

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

VICKEE BYRUM, et al.	§	
Plaintiffs,	§	
	§	
v.	§	Civil Action No. A-07-CA-344 LY
	§	
GORDON E. LANDRETH, et al.	§	
Defendants.	§	

**DEFENDANTS’ CROSS-MOTION FOR SUMMARY JUDGMENT
AND RESPONSE TO PLAINTIFFS’ COMBINED
MOTIONS FOR SUMMARY JUDGMENT AND PRELIMINARY INJUNCTION**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

NOW COME Defendants Gordon Landreth, Alfred Vidaurri, Jr., Rosemary Gammon, Robert Kyle Garner, Janet Parnell, Peter L. Pfeiffer, Diane Steinbrueck, Peggy Lewene Vassberg, and James Walker, II (collectively “Defendants”) and file this Cross-Motion for Summary Judgment and Response to Plaintiffs’ Combined Motions for Summary Judgment and Preliminary Injunction, and Brief in Support. Defendants would respectfully show the court:

I. SUMMARY OF ARGUMENT

Texas law ensures that only individuals who are registered as interior designers and meet the statutory requirements of the Texas Occupation Code may hold themselves out to the public as interior designers. Chapter 1053 of the Texas Occupation Code applies to individuals who use the terms “interior designer” or “interior design” to describe the services they offer or perform.

A person who is not registered as an interior designer under this chapter may not:

- (1) represent that the person is an “interior designer” by using that title; or
- (2) represent, by using the term “interior design,” a service the person offers or performs.

TEX. OCC. CODE ANN. § 1053.151 (“Registration Law”).

Plaintiffs, who are not registered as interior designers in Texas, claim that Defendants have violated their First Amendment rights by not allowing Plaintiffs to “accurately and truthfully advertise their services through the use of the words ‘interior design’ and ‘interior designer.’” *See* Plaintiffs Original Complaint for Declaratory and Injunctive Relief at ¶ 38. Plaintiffs seek to have the Registration Law struck down as unconstitutional.

Plaintiffs cannot succeed as a matter of law. The commercial speech at issue – Plaintiffs’ desire to use the terms “interior designer” and “interior design” when advertising their services – is actually or inherently misleading speech. Texas law gives specific and particular meaning to the designations “interior designer” and “interior design.” Individuals who do not meet the statutory requirements to be registered as interior designers in Texas should not be allowed to mislead Texas consumers by using the designation “interior designer.” Because the speech Plaintiffs seek to engage in is inherently misleading, it is not protected by the First Amendment.

Alternatively, should the Court find that the speech is not actually or inherently misleading, the Registration Law is not unconstitutional because it advances a substantial government interest and is reasonably tailored to serve that interest. The State of Texas has a substantial interest in ensuring the accuracy of commercial information in the marketplace and in preventing consumers from being misled. The Registration Law advances that interest in a manner that is not more extensive than necessary to serve that interest. The Court should not disturb the Legislature’s chosen route of advancing an important and substantial state interest.

This case presents a single question of law: is the Registration Law unconstitutional?¹ Defendants urge the Court to find that the Registration Law is not unconstitutional and that,

¹ The arguments for and against the constitutionality of the Registration Law apply equally to other “title” acts in Texas. The effect of this Court’s ruling may impact dozens of Texas laws.

consequently, Plaintiffs are not entitled to judgment as a matter of law and Defendants are entitled to judgment as a matter of law.

Defendants incorporate by reference herein Exhibits A-C, filed in a separate Appendix to this Motion.

II. PROCEDURAL HISTORY

Plaintiffs, four interior decorators in the State of Texas, filed this lawsuit against Defendants, board members of the Texas Board of Architectural Examiners, challenging the constitutionality of Texas Interior Designers' Registration Law, TEX. OCC. CODE § 1053.151, *et seq.*, and 22 Texas Administrative Code § 5.133. Plaintiffs' single cause of action is for a violation of the First Amendment. Plaintiffs seek a preliminary and permanent injunction enjoining Defendants from enforcing the law.

Plaintiffs filed their Original Complaint for Declaratory and Injunctive Relief on May 9, 2007 [docket # 1]. The parties entered into a Joint Stipulation that Defendants would waive service of process and answer or otherwise respond to Plaintiffs' Original Complaint on June 22, 2007 [docket # 9]. Plaintiffs filed a Combined Motion for Summary Judgment and Preliminary Injunction and Brief in Support ("Plaintiffs' Motion") on June 11, 2007 [docket # 10].

Defendants now respond to both the Motion for Summary Judgment and the Motion for Preliminary Injunction. Defendants agree with Plaintiffs that the issue in this case is entirely a question of law that can be properly decided on summary judgment but disagree that Plaintiffs are entitled to judgment as a matter of law. Defendants file their own Motion for Summary Judgment urging the Court to dismiss all of Plaintiffs' claims in this lawsuit.

