

Signage Matters

News from the Visual Communications Community of the California Sign Association



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**JUNE
2011**

City of Los Angeles Adopts CSA's Standardized Engineering Program

Seven months of reviews and meetings culminated in May with the City of Los Angeles Department of Building & Safety adopting CSA's Standardized Engineering for Signs program. The new program will allow CSA members in good standing to forego the expense and time associated with getting wet-stamped engineering for certain signs being installed in the City of Los Angeles. Instead, they will be allowed to use the standard engineering produced by CSA's Engineer of Record, Mike Sullaway PE.

The sign types covered by the engineering are: 1) single pole signs up to 50' tall; 2) double pole signs up to 50' tall; 3) two-, three- and four-post wood signs; 4) multiple signs on single pole; 5) flag mounted signs; 6) free-standing masonry monument signs; and, 7) channel letters and wall signs. The designs include steel details as well as angle steel and tube steel framing drawings. Footings include both anchor bolt and spread. Relative to wind speed, the LA Engineering is for 85 mph.

"This is a great new benefit for CSA members," Technical Committee Co-chairman Roy Flahive announced at the May membership meetings held in San Diego, Pomona and Los Angeles. "The Arizona Sign Association (ASA) has had standardized engineering for over 40 years and I am ecstatic that we now have it in California."

"Although the CSA standardized engineering is only recognized by the City of Los Angeles right now, it is our intention to get every city, county and AHJ (Authority Having Jurisdiction) in California to adopt it as quickly as feasibly possible," Flahive went on to say. "Sign companies in California will quickly learn and recognize it is cheaper to be a CSA member than not to be one."

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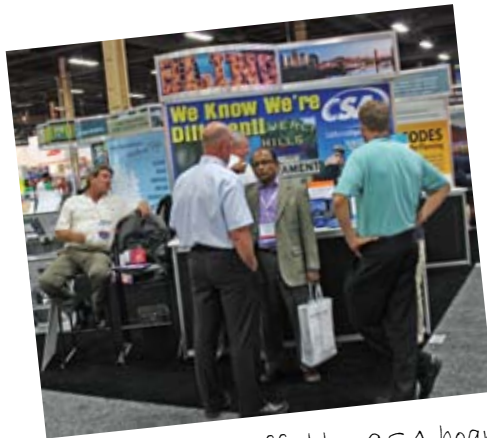
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What Happened in Vegas... The ISA EXPO!



The CSA booth, staffed by CSA board members, was hopping with activity!



The gang from Signtech (San Diego) stopped by to say hello and pick up their CSA shades!



CSA Director Karen Nowacki (Structural Technology Consultants, San Diego) drew the winning iPad 2 raffle tickets while CSA Executive Director, Brad Walker held the box.



The first happy winner of the iPad 2 was Alistair Cumming (Bill Moore & Associates, Albany). Todd Castillo (Denco Sales, Fresno) won the second iPad 2 but was not present.



Cheryl and Roy Flahive (CNP Signs & Graphics, San Diego) met General Stanley McChrystal for coffee in the morning before he gave the ISA General Membership Annual Meeting Keynote Presentation on Leadership—which, by the way, was absolutely terrific!



ISA President, Lori Anderson, visited the CSA board and shared her wisdom

Standardized Engineering - continued

"We are still putting the finishing touches on the process members will have to undertake in order to use the engineering," CSA Executive Director Brad Walker added. "We are developing the forms both members and AHJs will use in the program."

"Initially, we are going to charge members \$75.00 for each type of design they use for each location," Flahive went on to say. "For instance, let's suppose a restaurant is going to put up a pole sign, two menu signs, one monument sign and three directional signs for a single facility. They would be charged a total of \$300.00 for the use of the engineering—one \$75.00 charge for each type of use."

According to Sullaway, about 95% of California will be covered for the types of signs included in the program. Some of the windier parts of the state require engineering for wind speeds at 95 mph, that engineering is included in the CSA program.

"This has been an interesting project to work on to say the least," Sullaway stated. "I am very glad the City of LA has finally accepted our engineering and I look forward to working with CSA and the CSA members as we expand the program to other cities and counties around the state."

"I can't say enough good things about Mike Sullaway and the time and effort he gave to this project," Flahive noted. "He made at least seven trips to LA from San Diego on our behalf for this project. Mike showed phenomenal patience! He's a real pro."

"More information on the process and the forms members will need to fill out will be sent via a *CSA Express* in the next couple of weeks," Walker added. "It will be as simple a procedure as possible but we do want to make sure all of our bases are covered. Keep an eye on your email—especially if you do business in the City of LA!"



