard to which this would be held?

We suggest you reference the opinion written by Judge Kravitz in Roberts v. Farrell in 2009 when considering this Raised Bill. I am including a copy of the U.S. District Court decision from the Roberts v. Farrell case in 2009, for your convenience. There are numerous facts that raise the question for the need for the State to be providing added regulation in this area. This Raised Bill is restrictive to business in our State. We would suggest that there has never been any project, not a single one, within Connecticut where the lack of an Interior Designer's work has resulted negatively on public safety. What is the need for this Raised Bill? Why is the State 'registering' this occupation?

We would respectfully request that the entirety of Section 20-3771 should be struck but as that is not being considered; we would ask that you NOT add authorization for the use of a professional seal by those who do not have the necessary qualifications. This would be detrimental to the public safety.

Thank you for your consideration.

Respectfully submitted,

Diane Harp Jones

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 Julia Parker, AIA
 John T. Stevens, AIA

P 18
B

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

SUSAN ROBERTS, LYNNE HERMANN, :
and CYNTHIA HERNANDEZ, :

Plaintiffs, :

v. :

NO. 3:08CV1356 (MRK)

JERRY FARRELL, JR., in his official :
capacity as Commissioner of the :
Connecticut Department of Consumer :
Protection, :

Defendant. :

MEMORANDUM OF DECISION

Connecticut defines an "interior designer" as an individual "qualified by education, experience and examination who":

(A) identifies, researches and creatively solves problems pertaining to the function and quality of the interior environment; and (B) performs services relative to interior spaces, including programming, design analysis, space planning and aesthetics, using specialized knowledge of non-load-bearing interior construction, building systems and components, building codes, equipment, materials and furnishings; and (C) prepares plans and specifications for non-load-bearing interior construction, materials, finishes, space planning, reflected ceiling plans, furnishings, fixtures and equipment relative to the design of interior spaces in order to enhance and protect the health, safety and welfare of the public.

Conn. Gen. Stat. § 20-377k. Plaintiffs Susan Roberts, Lynne Herrmann, and Cynthia Hernandez each perform such interior design services in this State. Thus, since 1982, Susan Roberts has operated an antique furniture and interior design business called the "Idea Factory" and has provided residential and commercial interior design services to clients in Connecticut and other states. *See* Pls.' Motion for Preliminary Injunction [doc. # 19] Ex. A ("Declaration of Susan Roberts") at ¶¶ 2, 7. Since 2004, Lynne Hermann has operated an Interiors by Decorating Den franchise and has

provided residential interior design services in Connecticut. *See id.* Ex. B ("Declaration of Lynne Herrmann") at ¶ 2. Cynthia Hernandez operates an interior design business called "Ideal Interiors, LLC, d/b/a Interiors by Decorating Den" and provides residential interior design services in Connecticut. *See id.* Ex. C ("Declaration of Cynthia Hernandez") at ¶¶ 3, 4.

Plaintiffs brought this action under 42 U.S.C. § 1983 against Defendant Jerry Farrell, Jr., Commissioner of the Connecticut Department of Consumer Protection, seeking declaratory and injunctive relief against the enforcement of a Connecticut law that Plaintiffs claim censors their truthful commercial speech by forbidding them from calling themselves "interior designers." Notably, the State does not regulate the practice of interior design, which means that Plaintiffs may, and they lawfully do, render interior design services to consumers in the State. However, Connecticut is now the only state in the Nation to prohibit Plaintiffs from calling themselves "interior designers" or describing their services as "interior design," even though that is precisely the services Plaintiffs regularly and lawfully perform in the State.

The specific statutory provision that Plaintiffs challenge states as follows:

No person shall use the title "interior designer" or display or use any words, letters, figures, title, advertisement or other device to indicate that he is an interior designer, unless he (1) has obtained a certificate of registration as provided in sections 20-377k to 20-377v, inclusive; or (2) is an architect licensed in this state; or (3) has used or was identified by the title of "interior designer" for at least one year immediately preceding October 1, 1983.

Conn. Gen. Stat. § 20-377i. Given that Plaintiffs do not fall within the second and third categories of individuals allowed to use the term "interior designer," Plaintiffs must obtain a certificate of registration as provided under the statutory scheme before they may refer to themselves as "interior designers." Because none of the Plaintiffs has obtained the requisite certificate of registration, each

of them may perform interior design services in the State but may not call herself an "interior designer" or advertise or describe the work she regularly and lawfully perform as "interior design." According to Plaintiffs, this complete ban on their describing themselves as "interior designers" or their work as "interior design" violates their First and Fourteenth Amendment rights under the U.S. Constitution. The Court agrees.

I.