III.
DEFENDANTS' CROSS-MOTION FOR SUMMARY JUDGMENT AND
DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

A. Standard of Review

A party moving for summary judgment has the burden of showing that “the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.” FED. R. CIV. P. 56(c); *see also Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). Only disputes over facts that might affect the outcome of the suit under the governing law will properly preclude the entry of summary judgment. *Anderson*, 477 U.S. at 248. Factual disputes that are irrelevant or unnecessary will not be counted. *Id.* Summary judgment is proper against a party who fails to establish the existence of an element essential to his or her case. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). In order to defeat summary judgment, the opposing party “must set forth specific facts showing there is a genuine issue for trial.” FED. R. CIV. P. 56(e); *Anderson*, 477 U.S. at 248.

B. Argument and Authority

Plaintiffs challenge the Registration Law on First Amendment grounds, arguing that it is an infringement on their right to free speech. It is undisputed that the speech at issue in this case is “commercial speech,” since the regulation applies to advertising, references a specific product or service, and the speaker has an economic motive for engaging in the speech *Bolger v. Youngs Drug Products Corp.*, 463 U.S. 60, 66-67 (1983). Though commercial speech is protected by the First Amendment, it “enjoys only a limited measure of protection, commensurate with its subordinate position in the scale of First Amendment values, and is subject to modes of

regulation that might be impermissible in the realm of noncommercial expression.” *Florida Bar v. Went For It, Inc.*, 515 U.S. 618, 623 (1995) (internal quotation marks and citations omitted).

The Supreme Court has articulated the following four-part framework for analyzing government regulation of commercial speech:

At the outset, we must determine whether the expression is protected by the First Amendment. For commercial speech to come within that provision, it at least must concern lawful activity and not be misleading. Next, we ask whether the asserted governmental interest is substantial. If both inquiries yield positive answers, we must determine whether the regulation directly advances the governmental interest asserted, and whether it is not more extensive than is necessary to serve that interest.

Central Hudson Gas & Elec. Corp. v. Public Serv. Comm’n of N.Y., 447 U.S. 557, 566 (1980).

Under the first part of the analysis, commercial speech that is false, deceptive, or misleading may be prohibited in its entirety by the State without offending the Constitution. *Seabolt v. Texas Bd. of Chiropractic Examiners*, 30 F.Supp.2d 965, 968 (S.D. Tex. 1998). It is only if the speech at issue is protected by the First Amendment that the court must examine the remaining three prongs of the *Central Hudson* test. The Texas Registration Law survives constitutional challenge on all four elements.

1. Plaintiffs’ use of the terms “Interior Designer” and “Interior Design” is not protected by the First Amendment.

The Court’s first task is to determine if the speech at issue is protected by the First Amendment. Only non-misleading commercial speech describing lawful activity is constitutionally protected. *Central Hudson*, 447 U.S. at 566. Fraudulent or misleading speech is not protected by the First Amendment. *In re R.M.J.*, 455 U.S. 191, 203 (1982). Even true commercial speech that inherently risks being deceptive is unprotected by the First Amendment. *Id.* “[M]uch commercial speech is not provably false or even wholly false, but only deceptive or misleading. We foresee no obstacle to a State’s dealing effectively with this problem. The First

Amendment, as we construe it today, does not prohibit the State from insuring that the stream of commercial information flow cleanly as well as freely.” *Virginia Board of Pharmacy v. Virginia Citizens Consumer Council*, 425 U.S. 748, 771-772 (1976). Speech is inherently misleading if it is *likely* to deceive the public. *In re RMJ*, 455 U.S. at 203 (emphasis added).

Use of the terms “interior designer” or “interior design” by someone who is not a registered interior designer is inherently misleading. Texas has defined “interior designer” as someone with a license who has experience and training in the field of interior design. The value of the designation “interior designer” arises from the education, experience, and passage of the examination required for registration as an interior designer. Plaintiffs essentially seek the value and good will inherent in the title but do not desire to obtain the credentials from which that value derives. Any advertising of “interior design” from someone who does not meet the statutory criteria is likely to deceive the public. *See American Academy of Pain Management v. Joseph*, 353 F.3d 1099, 1108 (9th Cir. 2004) (Where the state provides by statute a particular meaning to a professional term, the use of that term by one who does not meet the statutory requirements for doing so is inherently misleading).

