



STATE OF ALABAMA

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September 3, 2004

Senator Vivian Davis Figures
Alabama State House, Room 732
11 South Union Street
Montgomery, Alabama 36130

Alabama v. Lupo: #LRS2004-3491

Dear Senator Figures:

In view of the Jefferson County Circuit Court decision in the matter of Alabama v. Lupo, Civil Action No.: CV-02-5201-HSL, regarding the Alabama Interior Design Consumer Protection Act, you have asked the status of the Alabama Board of Interior Design.

The court held that "...the Alabama Interior Design Consumer Protection Act is overly broad, unreasonable, and unduly vague, and therefore violates due process as guaranteed by the Constitution of the State of Alabama."

Except in circumstances which do not appear to apply to this case, Rule 62 of the Alabama Rules of Civil Procedure provides for an automatic 30-day stay on the enforcement of any judgement. The decision that rendered the statute unconstitutional and invalid was made on August 23, 2004 and therefore will not be enforced until 30 days after that date. Additionally, the state has 42 days from entry of the judgement to file an appeal. If appealed, the judgement may or may not be stayed.

Since the entire act was declared unconstitutional, when the judgement becomes final, the section of the act creating

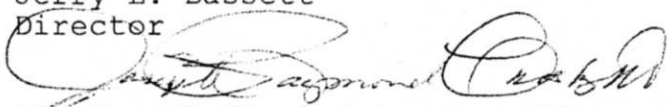
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the Alabama State Board for Interior Design will no longer be in effect and the board will cease to exist.

If you have any questions or if we may be of further assistance in this matter, please contact our office.

Very truly yours,

Jerry L. Bassett
Director


By: Joseph Raymond Crosby, III
Legislative Analyst

JRC/agb