On January 14, 2009, Plaintiffs moved for a preliminary injunction to restrain the Commissioner from enforcing §§ 20-377l to 20-377v pending resolution of their case on the merits. After the Court's on-the-record telephonic conference with the parties on January 22, 2009, counsel agreed that it was both feasible and appropriate for Plaintiffs' case to proceed on an accelerated schedule to a final judgment on the merits in lieu of a ruling on Plaintiffs' Motion for Preliminary Injunction [doc. # 19]. After engaging in expedited discovery, the parties informed the Court on April 15, 2009 that they foresaw two possible means of resolving this case: (1) a bench trial on the merits on the basis of stipulated facts and legal briefing from the parties; and (2) legislative action requested by Connecticut Attorney General Richard Blumenthal and Commissioner Farrell, which the parties agreed would moot Plaintiffs' constitutional challenge by changing the regulated term in § 20-377l from "interior designer" to "*registered* interior designer." See Substitute for Raised S.B. 1002, as amended by Senate Amendment "B" (LCO No. 6967).¹ After again conferring with the

¹ The proposed legislative amendment to § 20-377l states as follows:

No person shall use the title "registered interior designer" or display or use any words, letters, figures, title, advertisement or other device to indicate that such person is a registered interior designer, unless such person (1) has obtained a certificate of registration as provided in sections 20-377k to 20-377v, inclusive; or (2) is an architect licensed in this state.

parties during an on-the-record telephonic conference on April 27, 2009, the Court denied the Commissioner's motion to stay the proceedings until the Connecticut General Assembly considered the proposed legislative amendment. The Commissioner stated he would continue to pursue the legislative amendment and, although the Court and the parties were optimistic that remedial legislation would pass the Connecticut General Assembly, the Court scheduled a preliminary injunction hearing immediately following the close of the legislature's regular session.

Although the proposed amendment to § 20-3771 passed the Connecticut Senate by a unanimous vote of 36-0 on May 26, 2009, the Connecticut House of Representatives did not consider the amendment before the end of the regular legislative session on June 3, 2009. Thus, the Court proceeded with the preliminary injunction hearing scheduled for June 5, 2009. At the hearing, the parties agreed that there was no need for additional discovery in the case and that apart from the continued potential for a legislative amendment to § 20-3771 during the General Assembly's special session, there was no reason not to move to a final adjudication of Plaintiffs' claims. The parties also agreed that the Court could decide the case on the basis of their factual stipulations and that the Court should proceed to a final hearing on the merits, rather than taking up the request for a preliminary injunction. That same day, the Commissioner represented to the Court and the parties that given his commitment to seeking a legislative amendment, the Department of Consumer Protection would not enforce § 20-3771 pending those efforts and at least until December 1, 2009. *See* Attachment to Order [doc. # 35] (Letter from Commissioner dated June 5, 2009). Therefore, the parties stipulated to an order of this Court restraining the Commissioner from enforcing § 20-3771 pending the Court's final decision on the merits and until further order of the Court. *See* Order [doc. # 35].

Although the Court, as well as the parties and their counsel, remained hopeful that the General Assembly would expeditiously act on the proposed amendment during its special session, the General Assembly has unfortunately not acted on the legislation. Therefore, the Court turns to the merits of Plaintiffs' claim. Before proceeding further, however, the Court pauses briefly to commend the parties, their counsel, and the Attorney General and Commissioner on their cooperation during this case as well as their commitment to seeking a legislative resolution of Plaintiffs' claim. The Court had hoped that the legislature would solve this issue on its own, and the Court and the parties have waited patiently for legislative action. Plaintiffs filed this action almost one year ago, in early-September 2008, and initially moved for preliminary relief in January 2009. They have shown the utmost patience as the Commissioner sought to work with the legislature to amend § 20-3771. However, in a telephonic conference with the parties on June 29, 2009, counsel for the Commissioner could not provide any definite timetable for legislative change. Thus, the Court and Plaintiffs have now waited for almost an additional month without any further action by the General Assembly as to § 20-3771. Although an order restraining the Commissioner from enforcing § 20-3771 has remained in effect since June 5, 2009, given that there is no indication when, or even if, the General Assembly will act on a legislative fix, Plaintiffs deserve a ruling on their claim so they may move forward with their livelihoods. The State has now had ample time to enact any legislative solution to this controversy.

After considering the parties' briefs and stipulations of fact, as well as the skilled arguments of both counsel at the June 5, 2009 hearing, the Court hereby GRANTS Plaintiffs' request for permanent injunctive relief as well as a declaratory judgment that § 20-3771 is unconstitutional. For the reasons that follow, the Court finds that § 20-3771 violates Plaintiffs' First and Fourteenth

Amendment rights under the U.S. Constitution by impermissibly restricting their commercial speech.

II.

Under Connecticut law, any person may perform interior design work in the state without first obtaining a license from or registering with the State.² Plaintiffs Susan Roberts, Lynne Hermann, and Cynthia Hernandez lawfully perform interior design services in Connecticut, and each Plaintiff considers herself to be, and wishes to identify herself as, an "interior designer." There are four ways to be registered as an interior designer in Connecticut: (1) pass either of two national examinations (the National Council for Interior Design Qualification (NCIDQ) Examination or the Interior Design Society's Uniform National Examination); (2) be licensed as an architect in Connecticut; (3) be registered as an interior designer in another state having registration standards equal to or greater than those in Connecticut; or (4) demonstrate that the registrant has used or was identified by the title of "interior designer" for one year or more immediately preceding October 1, 1983 and obtained registration prior to July 1, 1991. Conn. Gen. Stat. § 20-3771.

As to those individuals qualifying by examination, the NCIDQ examination and the Uniform National Examination are formulated and administered by private bodies over which the State of Connecticut has no direct control. Both the NCIDQ and the Interior Design Society establish their own eligibility requirements to sit for those examinations. The State of Connecticut likewise has no direct control over those eligibility requirements. The examinations test knowledge and skills relating to consumer protection, public health, life safety, and welfare, among other subjects. Subject matters covered in the examinations include professional ethics, contract documents and

² The Court takes the following facts from the parties' Stipulations of Fact dated May 7, 2009. See Pls.' Supplemental Brief in Support of Motion for Preliminary Injunction [doc. # 32] Ex. A.