Though the constitutionality of a title act of this sort is an issue of first impression in the Fifth Circuit, courts in this circuit have upheld regulations on commercial speech in several factually analogous cases involving inherently misleading professional advertisements. In *Maceluch v. Wyson*, Plaintiffs sought to strike down a Texas law preventing doctors of osteopathy (D.O.’s) from advertising as doctors of medicine (M.D.’s). 680 F.2d 1062 (5th Cir. 1982). Plaintiffs asserted that D.O.’s and M.D.’s performed similar work and had identical licensure requirements; the only difference was the name of the degree conferred. *Id.* at 1064. The M.D. designation, according to plaintiffs, carried greater prestige, while the term D.O.

subjected plaintiffs to “prejudice, antipathy, and loss of earnings.” *Id.* at 1064. Plaintiffs further argued that using the designation M.D. was not actually or inherently misleading because it had become a generic term that would more accurately identify their professional skills and practices. *Id.* The Fifth Circuit found for the State, holding that even if some members of the public do not understand the difference between M.D.’s and D.O.’s, “it is not irrational for the state to conclude that for plaintiffs to use the designation ‘M.D.’ would ... deceive those who know the difference between doctors who received M.D. degrees and D.O. degrees.” *Id.* at 1069.

Relying in part on the ruling in *Maceluch*, Judge Kent of the Southern District of Texas ruled against plaintiffs who sought a declaration that a Texas law barring chiropractors from using the professional titles “chiropractic physician” or “chiropractic sports physician” in their advertising was unconstitutional. *Seabolt*, 30 F. Supp.2d at 966-66. As with the Registration Law, the statute at issue in *Seabolt* was a title act regulating the words chiropractors could use to describe their profession. *Id.* Defendants presented evidence in the case from a public opinion poll of 800 Texas residents that demonstrated that many Texas residents had incorrect impressions about the meaning of the term “chiropractic physician.” *Id.* at 968. The court found defendants’ evidence to be compelling and denied plaintiffs’ motion for summary judgment, noting that “a large number of Texas consumers could be misled by the title ‘chiropractic physician.’” *Id.* at 968-69.

The Fifth Circuit also upheld commercial speech regulations, in a different context than professional advertising, in *Joe Conte Toyota v. Louisiana Motor Vehicle Dept.*, where the Court held that a state may prohibit the use of the word “invoice” in car advertising because of its misleading nature. 24 F.3d 754 (5th Cir. 1994). The court found that the term “invoice” in relation to price has no fixed meaning among car dealers and conveyed no useful information to

the consumer for judging the price of a vehicle. *Id.* at 757. The Court held that because the speech was inherently misleading, the regulation was outside the scope of the First Amendment and there was no need to consider the remaining prongs of the *Central Hudson* test. *Id.* at 758. *See also Piazza's Seafood World, LLC v. Odom*, 448 F.3d 744, 753 (5th Cir. 2006) (Statute restricting use of the term "Cajun" is not facially unconstitutional).

Fifth Circuit courts in the cases above have demonstrated a willingness to decide commercial speech cases based entirely or primarily on the first prong of the *Central Hudson* analysis. When speech is inherently misleading, particularly as regards advertising of professional services, courts have allowed governmental regulations to stand.

The right of a state to regulate certain terms is particularly important when state law gives specific meaning to the terms. In *American Academy of Pain Management v. Joseph*, the Ninth Circuit upheld the constitutionality of a California statute that prohibited physicians from advertising they were "board certified" in a medical specialty unless the certifying board met certain statutory requirements. 353 F.3d 1099, 1101 (9th Cir. 2004). Defendants sought to protect the term "board certified" because the established meaning of the term "connot[ed] a high level of specialized skill and proficiency." *Id.* at 1105. The Ninth Circuit upheld the district court's granting of summary judgment for defendants, ruling that use of the term "board certified" when referring to a board that had not met the statutory qualifications was misleading because it "represent[ed] to the physicians, hospitals, health care providers and the general public that the statutory standards [had] been met, when in fact, they [had] not." *Id.* at 1108.

The Ninth Circuit's ruling in *Joseph* is instructive because it applies to speech that is technically "true" but is still found to be misleading. Under the California statute at issue in *Joseph*, a physician certified by a board other than the ones meeting the statutory requirement

would technically be “truthful” in claiming to be “board certified.” Nevertheless, the Court held that because the designation “board certified” had a specific connotation under California law, using the term “board certified” when the statutory standards had not been met was misleading to the public. Likewise, in the case at hand, Plaintiffs repeatedly state in their Complaint and Motion that holding themselves out as “interior designers” is truthful speech because they engage in the practice of interior design. Speech that is not facially false may still be misleading. States may prohibit actually or inherently misleading commercial speech. *In re RMJ*, 455 U.S. at 203. A statement is inherently misleading when “the particular method by which the information is imparted to consumers is inherently conducive to deception and coercion.” *Peel*, 496 U.S. at 112 (Marshall, J., concurring). Even if Plaintiffs’ use of the term “interior designer” is not actually misleading, the speech may still be regulated as inherently misleading because it is conducive to deception and likely to mislead the public.

In support of their motion, Plaintiffs cite only to court rulings from outside the Fifth Circuit. Plaintiffs rely particularly on the Eleventh Circuit’s decision in *Abramson v. Gonzalez*, 949 F.2d 1567 (11th Cir. 1992). In addition to having no precedential value on this court, no other circuit court has followed the Eleventh Circuit’s lead in a factually similar case.