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A VICTIM OF TORNADO

Once Upon A Sign

Mark Rugen, Long Time Friend of the Industry, Receives Assistance

By Teresa M. Young, Sign Biz, Inc., Dana Point



Mark found his sign, set it in front of his shop and took a cell phone photo for his memory book.

Weather officials said more than 175 confirmed tornadoes hit the South and the Midwest April 27-28, and the total, once all is examined, surpassed 300. The twisters caused at least 327 deaths, at least 249 of which were in Alabama, officials said.

One individual whose business was completely wiped away by the tornados in Tuscaloosa is Mark Rugen. Rugen is a many-year veteran of the sign industry, and acknowledged “guru” of sign design as the nation’s only Certified Sign Instructor for Flexi Sign Pro, the leading application for signmakers in the digital sector. His sign shop was destroyed.

But Mark is smiling. He maintains a “glass half full” attitude even as he reveals that his livelihood’s computers, software, job files, client files, and many printers, laminators and tools are gone forever. He attributes the demands of his job for saving his life.

“I attended the industry’s big trade show, the ISA Expo in Las Vegas, and the convention for the Sign Biz Network.

“If I had been in my shop, as usual, I would probably not be here now. I was a thousand miles away and connecting with my friends. That is what kept me going.”

During the annual Sign Biz convention this year, Momentum 2011, as the second day of the education program got underway, Rugen donated the shirt off his back, literally, to the Red Cross efforts for Tuscaloosa.

He provided a one-of-a-kind printed shirt that was the last item he ever made in his shop before it was destroyed, to raise funds for tornado victims.

In a spontaneous and energetic auction, his shirt commanded \$220 from the winning bidder, Bob Patrician, owner of Quality Sign & Banner in Newark, CA. See YouTube video, “The Shirt Off His Back” here: <http://www.youtube.com/signbiznetwork>.

continued on page 5

Once Upon a Sign - continued

“Our network of sign companies stepped up in a big way. Every job that Mark needs completed, he will sub out to one of our members. We put out a call to action to every one of our entrepreneurs, and they responded not only with cash contributions, but also with countless expressions of deep support for someone who has always supported this organization,” explains Teresa M. Young, President and CEO of Sign Biz, Inc., whose home office team champions this chain of entrepreneurial ventures.

Rugen has become known for his tireless contributions to education and innovation; and over the years, Rugen has become a friend to all in the digital sign industry,” added Young.

Mark sends this note to all of his industry friends:

Thank you ALL for your understanding, prayers and assistance. You can never know how much it means to me.

For the next several months, I will be getting sign jobs and subbing them out to the Sign Biz organization in an attempt to keep our sign business at least viable.

Our insurance will pay for the building, but all the contents will be a loss, however.....

There are so many other families whose homes were lost and perhaps even family members.

I consider myself blessed beyond words for the safety of my family as well as the show of support from my business friends.

Thanks everyone!

Mark A Rugen

Mark Rugen
President
www.givemehelp.com



1. This is facing what used to be the front door to the shop.
2. Standing inside my shop where I used to have my desk.
3. My printer; I think the stand made it!!! LOL! I think the Graphtec cutter is down below it somewhere.

4. The sign post in front of my shop where our shop sign once hung. This post was about 40 feet tall and solid iron.
5. The tent is right in front of my old sign shop. There were buildings and homes all around that are leveled. The small home you see in this image actually had tornado survivors. Incredible!
6. 15th Street where my sign shop was located. Basically the tornado was dead center over the shop and wiped out all the buildings and homes in the area.

“*Optimist: someone who figures that taking a step backward after taking a step forward is not a disaster, it's a cha-cha.*”

Robert Brault

Attorney Veronica Perez: Connected to CSA, Los Angeles and California



Over the last two years, **Veronica Perez**, a Partner in Holland & Knight's Public Policy & Regulation Practice Group, has

successfully advocated on behalf of the on-premise sign industry in Los Angeles. Veronica represents CSA with regard to pending revisions to the city's Sign Code, as well as in advancing a CSA proposal to streamline the sign permitting process and raise funds for enforcement. This includes advocacy and relationship building with the Los Angeles City Council, Los Angeles Planning Department, Los Angeles City Attorney's Office, and the Los Angeles Department of Building and Safety, among other city entities.

Veronica joined the Los Angeles office of Holland & Knight after over a decade-long career in California's legal, business and political sectors. She represents clients on a variety of lobbying and legal matters, including legislative and government counsel, land use, development and public contracting.