3771 differs from the California statute in *American Academy of Pain Management* because it prohibits Plaintiffs from using the most accurate title for their professional design services, services that the State allows them to lawfully perform. Therefore, under *Central Hudson*, Plaintiffs' expression is entitled to First Amendment protection because it is commercial speech that is neither unlawful nor inherently misleading.

Next, the Court considers whether the Commissioner has demonstrated that the State's asserted interest in protecting consumers from being misled as to the title "interior designer" is substantial, and whether that interest is directly advanced by the restriction on use of the title "interior designer" under § 20-3771. *See Central Hudson*, 447 U.S. at 566. It is important to note that the Commissioner does not assert that the State has a substantial interest in the delivery of interior design-related services; nor could he, given the State's failure to regulate the practice of interior design in Connecticut. Thus, the State does not seek to prevent anyone from offering interior design services to consumers or from performing interior design work in Connecticut. Rather, the Commissioner argues that Connecticut has a substantial interest in securing the special meaning that it has assigned to the title "interior designer." In addition, the Commissioner claims that the State has a substantial interest in protecting consumers from individuals who would otherwise call themselves "interior designers" despite failing to meet specific educational and experiential requirements or to submit to the State's regulatory process.

Plaintiffs concede that consumer protection can be a substantial state interest, but they argue that the Commissioner's asserted interests neither protect consumers nor respond to a demonstrated need for commercial regulation in this field. Although the parties stipulate that they "are not aware of any evidence that any consumer has ever been deceived, misled, or otherwise injured by a person's

use of the term 'interior designer' to describe him- or herself," Stipulations of Fact [doc. # 32] Ex. A at ¶ 10, Plaintiffs acknowledge that consumers may not have reported to the Commissioner all title-related injuries they may have suffered. However, Plaintiffs take issue with what they deem is a complete lack of evidence regarding the need for a total ban on their use of the title "interior designer," and thus, the Commissioner's assertion that the State's interest in regulating Plaintiffs' speech is substantial and directly advanced by § 20-377l. Moreover, Plaintiffs argue that the existence of the grandfather provision under § 20-377l(3) undermines the State's asserted interest in protecting consumers from being misled or deceived by unregistered individuals who would otherwise call themselves "interior designers" even though they lack the requisite professional credentials required for registration under state law. According to Plaintiffs, individuals who were grandfathered in under § 20-377l(3) need not have any specific education or experience and despite this, are able to call themselves "interior designers" without having to make any sort of public disclosure that they have not attained certain educational requirements that other "interior designers" have obtained. Thus, say Plaintiffs, Connecticut's restriction of "interior designer" cannot convey a certain level of education or experience to consumers or assist consumers in making informed decisions when hiring design professionals.

Although the Commissioner admonishes Plaintiffs for seeking specific evidence that demonstrates that the State's asserted interest in protecting consumers from their commercial speech is substantial and directly advanced by the title restriction in § 20-377l, the Supreme Court has made clear that a State must do more than invoke abstract ideals or speculation to satisfy its burden under *Central Hudson*. See *Florida Bar v. Went for It, Inc.*, 515 U.S. 618 (1995). In *Went for It*, the Supreme Court examined a Florida rule that prohibited personal injury lawyers from sending direct-

mail solicitations to accident victims and their relatives within 30 days of an accident. *See id.* at 620. There, the Supreme Court noted that it had previously accepted that "States have a compelling interest in the practice of professions within their boundaries, and . . . as part of their power to protect the public health, safety, and other valid interests they have broad power to establish standards for licensing practitioners and regulating the practice of professions." *Id.* at 625. However, after recognizing the State's interest in protecting the public, the Supreme Court emphasized that "the State must demonstrate that the challenged regulation advances the Government's interest in a direct and material way," which requires it to show "that the harms it recites are real and that its restrictions will in fact alleviate them to a material degree." *Id.* at 625-26 (quotation marks omitted); *see also Central Hudson*, 447 U.S. at 564; *Bad Frog Brewery*, 134 F.3d at 98. A state could meet this burden by relying on empirical data, studies, or anecdotes (whether in-state or extra-jurisdictional) or by reference to history, consensus, and common sense. *Id.* at 628. In rejecting the plaintiffs' challenge in *Went for It*, the Supreme Court cited many examples where the state had targeted "a concrete, nonspeculative harm." *Id.* at 626-29.

The Court recognizes that the Commissioner need not cite empirical evidence in support of its regulation. However, this case is unlike *Went for It* in its complete lack of any "evidence" (even construed most broadly) to support the Commissioner's asserted need to protect consumers from the use of the term "interior design" by individuals who lawfully perform those services in the State. Neither common sense, history or even consensus supports this restriction, *see Bad Frog Brewery*, 134 F.3d at 100; indeed, Connecticut is now the only state in the Nation with a law restricting use of the term "interior design." Therefore, this case strikes the Court as much more similar to the ban on solicitation by certified public accountants that the Supreme Court struck down in *Edenfield v.*

Fane, 507 U.S. 761 (1993), precisely because Florida offered *no* evidence in support of its speech restriction. *See id.* at 771. The only evidence the Commissioner points to in support of the State's asserted need to protect consumers from use of the term "interior design" is a study from Texas that the Fifth Circuit explicitly rejected as insufficient in *Byrum*. *See Byrum*, 2009 WL 1068435, at *3-4 (assigning no probative value to the study because of its flawed methodology). Moreover, the Court seriously doubts the Commissioner's argument that § 20-3771 may operate as a prophylactic rule under *Ohralik v. Ohio State Bar Ass'n*, 436 U.S. 447 (1978), because as the Supreme Court recognized in *Fane*, "*Ohralik* in no way relieves the State of the obligation to demonstrate that it is regulating speech in order to address what is *in fact* a serious problem and that the preventative measure it proposes will contribute in a material way to solving that problem." 507 U.S. at 776.