Plaintiffs also cite to the *Peel* decision by the U.S. Supreme Court. *Peel v. Attorney Registration and Disciplinary Comm’n of Illinois*, 496 U.S. 91 (1990). In *Peel*, a plurality of the Court held an attorney’s letterhead advertisement that he was a “Certified Civil Trial Specialty by the National Board of Trial Advocacy” was protected by the First Amendment. *Id.* at 106. Notably, though the plurality held in favor of the Plaintiff, only four justices held that the First Amendment protects the letterhead as it is. Five justices held that the letterhead was unprotected (with three justices finding the letterhead inherently misleading and two justices finding it

potentially misleading but permitting the state ban if such letterheads are not accompanied by appropriate disclaimers). *Id.* at 118 (White, J, dissenting). The *Peel* plurality opinion is based primarily on the fourth prong of the *Central Hudson* inquiry, with the Court finding that the state rule was broader than reasonably necessary to prevent the perceived evil. *Id.* at 107. As explained in part III(b)(4), *supra*, Texas' Registration Law is reasonably tailored and thus not subject to the same concerns as the Illinois statute in *Peel*.

Moreover, the *Peel* plurality's finding that the letterhead was neither actually nor inherently misleading is distinguishable because the plaintiff in *Peel* was not using a term which had a particular meaning defined and regulated by state law. *See Joseph*, 353 F.3d at 1107. By contrast, the terms "interior design" and "interior designer" have specific statutory definitions in Texas which make use of those terms misleading by those who do not meet the statutory prerequisites.

(a) The terms "Interior Designer" and "Interior Decorator" have specific meanings under Texas law.

Although the terms "interior designer" and "interior decorator" are sometimes incorrectly used interchangeably, the terms have distinct meanings under Texas law. Plaintiffs argue that the "myriad professional membership organizations and certifying bodies" makes "untenable" the "notion that a person calling themselves an 'interior designer' possesses particular experience, skills or qualifications." *See Plaintiffs' Motion* at pg. 7. Plaintiffs' argument is misplaced because the term "interior designer" has a *specific meaning* in Texas law; it connotes that an individual has met the training, educational and licensure requirements of the Texas Occupation Code.

Under Texas law, an "interior designer" is one who has: (1) graduated from an interior design educational program which is recognized and approved by the Texas Board of

Architectural Examiners; (2) professional experience in the field of interior design; (3) successfully passed the registration examination adopted by the board;² and (4) paid the required fees. *See* TEX. OCC. CODE §§1053.152, 1053.154, 1053.155. Applicants must have at least six years of combined education and experience in interior design, including at least two years of postsecondary education in design and two years of work experience in the field of interior design. *See* Texas Board of Architectural Examiners, Interior Designer Examination Requirements.³ In addition, Texas requires that an interior designer comply with a minimum of 8 hours of continuing education per year, regulatory oversight, and an annual criminal history inquiry. *See* Exhibit A, Affidavit of Gordon Landreth, at III. The field of “interior design” is clearly defined and regulated in Texas.

By contrast, interior decorators, like Plaintiffs, are not licensed or regulated by the State, and are not required by law to have *any* education or experience. Interior decorators do not have any continuing education requirements and are not subject to regulatory oversight. Anybody may practice and advertise as an interior decorator in Texas.

An important difference between interior decorators and interior designers is that interior designers are required to be trained in building, safety and health codes; environmental and sustainability guidelines; and accessibility designs. *The Interior Design Profession’s Body of Knowledge*, 2005 Edition (Martin & Guerin, 2005). While decorators *may* voluntarily choose to educate themselves on such issues, they are not required to do so. Texas makes education and training on accessibility designs a particular priority. All registered interior designers must attend annual continuing education classes related to barrier-free interior design where attendees

² Persons who applied for registration prior to September 1, 1994 may be eligible for registration without taking the examination on the completion of six years of practice. TEX. OCC. CODE. § 1053.158

³ www.tbae.state.tx.us/documents/EquivalentsInteriorDesignAfter.pdf (last visited June 19, 2007).

learn about the Texas Accessibility Standards and the Americans with Disabilities Act. *See* Exhibit A, Affidavit of Gordon Landrath, at IV. Because of the significant differences in training and education between interior designers and decorators on issues like fire safety and accessibility issues, the Registration Law was strongly supported by the State Firemen's and Fire Marshals' Association and the Coalition of Texans with Disabilities. *See* Exhibit A, affidavit of Gordon Landreth and exhibits 2 and 3 attached to affidavit.