Prior to Holland & Knight, Veronica led the Legislative and Legal Affairs Department at the Central City Association (CCA), a leading business advocacy organization representing 450 corporations, trade associations and non-profits. She worked closely with Los Angeles city, county and state decision makers. While at CCA, Veronica successfully advanced the organization's

public policy agenda on a broad range of issues, including housing, transportation, labor, sign regulations, rent control and tenant relocation, grocery, restaurant and retail, municipal lobbying regulations, telecommunications, banking, entertainment, and hospital issues.

Prior to CCA, Veronica served in the Los Angeles City Attorney's Office as the Managing City Attorney of the American Dream Program, a strategic partnering of the public and private sectors to facilitate development of vacant nuisance properties. She launched the program to six projects in development, with over 45 units of affordable and market-rate housing and live/work space in underserved communities throughout Los Angeles.

With Veronica's assistance, CSA has achieved several major victories in the Los Angeles public policy arena, including:

- defeating a proposed sign ordinance that would have slashed on-site sign rights by up to 75 percent
- defeating several proposed motions to ban or otherwise restrict electronic messaging centers in the city of Los Angeles
- shepherding CSA's proposed Sign Code Administration Program (SCAP)—which would raise funds from the private sector for streamlining and enforcement in lieu

of enacting stricter sign regulations—through the onerous city approval process

- facilitating relationships for CSA with key city officials and helping establish CSA as a respected player in City Hall

CSA looks forward to continuing to work with Veronica to successfully advance the organization's interests in Los Angeles, including adoption of a revised Sign Code that reflects the importance of on-site signage to businesses' bottom line, and in successful adoption and implementation of SCAP.

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For more information, contact Veronica Perez: 213.896.2571 or veronica.perez@hklaw.com



CSA DEEP-SEA FISHING TRIP

Saturday, August 6

Sailing on the Clemente

Check-in at 4:30 am, boat departs at 5:00 am sharp

**Dana Wharf Sportfishing
in Dana Point Harbor**

34675 Golden Lantern, Dana Point, CA

\$100 per person

Back for a ninth voyage off the coast of Dana Point, Captain Gary Quiel and 44 lucky fishermen, women and children will set sail early Saturday, August 6. This is an all-day cruise launching at 5:00 am (please check-in by 4:30 am) out of Dana Point Harbor and returning around 5:00 pm that afternoon.

Reserve your spot early—limited space available!

For more information about the fishing, call Gary Quiel at (909) 885-4476. For information about registration, call CSA at (916) 932-0021 or email info@calsign.org.

Register online at www.calsign.org

License, equipment, food, drink or fish cleaning is not included in your registration fee.



california sign association calendar

**CSA Executive Committee Meeting
Pomona, CA**

Wednesday, July 20, 2011

**CSA Board of Directors Meeting
Pomona, CA**

Thursday, July 21, 2011

**9th Annual Deep-Sea Fishing Trip
Dana Point, CA**

Saturday, August 6, 2011

**CSA 52nd Annual Convention
Hotel Maya, Long Beach, CA**

Thursday - Saturday

September 15-17, 2011

**CSA Executive Committee Meeting
Hotel Maya, Long Beach**

Thursday, September 15, 2011

**CSA 2010-2011 Board of Directors Meeting
Hotel Maya, Long Beach**

Friday, September 16, 2011

**CSA 1011-1012 Board of Directors Meeting
Hotel Maya, Long Beach**

Saturday, September 17, 2011

Watch for emails announcing these great CSA events and register early!

CSA GOES ON THE ROAD

May was “Membership Month” for CSA. In order to reach prospective members, CSA sponsored six membership meetings in different cities during the month. The meetings served a dual purpose: to expose prospective members to the multitude of benefits offered by the association and to provide information to current members about some of the more recent member benefit programs CSA is now offering.

All of CSA’s Executive Committee members participated in the process as each attended one meeting where they talked about the intangible benefits of CSA and why they belong. Director of Government Affairs and Legal Counsel Jeff Aran attended nearly all of the meetings where he was on hand to talk about CSA’s government relations efforts as well as provide information



about the services he offers as the association’s lawyer. Michael Glauser from Jenkins Insurance Group, CSA’s new endorsed insurance broker, was on hand at all six meetings to provide information about the new CSA insurance program. Walker also provided information about CSA’s Toolbox Safety Program, Job Board, multitude of publications, and educational opportunities provided by the association. Technical Committee Co-Chairman Roy Flahive and CSA’s Engineer of Record for the new CSA Standardized Engineering Program, Michael Sullaway, were



in attendance at the three meetings held in Southern California (San Diego, Pomona and Los Angeles) where they outlined the new program (see related article on page 1).