As a consequence, the Court has considerable doubt that § 20-3771 addresses a substantial state interest. Moreover, even assuming, without deciding, that Connecticut's interest in protecting consumers from the misuse of the title "interior designer" is substantial, the Court is also skeptical of the Commissioner's ability to show that the title restriction directly advances the State's asserted interest. *See Bad Frog Brewery*, 134 F.3d at 100 ("The truth of these propositions is not so self-evident as to relieve the state of the burden of marshalling some empirical evidence to support its assumptions."). However, the Court need not decide these issues because even assuming – without deciding – that the Commissioner has shown a substantial interest in protecting consumers from misuse of the title "interior designer" that is directly advanced by the title restriction in § 20-3771, the Court concludes that such a restriction is not reasonably tailored to serve the State's asserted interest.

As the Supreme Court itself has noted, the "critical inquiry" in determining the legality of a

restriction on commercial speech is whether the "complete suppression of speech ordinarily protected by the First Amendment is no more extensive than necessary to further the State's interest." *Central Hudson*, 447 U.S. at 569-70. Thus, in *Central Hudson*, the Supreme Court explained that "[t]he State cannot regulate speech that poses no danger to the asserted state interest . . . nor can it completely suppress information when narrower restrictions on expression would serve its interest as well." *Id.* at 565. Therefore, this Court must examine carefully the "fit" between Connecticut's asserted interest in protecting consumers from being misled and the scope of its restriction on Plaintiffs' lawful commercial speech. While the Court need only find that the "fit" is reasonable, not perfect, "the existence of numerous and obvious less-burdensome alternatives to the restriction on commercial speech . . . is certainly a relevant consideration in determining whether the 'fit' between ends and means is reasonable." *Went for It*, 515 U.S. at 632. As with the other *Central Hudson* factors, it is the Commissioner's burden to demonstrate that § 20-3771 is reasonably tailored to serve Connecticut's interest in consumer protection. *Central Hudson*, 447 U.S. at 570; *Bad Frog Brewery*, 134 F.3d at 98. For several reasons, the Court concludes that the Commissioner has not satisfied his burden.

First, when Connecticut Attorney General Blumenthal and Commissioner Farrell requested the assistance of the Co-Chairs of the Connecticut General Law Committee with respect to their proposed amendment to § 20-3771, they stated that, in their view, "the title 'registered interior designer' will more accurately convey to the public both the existence of a registration regime and that any person using such a title has complied with that regime. At the same time, there would be no barrier to entry for individuals who would like to practice interior design and call themselves interior designers, but who are not registered or eligible for registration." Pls.' Suppl. Br. in Supp.

of Mot. for Prelim. Inj. [doc. # 32] Ex. B (Letter from Attorney General Richard Blumenthal and Commissioner Jerry Farrell to Senator Thomas Colapietro and Representative Jim Shapiro dated April 14, 2009). Moreover, in the parties' stipulation, the Commissioner stated that he "does not contend that regulating the more specialized terms 'licensed interior designer,' 'registered interior designer,' or 'certified interior designer' – rather than 'interior designer' by itself – would be ineffective in advancing whatever government interest may be implicated by Connecticut's interior design registration law." *See id.* Ex. A at ¶ 14. Although the Court appreciates the candor of the Attorney General and the Commissioner, as well as their attempt to seek a legislative solution to this case, these statements concede, as they must, that there is an "obvious less-burdensome alternative" to the current restriction on Plaintiffs' commercial speech.

As the Supreme Court instructed in *Went for It*, a court may consider the existence of a less-burdensome alternative to the challenged restriction as relevant in determining whether the fit between the State's ends and means is reasonable. The Court believes that this consideration becomes even more relevant where the Attorney General and Commissioner have acknowledged that "[s]imilar requirements [to Connecticut's] in other states have been uniformly struck down as an unconstitutional infringement of First Amendment rights," Pls.' Suppl. Br. in Supp. of Mot. for Prelim. Inj. [doc. # 32] Ex B, and they have continued to advocate for a less-burdensome alternative to the current restriction. *See* Attachment to Order [doc. # 35].

Second, as the Court has previously noted, the Commissioner has stated that the State has an interest not in the delivery of interior design services but rather in safeguarding the statutory meaning assigned to "interior designer" and in protecting consumers from being misled by the improper use of that title. However, as the Court emphasized at oral argument, the term "interior

designer" is a generic term that conveys no particular educational or experiential credentials on the part of an individual. This is especially true given that one-quarter of registered interior designers in Connecticut fall under the grandfather provision in § 20-377l(3) and therefore may lack the education, experience, and certification held by the remaining percentage of "interior designers" registered with the State.