The Texas Legislature passed the bill that would become the Registration Law in order to prohibit misleading speech and clarify the difference between interior designers and interior decorators. *See* Exhibit B, Affidavit of Congressman Gene Greene, at VII-VIII. In response to information acquired during public hearings, the House of Representatives Interim Report on the 71st Texas Legislature found that "there apparently is some confusion as to the type of services an interior designer provides." *See* Exhibit A, affidavit of Gordon Landreth and exhibit 1 attached to affidavit at pg. 5. The report then goes on to explain the services offered by interior designers in some detail. *Id.* The Report notes that while small scale residential projects rarely require specialized knowledge, more complex residential and commercial projects may require specialized knowledge of issues like flammability, flame spread and toxicity of fabrics and furnishings, as well as knowledge of state and local building codes. *Id.* at pg. 6. The committee recognized that "there are ... many aspects of the services rendered by commercial interior designers that may warrant a mandated level of knowledge or proficiency." *Id.* at pg. 8. Only registered interior designers have any *mandated* level of training.

Recognizing the potential for misleading the public inherent in the use of the "interior design" designation, the State chose to establish standards to regulate the interior design profession and to ensure that the term "interior designer" had a meaning on which the public

could rely. *See* Exhibit B, Affidavit of Congressman Gene Greene, at VII. In establishing these standards, as well as a method for applying these standards, the Texas legislature was acting in accordance with its mandate to serve the well-being of the citizens of Texas. *Id.*

Courts are more likely to uphold the right of a state to regulate certain terms when the state gives specific meaning to the terms, as Texas does with the term “interior designer.” *See, e.g., Joseph*, 353 F.3d at 1108 (legislature sought to ensure that the term “board certified” had specific meaning); *Accountant Soc’y of VA v. Bowman*, 860 F.2d 602, 606 (4th Cir. 1988) (Virginia statute that restricted the words unlicensed accountants could use in holding themselves out to the public was a “constitutionally permissible regulation of misleading commercial speech”); *Kale v. South Carolina Dept. of Health and Environmental Control*, 391 S.E.2d. 573, 574 (S.C. 1990) (term “chiropractic hospital” was deceptive since hospitals are defined in state law as providing medical and surgical care). Once the state has set a valid standard for a regulated term, anything that falls below that standard is misleading.

Given the statutory framework in place in Texas, Plaintiffs’ holding themselves out as interior designers represents to the public that the statutory requirements have been met, when in fact, they have not been. *Joseph*, 353 F.3d at 1108. Since the term “interior designer” under Texas law means a certain level of training and education, as well as the passage of an examination and the receipt of a license, anybody who has not met those standards and is advertising as an “interior designer” is engaging in misleading advertising.

(b) Consumers believe it is misleading for unlicensed professionals to use the same professional title as licensed professionals.

In order to qualify as inherently misleading, the use of the designation “interior designers” by non-registered individuals must be likely to deceive the public based on the general public’s understanding of the term. *In re RMJ*, 455 U.S. at 203. Surveys and public

opinion polls are commonly used to demonstrate the misleading nature of certain terms. *See e.g. Florida Bar v. Went-For-It*, 515 U.S. 618, 626 (1995); *Edenfield v. Fane*, 507 U.S. 761, 772 (1993); *Seabolt*, 30 F.Supp.2d at 968.

In June 2007, International Communications Research (“ICR”) conducted a study of 1037 people, chosen as a nationwide cross-section, to determine public perceptions and attitudes towards professional licensing.⁴ The survey results show that consumers prefer, by a wide margin, to hire individuals who are licensed in their professions. 73.3% of study respondents reported that it is important to them that a professional hired to provide services be licensed to provide those services. *See* Exhibit C at question 1. Similarly, 75% of study participants felt that when remodeling a room, they would want a design professional to be licensed. *Id.* at question 3. When asked whether they believed it was deceptive or misleading for both a licensed and unlicensed person to use the exact same professional title when offering the same service, 56% of respondents answered in the affirmative. *Id.* at question 2. When asked whether a requirement that forbids unlicensed persons from calling themselves “interior designers” helps or harms consumers with respect to hiring decisions, 56.3% of respondents answered that the regulation helps consumers with respect to hiring decisions. *Id.* at question 5. Finally, on the question of whether such a regulation helps or hurts consumers with respect to safety issues, 69.3% of respondents answered that the regulation is helpful to consumers. *Id.* at question 6.

(c) The market cares about the distinction between interior designers and interior decorators.

The ICR study results show that when hiring a design professional, the general public places importance on hiring a licensed professional. In addition, the majority of respondents consider it deceptive or misleading for licensed and unlicensed professionals to use the same

⁴ *See* Exhibit C for study methodology and full results.

title, even if they perform the same service. Thus, the general public does not consider licensed interior designers and unlicensed interior decorators to be interchangeable. An interior decorator who holds himself out as an interior designer (a designation connoting having a license) is misleading the public.