Throughout each meeting, door prizes were given to lucky attendees. CSA extends a big

THANK YOU to Watchfire Signs, N. Glantz & Son, and IEC for their generous contributions. In addition, CSA provided a \$50 restaurant gift card and a \$10,000 Drawing ticket at each meeting.

“I was very pleased with the outcome of all six meetings,” Walker stated after the whirlwind tour.

“We have already picked up a few new members and many of the others who attended have indicated they will be joining soon,” Walker added. “In addition to the prospective members who we had the opportunity to meet, it was nice to educate our existing members about some of our exciting new member benefit programs,” Walker concluded.



“The average pencil is seven inches long, with just a half-inch eraser—in case you thought optimism was dead.”

Robert Brault

Did you Know?

By Jeff Aran, Esq., CSA Legal Counsel

The California Permit Streamlining Act (Gov Code §65920 et. seq) requires public agencies (including charter cities per §65921) to follow standardized time limits and procedures for specified types of land use decisions. All public agencies must establish one or more lists specifying in detail the information required from applicants for a development project (Gov Code §65940). Upon receipt of a project application containing a statement identifying the application as being for a “development permit,” an agency has **30 calendar days** to notify the applicant, in writing, of whether or not the project application is complete enough for processing. When rejected as incomplete, the agency must identify where deficiencies exist and how they can be remedied. The resubmittal of the application begins a new **30-day** review period. If the agency fails to notify the applicant of completeness within either of the

30-day periods, the application is deemed to be complete (§65943; *Orsi v. City Council* (1990) 219 Cal. App. 3d 1576). If rejected as incomplete a second time, the applicant may appeal the decision to jurisdiction’s hearing body which must make a final written determination within **60 calendar days**. Failure to meet this time period constitutes acceptance of the application as complete. For the purposes of the Act, “development projects” applies only to adjudicatory discretionary approvals such as tentative maps, planning approvals, conditional use permits, and variances (*Landi v. County of Monterey* (1983) 139 Cal.App. 3d 934). Ministerial projects such as building permits, lot line adjustments, and certificates of compliance are not subject to the time limits established under the Act (*Findleton v. El Dorado Co. Board of Supervisors* (1993) 12 Cal. App. 4th 709).

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More Workers are Killed Every Year in Motor Vehicle Crashes Than Any Other Cause

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Texting while driving puts millions of Americans who drive on the job at risk every day. That risk continues to grow as texting becomes more widespread.

As a business owner or manager, it's your legal responsibility under the Occupational Safety and Health Act to safeguard drivers at work.

Dangers of distracted driving

- Distracted driving crashes killed more than 5,400 people and injured nearly 500,000 in 2009.
- Researchers report that texting while driving claimed more than 16,000 lives from 2001 to 2007.
- Reaction time is delayed for a driver talking on a cell phone as much as it is for a driver who is legally drunk.
- Drivers who are texting take their eyes off the road 400% more than when they are not texting.
- More texting leads to more crashes. With each additional 1 million text messages, fatalities from distracted driving rose more than 75%.



Safety at work is no accident

Building a workplace culture of safety requires clear, explicit policies and sound practices. Send a clear message to workers and supervisors that your company neither requires nor condones texting while driving.

Employers should:

- Prohibit texting while driving. OSHA encourages employers to declare their vehicles "text-free zones" and to emphasize that commitment to their workers, customers, and communities.
- Establish work procedures and rules that do not make it necessary for workers to text while driving in order to carry out their duties.
- Set up clear procedures, times, and places for drivers' safe use of texting and other technologies for communicating with managers, customers, and others.
- Incorporate safe communications practices into worker orientation and training.
- Eliminate financial and other incentive systems that encourage workers to text while driving.

How OSHA helps

OSHA's distracted driving web page (www.osha.gov/distracted-driving/index.html) provides useful resources, including:

- a model policy to use or adapt for your business
- information about how employers are combating this hazard
- research findings
- educational materials

The U.S. Department of Transportation website (www.distraction.gov) provides updates and information on the national campaign to prevent distracted driving.

Additional assistance OSHA's consultation program can help small and medium-sized businesses, at no cost, keep workers safe by providing:

- free and confidential advice
- on-site consultation
- assistance with identifying workplace hazards
- advice on compliance with OSHA standards
- assistance with safety and health programs



To learn more about how OSHA can help visit www.OSHA.gov or call OSHA at 1-800-321-OSHA (6742). TTY 1-877-889-5627.