If the State were seeking to convey the existence of a regulatory regime in this field, then a term such as "licensed interior designer" or "registered interior designer" would far better serve that interest, as the rest of the states who have decided to regulate this field have concluded. In fact, this is precisely what Connecticut has done in other fields of endeavor, many of which also have practice restrictions.⁴ Amending Connecticut's title restriction of interior designers in a similar manner would more accurately convey that registered or certified individuals had submitted to the State's oversight. In addition, the use of narrower terms such as "licensed interior designer," "certified interior designer," or "registered interior designer" would actually expand consumer choice and further consumer protection because it would alert Connecticut residents to the existence of a statutory registration or certification scheme, while simultaneously allowing Plaintiffs to compete in the market for interior design services. As such, the State's asserted interest could be more effectively met by a more limited regulation.

⁴ For example, Conn. Gen. Stat. § 20-206p states that "[n]o person who is not certified by the Department of Public Health as a dietitian-nutritionist shall represent himself as being so certified" Other statutes incorporate both title and practice restrictions. *See, e.g.*, Conn. Gen. Stat. § 20-362(a) ("No person shall engage in, practice, or offer to perform the work of a sanitarian, as defined in section 20-358, unless he is licensed pursuant to section 20-361."); § 20-369 ("No person . . . shall engage in the practice of landscape architecture in this state or use the title 'landscape architect' or display or use any words, letters, figures, title, signs, seal, advertisement or other device to indicate that such person practices or offers to practice landscape architecture in this state, unless such person has first secured a license as provided in this chapter.").

properly advanced by the State. *See also Bad Frog Brewery*, 134 F.3d at 101 ("NYSLA's complete statewide ban on use of Bad Frog's labels lacks a 'reasonable fit' with the state's asserted interest in shielding minors from vulgarity, and NYSLA gave inadequate consideration to alternatives to this blanket suppression of commercial speech."). Because the Commissioner has not demonstrated a reasonable "fit" between § 20-3771 and the commercial speech at issue, he has failed to satisfy his burden under *Central Hudson*.

IV.

Accordingly, the Court concludes, and declares, that § 20-3771 of the Connecticut General Statutes, as currently written, violates Plaintiffs' First and Fourteenth Amendment right to expression under the U.S. Constitution. The Commissioner is permanently enjoined from enforcing § 20-3771. The Clerk shall enter judgment for Plaintiffs and close this file.

IT IS SO ORDERED.

Mark R. Kravitz
United States District Judge

Dated at New Haven, Connecticut: **June 30, 2009.**

H - 1154

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VOL.56
PART 5
1361 - 1694**

SPEAKER SHARKEY:

Have all the members voted? Have all the members voted?

Will the members please check the board to make sure your votes are properly cast.

If all the members have voted, the machine will locked and the Clerk will take a tally.

Clerk, please announce the tally.

THE CLERK:

Bill Number 5907

Total Number Voting	136	
Necessary for Passage		69
Those voting Yea	136	
Those voting Nay		0
Absent and not voting		15

SPEAKER SHARKEY:

The bill is passed.

Will the Clerk please call Calendar Number 112.

THE CLERK:

Mr. Speaker, Calendar Number 112, on page six, favorable report of the Joint Standing Committee on General Law, Substitute House Bill 6404, AN ACT CONCERNING REGISTERED INTERIOR DESIGNERS.

SPEAKER SHARKEY:

Distinguished Chairman of the aforementioned committee, Representative Baram.

REP. BARAM (15th):

Good afternoon, Mr. Speaker.

I move for acceptance of the Joint Committee's favorable report and passage of the bill.

SPEAKER SHARKEY:

Question before the Chamber is the acceptance of the Joint Committee's favorable report and passage of the bill. Will you remark, sir?

REP. BARAM (15th):

Thank you, Mr. Speaker.

This bill simply allows registered interior designers to use a seal -- seal to be approved by the Department of Consumer Protection. This seal will include their name and contain the words registered interior designer and it also indicates it's with the state of Connecticut. This includes the person's registration number as well. It would be effective on July 1st, 2014, which would give building officials time to acclimate themselves to the creation and limitations of the use of this seal. This was passed unanimously by the General Law Committee. There is no fiscal impact.

And I urge passage of this bill.

SPEAKER SHARKEY:

Thank you, sir.

Will you remark? Will you remark further on the bill before us?

Representative Carter of the 2nd District.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker.

I have one question through you to the proponent of the bill.

SPEAKER SHARKEY:

Please proceed, sir.

REP. CARTER (2nd):

Through you, Mr. Speaker.

The way I understand the way this works is that this would not preclude anybody who has a seal right now -- an interior designer from using that seal until we find out what the Commissioner is going to do in a year from now; is that correct?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Baram.

REP. BARAM (15th):

Through you, Mr. Speaker.

That is correct.

SPEAKER SHARKEY:

Representative Carter.

REP. CARTER (2nd):

Thank you very much.

I'm satisfied with the answers. As we pursued this bill I think that it's a very reasonable thing to give these folks a year to figure out how they're going to do this and what the building inspectors will -- will allow. I think it goes a long way in supporting their industry and I do urge support of the bill.

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir.

Representative Sawyer of the 55th District.

REP. SAWYER (55th):

Thank you, Mr. Speaker.

A question through you to the Chairman of the committee.

SPEAKER SHARKEY:

Please proceed, madam.