The ICR study establishes that “the market cares about the distinction” between interior decorators and interior designers. *Maceluch*, 680 F.2d at 1069. Just as it would be misleading for doctors of osteopathy to use the designation “M.D.” because it would “*deceive those who know the difference* between doctors who receive M.D. degrees and D.O. degrees,” so would use of the term “interior designer” deceive those who know the difference between interior designers and interior decorators. *Id.* (emphasis added). This is made even more acute by the fact that, unlike M.D.’s and D.O.’s, who receive very similar, and extensive, education, interior decorators and interior designers do not receive similar training. Due to the potentially vast differences in education, training and experience between a licensed interior designer and an un-licensed decorator, the State clearly has a great interest in regulating the terms beings used in a misleading way.

The term “interior designer” currently has a specific and useful meaning. However, if the Registration Law is struck down and the designation “interior designer” is severed from the requirement to be regulated, then the term will cease to have any fixed meaning and will convey no useful information to the consumer, thus making the speech inherently misleading. *Joe Conte Toyota*, 24 F.3d at 757. The Fifth Circuit cautions that “Courts should not end the dissemination of information reasonably perceived by the legislature to be useful to the functioning of the market, whether the Court thinks the market is correct in any normative sense.” *Maceluch*, 680 F.2d at 1069. Because the market cares about the distinction between regulated and licensed

interior designers and un-regulated and un-licensed interior decorators, the court should be hesitant to end the dissemination of useful information.

(d) The distinction between interior decorators and interior designers provides consumers with valuable information for making informed choices.

It is clearly important to consumers to differentiate between professionals who are licensed and those who are not. *See* IRC Study, questions 1 and 3, Exhibit C. As the court noted in *Maceluch* (citing to an amicus curiae brief), “[i]t is already increasingly difficult for a layman to make an intelligent choice of physicians. To allow physicians trained in osteopathic schools to use the designation ‘M.D.’ would deprive a layman of one of the only methods available of differentiating between physicians. “ *Id.* Likewise, in the case at hand, in an increasingly dense market, the term “interior designer” is the only method available to laymen of differentiating between persons who are trained and licensed in interior design and those who are not.

The Registration Law assists the public in making hiring decisions. As it stands now, consumers who want to hire someone who is licensed, educated and trained in interior design can do so by ensuring that they hire someone who uses the specific designation “interior designer.” The term “interior designer” does not imply better skills or design aesthetic, but it does connote that the individual possesses a license and has a certain minimum level of training and experience. Some consumers might find this differentiation to be helpful; some might not. Certainly it is the right of every consumer to decide that training and licensing are important to them in choosing a design professional. If the Registration Law is struck down, consumers will have no way to differentiate between design professionals, absent inquiring into each designer’s background and qualifications. This would impose an unnecessary burden on consumers.

Erasing the distinction between decorators and designers gives consumers *less* information on which to base their decision, which is contrary to the courts' repeated admonishments that disclosure is better than concealment. *Peel*, 496 U.S. at 109. "So long as we preserve a predominantly free enterprise economy, the allocation of our resources in large measure will be made through numerous private economic decisions. It is a matter of public interest that those decisions, in the aggregate, be intelligent and well informed." *Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council*, 425 U.S. 748, 765 (1976). Thus, the same interest that supports the regulation of potentially misleading speech, namely the public's interest in receiving accurate commercial information, also supports the protection of non-misleading commercial speech. *44 Liquormart, Inc. v. Rhode Island*, 517 U.S. 484, 496 (1996). If the Registration Law is struck down, it will become more difficult for consumers to make an informed choice, which is contrary to the underlying purpose of protecting free speech.

2. The State of Texas has a substantial government interest in regulating professions and protecting consumers from misleading advertisement.

Even if this Court finds that Plaintiffs' advertising is not actually or inherently misleading, Chapter 1053 still does not run afoul of the First Amendment. If the speech at issue is potentially misleading – meaning the information may be presented in another way that is not misleading – then a regulation of that commercial speech will survive a First Amendment challenge as long as it is reasonably tailored to advance a substantial governmental interest. *Edenfiled v. Fane*, 507 U.S. 761, 767 (1993); *Central Hudson*, 447 U.S. at 574.

It is well-established that states have a legitimate interest in regulating the practice of professions within their boundaries, and they have broad power to establish standards for licensing practitioners in order to protect the public health, safety, and other valid interests. *See Seabolt*, 30 F.Supp.2d at 968 ("Consumer protection, health care licensing, and protection of the

public health are substantial governmental interests served by the challenged statute”). The State's inherent police power gives it the right to enact reasonable legislation in order to protect the public health, safety, and welfare. *Id.*

In addition, protecting consumers from false and misleading advertising and ensuring the accuracy of commercial information in the marketplace are substantial governmental interests. See *Edenfield*, 507 U.S. at 769 (“There is no question that ensuring the accuracy of commercial information in the marketplace is substantial.”); *Joseph*, 353 F.3d at 1108 (even if the use of phrase “board certified” was only potentially misleading, the state’s substantial interest in proscribing such advertisements was “to protect consumers from misleading advertising by medical professionals.”). This is particularly true of advertising for professional services. As noted by the Supreme Court: “[t]he public’s comparative lack of knowledge, the limited ability of the professions to police themselves, and the absence of any standardization in the ‘product’ renders advertising for professional services especially susceptible to abuses that the States have a legitimate interest in controlling.” *In re R.M.J.*, 455 U.S. at 202. It is clear that the State of Texas has a substantial governmental interest in regulating professions such as interior design and in protecting consumers from misleading advertisement about professional services.