COMMERCIAL SPEECH RIGHTS IN CALIFORNIA – NOT SO BROAD

By Jeff Aran, Esq., CSA Legal Counsel

Over the past decade several cases suggested that under the California Constitution, which is more liberal than the US Constitution with regard to freedom of speech, that commercial speech in California was entitled to similar protection as non-commercial speech. That all came to end effectively when the 9th Circuit Court of Appeals ruled in June that it simply is not the case.

In *Vanguard Outdoor v. City of Los Angeles*, another in a series of billboard cases attacking the Los Angeles billboard laws, the Plaintiff challenged the City's supergraphic and offsite sign bans on the ground that they violated the California constitutional guarantee of free speech. Cal. Const, Art. I, § 2. Plaintiff relied on prior a California Supreme Court decision that suggested, unlike the First Amendment, that the California Constitution does not afford lesser protection to commercial speech than non-commercial speech.

Plaintiff reasoned that the banning of supergraphic offsite signs, a prohibition on commercial speech, would not withstand scrutiny under the California Constitution under the holding of *Gerawan Farming, Inc. v. Lyons*, 24 Cal. 4th 468, 497 (2000). The court in *Gerawan* held as a general matter, "the California liberty of speech clause is broader and more protective than the free speech clause of the First Amendment."

In response, the city argued that another decision after *Gerawan*, *Kasky v. Nike, Inc.*, 27 Cal. 4th 939, 959 (2002), recognized that "the protections for commercial speech under the California Constitution are co-terminus with the protections under the First Amendment." *Kasky*, 27 Cal. 4th at 959. The City also claimed that, notwithstanding any distinction between commercial and non-commercial speech or any greater protection afforded by the California Constitution, the California Constitution required the court to apply the same standard as the First Amendment for content-neutral time, place, and manner restrictions like the supergraphic and offsite sign bans. In the city's view, the supergraphic and offsite sign bans would pass muster under the California Constitution as content-neutral restrictions.

The Federal Court decided to follow the teaching of *Kasky*, "which defeats Plaintiff's argument that the protections for commercial speech under the California Constitution are different than the protections under the First Amendment."

In *Kasky*, the California Supreme Court addressed whether allegedly false statements by a corporation could

be subject to false advertising and unfair competition claims without running afoul of either the First Amendment or the California Constitution. In order to decide the question, the court had to determine whether the speech at issue was commercial or non-commercial because "commercial speech receives a lesser degree of constitutional protection than many other forms of expression, and because governments may entirely prohibit commercial speech that is false or misleading." The court extensively analyzed the distinction between commercial and non-commercial speech under the First Amendment, and explained that the scope of the free speech clause in the California Constitution was co-extensive with the First Amendment: "[t]his court has never suggested that the state and federal Constitutions impose different boundaries between the categories of commercial and noncommercial speech."

The *Kasky* court also cited language from *Gerawan* that Plaintiff relied on, namely, that the free speech clause of the California Constitution is at least as broad in scope as the First Amendment, but the *Kasky* court nevertheless drew a distinction between protection for commercial speech and non-commercial speech in order to determine whether the defendant's false advertising was actionable.

The *Kasky* court then extensively analyzed the issue under the First Amendment and concluded that the defendant's allegedly false advertising was commercial speech that could be subject to false advertising and unfair competition claims without violating the First Amendment. Importantly, the *Kasky* court also reached the same conclusion under the California Constitution in a brief passage, explaining that, "[i]n the few cases in which this court has addressed the distinction between commercial and non-commercial speech, we have not articulated a separate test for determining what constitutes commercial speech under the state Constitution, but instead we have used the tests fashioned by the United States Supreme Court."

Thus, according to the 9th Circuit decision in *Vanguard*, the California Supreme Court's holding in *Kasky* under the First Amendment was dispositive of the issue under the California Constitution; and therefore it held that any argument that "enhanced protection exists for commercial speech under the California Constitution is unpersuasive."



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this issue:

Attorney Veronica Perez

CSA Goes on the Road

Driver Safety

Commercial Speech Rights

www.calsign.org: A GREAT RESOURCE!

The CSA website is a great resource that can help you stay informed and in touch with what's going on in our industry.

Find local sign ordinances, state regulations, government affairs, industry events, CSA calendar of events, CSA publications archives, a member's only section and more!



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