REP. SAWYER (55th):

In the case -- I remember when we originally were talking about licensing the interior decorators we had the issue of the grandfathering -- the grandfathering of those people who would not be using a seal. How is that addressed in this bill?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Baram.

REP. BARAM (15th):

Any interior designer who is licensed and registered, regardless of whether they're grandfathered would be able to use the seal. There was a court case some time ago that addressed the issue of interior designer, but now that the state of Connecticut amended its regulations to include registered, it takes care of all the people who are grandfathered.

SPEAKER SHARKEY:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Mr. Speaker.

And I thank you for that clarification.

SPEAKER SHARKEY:

Thank you, madam.

Will you remark? Will you remark further on the bill before us?

If not, staff and guests to the well of the House. Members please take your seats, the machine will be open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll.

Will members please return to the Chamber immediately.

SPEAKER SHARKEY:

Have all the members voted? Have all the members voted?

Members please check the board to make sure your vote is properly cast. If all the members have voted, the machine will be locked and the Clerk will take a tally.

Clerk, please announce the tally.

THE CLERK:

Bill Number 6404

Total Number Voting 137

Necessary for Passage 67

Those voting Yea 132

Those voting Nay 5

hac/gbr
HOUSE OF REPRESENTATIVES

45
April 17, 2013

Absent and not voting 14

SPEAKER SHARKEY:

The bill is passed.

Will the Clerk please call Calendar Number 279.

THE CLERK:

On page 23, House Calendar 279, favorable report of the Joint Standing Committee on Planning and Development, Substitute House Bill 5718, AN ACT CONCERNING MUNICIPAL AUTHORITY TO PROVIDE TAX ABATEMENTS TO ENCOURAGE RESIDENTIAL DEVELOPMENT.

SPEAKER SHARKEY:

The distinguished Chairman of the Planning and Development Committee Representative Rojas, you have the floor, sir.

REP. ROJAS (9th):

Good afternoon, Mr. Speaker.

I move acceptance of the Joint Committee's favorable report and passage of the bill.

SPEAKER SHARKEY:

Question is on acceptance of the Joint Committee's favorable report and passage of the bill. Will you remark, sir?

REP. ROJAS (9th):

Thank you, Mr. Speaker.

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

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As Senator Doyle said, it passed the General Law Committee unanimously. It also passed the House downstairs unanimously.

I would also urge the Chamber's adoption.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further on the bill? Will you remark further on the bill?

Senator Doyle.

SENATOR DOYLE:

Thank you, Mr. President.

If there's no objection, I would move this bill to the Consent Calendar.

THE CHAIR:

Seeing and hearing no objection, so ordered.

Mr. Clerk.

THE CLERK:

On Calendar Page 9, Calendar Number 425, Substitute for House Bill Number 6404, AN ACT CONCERNING REGISTERED INTERIOR DESIGNERS, Favorable Report from the Committee on GENERAL LAW.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Thank you, Mr. President.

I move acceptance of the Joint Committee's Favorable Report and passage in concurrence with the House of Representatives.

THE CHAIR:

On acceptance and passage.

Will you remark, sir?

SENATOR DOYLE:

Yes.

Thank you, Mr. President.

This bill deals with the -- our interior designers. As the Chamber will remember, I believe it was last year, we created a registration process for interior designers that requires the interior designers to -- in order to register, they have to have certain education requirements to professionalize the industry.

What this bill simply does is it permits the holders of the certificates to utilize a seal to evidence their status as a Registered Interior Designer.

I think it's a good bill that was, I believe, unanimously -- yes 18 to zero by the General Law Committee and I urge the Chamber to approve this bill.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further?

SENATOR WITKOS:

Thank you, Mr. President.

THE CHAIR:

Oh, Senator Witkos. Yes.

SENATOR WITKOS:

Thank you, sir.

I also rise in support of the bill before us.

As the good Chairman of the General Law stated, it passed unanimously in Committee. It passed by overwhelming majority in the House of Representatives.

And this bill is now -- this is the -- the third year it's been before us. The first year when it came before the General Law Committee when we were looking at creating a registration. It's one of those; I thought it was a dumb bill. I said, well who ever heard of this. You know you have to move around furniture and we're creating a certification process.

Well I was bombarded by folks that work in that industry. It's -- it goes well beyond that. They deal with fire codes and making sure that it meets all those requirements in the building, codes when they -- they set the different interior of the -- of the building up and it really was an education sitting through the testimony of all the folks that came before the Committee. We actually had this -- this was our Traveling Committee we had over at Bloomfield High School.

And thank you to the Town of Bloomfield that hosted it that evening. And we had folks come out and testify in support of the bill.

We passed that. Now they need the last bit, which is to create a seal so their documents look official. It has their name. It has just a thing that says, Certified Registered Interior and then the state of Connecticut. So when somebody's going through their documents, they know it's from an official source and not a fly-by-night person that presents themselves to be a certified registered interior designer, but somebody that actually has registered with the state of Connecticut and the seal is the proof.

And I urge its adoption.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President.

When I think of professionals that have stamps, I think of professionals that fall within the line of professionals that have professional duties, as it were, engineers, architects, designers.

And I guess I have a few questions, through you, to the proponent of the bill. If I may, in that vein.

THE CHAIR:

Please proceed, sir.

SENATOR WELCH:

Thank you, Mr. President.