3. The Registration Law directly advances the government’s interest in protecting consumers.

The Registration Law advances several substantial government interests. First, it promotes the governmental interest of protecting consumers from being misled. In addition, the statute advances the governmental interest in assisting the general public and design professionals (such as architects, contractors, landscape designers, and other interior designers and interior decorators) in evaluating a design professional’s education and experience. Finally,

the Registration Law advances the State's interest in protecting the public from persons who may damage the life, health, safety and welfare of the public. *See Edenfiled*, 507 U.S. at 769.

Courts will often look to the legislative history to determine the legislature's purpose in enacting the statute in question. If the legislature intended a law to protect consumers, the courts should not question the government's interest in doing so. *See Board for Trustees of State of N.Y v. Fox*, 492 U.S. 469, 479 (1989); *Califano v. Westcott*, 443 U.S. 76, 94 (1979) (Powell, J., concurring in part and dissenting in part)(“the touchstone for any decision about remedy is legislative intent, for a court cannot “use its remedial powers to circumvent the intent of the legislature.”).

The legislative history of the Registration Law demonstrates it was intended “to prohibit misleading and deceptive speech by ensuring that consumers would be presented with easily accessible and accurate information about the credentials of those who design the interior infrastructure of buildings.” *See Exhibit B, Affidavit of Congressman Gene Green*, at VII. Congressman Green, currently serving in the U.S. Congress, was the author of the Registration Law (SB 429) in the Texas Senate. *Id.* at IV. In addition to prohibiting misleading and deceptive speech, the Registration Law was intended to promote the public interest by helping the public in making informed, intelligent consumer decisions; create incentives for design professionals to seek, obtain and constantly develop the education and experience which is required for use of the title; ensure that important public concerns ranging from access by the disabled to energy efficiency are taken into account while interior infrastructure is designed and calculated; and encourage design professionals to obtain, and maintain the competencies mandated by registration. *Id.* at VIII – XII. Congressman Green states:

The purposes animating passage of the Texas Interior Designers' Registration Law were, and remain, of substantial public benefit. Ensuring that citizens have

comprehensible, truthful and accurate information about the competencies and standards of conduct for differing classes of design professionals is essential to a free market and fully informed decision-making. Permitting professionals to use the title “interior designer” or represent that the services they provide constitutes “interior design” is an efficient and not unduly burdensome means of achieving this public benefit.

Id. at X.

The harm sought to be prevented by the Registration Law is consumers being misled about the credentials of design professionals. *See* Exhibit B, Green affidavit, at VII. This is not a purely hypothetical harm, but a real and tangible one, as made clear from the results of the ICR study that consumers believe they are harmed when unlicensed professionals hold the same professional title as licensed professionals. The potential for deception and confusion “is particularly strong in the context of advertising professional services.” *In re RMJ*, 455 U.S. at 203. The Registration Law alleviates this harm to a material degree by preserving the distinction between (licensed) interior designers and (unlicensed) interior decorators.

The regulation of the terms “interior design” and “interior designer” advances the state’s interest by mandating that unlicensed professionals advertise using a different term from licensed professionals. *See* Exhibit B, Affidavit of Congressman Gene Green, at VIII. Such regulation is necessary to enable consumers to evaluate claims made by design professionals and ensure the accuracy of such claims. The regulation is necessary, in particular, given the “striking disparities between the information available to the professional and the [consumer] which exist because of an inherent asymmetry of knowledge about the product aris[ing] because professionals supplying the good are knowledgeable [whereas] consumers demanding the good are uninformed.” *California Dental Ass’n v. Federal Trade Comm’n*, 526 U.S. 756, 771 (1999). The Registration Law serves to balance this “inherent asymmetry” and provide the consumer with more knowledge.

4. Chapter 1053 is reasonably tailored to the State's interest in protecting consumers from misleading advertising.

Finally, the court must determine if the regulation that promotes the substantial governmental interest is reasonably tailored to serve that interest. *Edenfield*, 507 U.S. at 767; *Central Hudson*, 447 U.S. at 570. A regulation on commercial speech does not have to be the least-restrictive means available to advance a substantial governmental interest. *Board of Trustee of the State Univ. of N.Y. v. Fox*, 492 U.S. 469, 477 (1989). Nor is it necessary that there be no conceivable alternative to the regulation on speech. *Id.* at 478 (quoting *Ward v. Rock Against Racism*, 491 U.S. 781, 799 (1989)). What is required is “a fit between the legislature’s ends and the means chosen to accomplish those ends; a fit that is not necessarily perfect, but reasonable, that represents not necessarily the single best disposition to the interest served.” *Id.* at 480 (internal citations omitted).