And if I may inquire of Senator Doyle as to whether or not a registered interior designer is that kind of professional where they have a standard of care that they need to meet, they carry professional liability insurance, and the stamp is one that essentially doesn't say that these are just my drawings, but is really something that -- that carries with it this certain potential of liability for violating standard of care?

Through you, Mr. President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President.

If I can, I'll do my best to answer the question presented.

I -- it certainly -- it's a seal, or it's a certificate that they would present. The question is to what extent, I think, is liability presented as a requirement of liability insurance. I do not believe there's a requirement of liability insurance, but as the past few years, as we've mentioned, it's become more professionalized, in the sense that we register requirements in educational. There's certainly, I would assume, more liabilities attributable to the profession -- attributed to the profession.

So I'm not aware of a certain liability insurance as require for attorney, for instance, but as an industry becomes more professionalized, I think the liability standards are -- rise.

Through you, Mr. President.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President.

Thank you, Senator Doyle.

Let me try to ask the question maybe a different way.

And -- and that is, in my experience working with engineers who provided drawings and details, they might have somebody else do the work on -- on the design, but at the end of the day, the engineer that stamps that particular document, notwithstanding that others might have done the work that gave rise to that document, ultimately bears the share of liability, if there is any, because that stamp, that seal, essentially says that I've looked at these documents, I've taken responsibility for these documents.

And I guess I'm just wondering if, by the creation of a stamp here that these designers are going to use, a

seal, if -- if we're intending to do the same thing? If -- if by their use of this seal, would then make that same statement or is this more along the lines of something that is decorative, official looking, but not a statement by that interior designer that they are -- they indeed have certified that they've taken a look at these documents and that they're taking responsibility for these documents.

Through you, Mr. President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President.

Again, I'll do my best, in due respect, I'll do my best to answer it.

We're certainly attributing to them a seal. This seal has or certificate -- no the seal has their registration number. So it's really and I would submit that it is creating, you know, further evidence of their work. The question is, is it of equal significance of a seal of an engineer who has certain specific educational require -- and extensive educational requirements and, you know, and a well-established history of the seal for A2 surveys and the like.

It may not be equivalent to that, but I think it's certainly heading down the road when you are -- you're certifying the document as yours, with your official state of Connecticut registration number. So I think it certainly imposes more responsibility and more accountability.

Through you, Mr. President.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you, Mr. President.

I thank Senator Doyle for that answers.

That's -- those are all the questions I have.

THE CHAIR:

Thank you, Senator.

Will you remark further on the bill? Will you remark further --

Oh.

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. -- thank you, Mr. President.

I wanted to associate myself with some of the remarks by Senator Witkos, but I do want to ask some questions to Senator Doyle.

Senator Doyle, through you, once -- what is the purpose of, signifying a seal? Why a seal, as opposed to just the authority that they have that they're registered? What is the significance of saying I have a seal?

Through you, Mr. President.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President.

I believe it provides further evidence of the professionals of this profession. So it does provide, you know, more evidence of -- of -- of the occupation of the registered interior designers.

And as a result, I think it actually ultimately will provide more protection for consumers because they are representing themselves and certifying down the road evidence if there were problems with the services provided.

Through you, Mr. President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

And through you, Mr. President.

The first -- the unchanged portion if -- if you know this answer, you may not, but the original portion, a, in Section 30. I don't have my glasses on, but the section that -- that specifies, is that relatively new.

Through you, Mr. President.

Or do you know when that was put in? Lines 3 through 8.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President.

I -- to the best of my knowledge, I believe it was last year. Or two -- a year or two -- recently. I think it was last year.

Through you, President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Mr. President.

I -- I agree. I believe it is a recent addition.

And my understanding was, back then, the interior designers were sort of saying, anybody can call themselves an interior designer. Therefore, we want to be able to say, we are interior designers, by virtue of this section that we put in. And I think that made sense to the consumer.

I thank Senator Doyle for answers to my questions.

And I think that makes sense from a consumer point of view, knowing I am hiring a registered interior decorator, but, you know, in -- in our world of stamps and certifications I will take surveyors and engineers. Someone could be a surveyor and someone could be a surveyor and engineer. And you'll find that you'll talk to somebody who's just a licensed surveyor, but can do engineering work, who will say, you know I just have the seal to prove it. You've got to spend more money to get that seal.

And my concern is, the good intention in this bill is really what's going to happen is this is going to take a life of its own. Once a bill will bring a seal, the price is going to go up, because now I can seal the documents. I see this leading to planning and zoning issues, where the Planning and Zoning Commission says okay, this is what you're showing me, I would like a stamp on this drawing. Or on architects who say these designs are made, but we've got to do the interior. Well I want stamps of that drawing.

And I just don't think, if I may, with all due respect to interior designers, I think as you know as a consumer, whether or not someone is licensed and holds themselves out to have that specificity of education. But a stamped drawing for engineers and a stamp drawing for fire marshals and a stamped drawing for surveys are to certify an almost scientific expertise. And I think that's just what sets apart saying I'm an artist because I do this art work, I should have a stamp to say I'm an artist or a seal -- when I say stamp, I mean seal -- that I'm an artist.

I just don't think it rises to that level and I'm concerned is where we go from here. I'm not necessarily against interior designers at all, but I just think the seal is something special. In zoning fields, it's used for electrical -- when you do an electrical outlet -- outlay for a building -- by or a mechanical guy, a mechanical engineering guy. Those are stamped or registered drawings that they seal, that seem to me carry with it a degree that is higher than I would consider design work.

So Madam President, I'm afraid of where this -- Mr. President, I'm afraid of -- no president -- Mr. President, I'm afraid of where this goes from here. So therefore, Mr. President, I will probably vote no on this bill.

Thank you very much.

THE CHAIR:

Thank you, Senator.

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

Great to see you this afternoon.

I -- I look at this bill a little differently than my good friend and colleague, Senator Fasano.

And I would harken back several hundred years to the medieval era, when there was guilds established and it was very monopolistic and it was a turf battle between who did what. And as you marched through the years, having served on Public Health and actually on Program Review and Investigations, we try to sort of carve out a -- or formulate a system where individual's ability to practice in certain areas could be somewhat objectively defined and that is always a difficulty here in this building.

You know, you can operate on an ankle, but you can't operate on a foot. And everybody has sort of their

fiefdoms. And so you know, people have a -- a long and storied history of setting about trying to establish an area where they practice in a career or a profession and creating some elements of exclusivity. Whether it was the medieval signs outside each of the individual buildings all the way down to nowadays when certain medical practitioners can use certain titles and other ones can't.

Not to go back hundreds of years, but just to go back about 18 years, when I was Co-Chair of the General Law Committee, we had the exact same battle before us. It's taken about 20 years to get to this resolution and -- and the feuding parties essentially were the architects and the interior designers. And it's -- it was essentially a turf battle. You know, who's going to take responsibility for what.

You can design how a room looks, but you have -- you don't have the expertise to -- to delineate what is a weightbearing column. And it went back and forth and back and forth for 20 years. And so -- and over all that time -- and I didn't serve on General Law that entire period of time though, but the advocates for both sides came and -- and marshaled their folks to come and testify at the public hearings.

So I commend the Co-Chairs of the General Law Committee for taking a few years and -- and steering this boat into the harbor, because it's been decades. And there's no reasons why these lions and lambs can't sleep together peacefully. There's no reason why architects and interior designers can't get along with one another. I think the public is wise enough to understand that, you know, just because a certain document has a seal, doesn't necessarily import one thing or another.

Of course, historically, we may associate seals with certain things that can be judged more mathematically, but to be quite frank, I don't hold an engineer any higher than an interior designer. Why should we? I mean, you may if you want, but depending on the amount of experience and study, you could have someone with a vast amount of interior design experience, more college degrees, and someone who's just flush Bachelor

of Engineer -- Bachelor of Science in Engineering
right out of college.

So you know, for us to get into a battle as to who's
better than who or who's more deserving of a seal,
it's -- it's a conundrum. We're -- we're put in that
spot. We're put in that spot for so many things. And
you know, as I've been so honored to serve in this
Chamber for 21 years now. I mean I remember when we
had optometrists battling ophthalmologists.

I mean, that was a pitched battle because laser
technology was coming on the scene and people wanted
to fight over who would have the rights to conduct
laser surgery. And I don't think it was necessarily
the financial boon that everybody thought it was going
to be, but when the technology rose to that level,
there was enough to fight about and sure enough they
fought.

And so in this particular instance, we -- we, you
know, for over 20 years we've seen this pitched
battle. But again, I remember this year's off-campus
public hearing for General Law Committee at the Senior
Center in Bloomfield, where we had at least a dozen
interior design students from down in the southern
part of the State come and testify. And I guess maybe
I was just sympathetic to the -- to the -- to the
arguments that they've been making for 10 years.

And so for that reason, while -- while I have the
utmost respect for those that are in disagreement with
this bill, I'm -- I'm happy to support it.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Senator Fasano.

SENATOR FASANO:

Thank you.

Only my good friend, Senator Kissel, could take a design seal and bring it all the way to medieval period of time when they did castles.

Thank you, Mr. President.

THE CHAIR:

Thank you.

You know, we missed that in the last two days. We missed medieval history.

So where were we -- contemporary history is next week.

Will you remark further on the bill? Will you remark further on the bill?

We are going to have a roll call vote, but we have a technical error right now.

So the Senate will stand at ease for a moment.

(Chamber at ease.)

THE CHAIR:

Back in business.

Senate will come back to order.

Mr. Clerk, please announce the (inaudible) for a roll call vote. The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.

Immediate roll call has been ordered in the Senate.

Senators please return to the Chamber.

THE CHAIR:

Senator Kelly.

Have all members voted?

If all members have voted, please check the board to make sure your vote is accurately recorded.

If all members have voted, the machine will be closed, and the Clerk will announce the tally.

THE CLERK:

House Bill 6404.

Total Number Voting	33
Necessary for Adoption	17
Those voting Yea	32
Those voting Nay	1
Those absent and not voting	3

THE CHAIR:

The bill passes.

Mr. Clerk.

THE CLERK:

On Page 11, Calendar 457, Substitute for House Bill Number 5564, AN ACT ENCOURAGING INCREASED SAVINGS DEPOSITS, Favorable Report of the Committee on BANKS.

THE CHAIR:

Senator Leone.

Senator Looney.

SENATOR LOONEY:

Yes. Madam President, I believe the bill is -- or Mr. President, I believe it's Calendar Page 11, Calendar - - Calendar 462, House Bill 5908.

THE CHAIR:

Yes.

Mr. Clerk.

That would be a General Law bill, Senator Looney?