Courts are “loath to second-guess the Government's judgment” regarding how to best advance the State’s substantial interests. *Board of Trustees of State University of N.Y.*, 492 U.S. at 479. Because of this deference to legislative choices, courts tend to only invalidate regulations of commercial speech under the *Central Hudson* fourth prong if the regulation is “*substantially excessive*, disregarding far less restrictive and more precise means.” *Id.* (emphasis added). Regulations on commercial speech that are imperfect but only marginally go beyond what would adequately serve the governmental interest, are generally left untouched. *Id.*

By requiring that certain criteria be met before a person may advertise as an interior designer, the Registration Law is narrowly drawn to address the legislature’s concerns about misrepresentation over the terms “interior designers” and “interior design.” The Texas Legislature clearly thought that the Registration Law was an efficient and not unduly burdensome means of achieving this public benefit. *See* Exhibit B, Affidavit of Congressman

Gene Green, at X. Though Plaintiffs assert that a revised title act would be a better option than the Registration Law, courts have routinely held that it is up to the legislature to determine which means of regulating commercial speech to choose. See *Board of Trustees of State University of N.Y.*, 492 U.S. at 479; *Joseph*, 353 F.3d at 1111.

Plaintiffs' suggestion for a revised title act allowing registered interior designers to use designations such as "certified," "registered," or "licensed," and allowing anyone to use the term "interior designer" is both unnecessary and contrary to the intent of the legislature.⁶ A state may not ban potentially misleading commercial speech if a narrower limitation could be crafted to ensure that the information is presented in a nonmisleading manner. *Peel*, 496 U.S. at 11 (Marshall, J., concurring). The change proposed by Plaintiffs, however, would be *more* misleading than the current law. Currently, it is easy for a consumer to distinguish between a registered and unregistered interior professional – a licensed and registered professional uses the title "interior designer" and an unlicensed professional uses a different title, such as "interior decorator." Because the title "interior designer" by definition means registration and licensure, a modifier like certified, licensed, or registered would be completely extraneous. Such a modifier would likely lead to greater confusion, such as consumers incorrectly assuming that all who use the title "interior designer" are registered and licensed but those who use the title "certified (or registered or licensed) interior designer" have special and advanced certification. Instead of the

⁶ Plaintiffs note that other states have instituted title acts like the ones proposed by Plaintiffs. Evidence of other states' practices is not relevant to a determination of the constitutionality of the regulation. See *Seabolt*, 30 F.Supp. 965 (the fact that 23 states allowed chiropractors to identify themselves as chiropractic physicians was not sufficient evidence to establish that the identification is not misleading). The Texas Legislature acts in the interest of Texas residents; what other states have done is not persuasive authority for what is best for Texas.

simple distinction currently in place in the law, Plaintiffs propose a title act which is more complicated and has greater risk of misleading the public.

In addition, if anyone could call themselves an “interior designer,” the registration, examination and training requirements of the Registration Law would cease to have any value, thus directly undermining the Legislature’s interest in “creating incentives for design professionals to seek, obtain and constantly develop the education and experience which is required for the title.” *See Exhibit B, Affidavit of Congressman Gene Green, at IX.* The public would be harmed if important public concerns such as disability access and energy efficiency are not taken into account in infrastructure design because of a lack of training and education in these matters in the profession. *See Id. at XI.*

Furthermore, the Registration Law does not prevent interior decorators from providing more information to the public in order to help consumers make an informed decision. In *Macelech*, the Fifth Circuit noted that instead of using the misleading M.D. designation, osteopaths should make more effort to provide the marketplace with information about their profession to help consumers make an informed choice. *Maceluch*, 680 F.2d at 1069. Similarly, in *Joseph*, the Ninth Circuit noted that while the legislation at issue restricted use of the term “board certified” to signify certification by boards that met statutory requirements, it “does not restrict a physician or surgeon from advertising that he or she had special training or continuing education with a non-qualifying board.” 353 F.3d at 1111. Interior decorators are likewise not prohibited from providing truthful information about their education, training, or experience to help consumers make more informed decisions.

The question of whether the course chosen by the legislature to achieve a desired result is either wise or the best means available is not a proper subject of judicial inquiry. *Williamson v.*

Lee Optical of Oklahoma, Inc., 348 U.S. 483, 487 (1955). It is for the legislature, not the courts, to balance the advantages and disadvantages of a particular regulation. *Id.* The choice by the Texas Legislature to implement the Registration Law is proportional to the governmental interests sought to be advanced and should not be set aside by unnecessary judicial intervention.

IV.
DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

A. Standard of Review

The requirements for a preliminary injunction are well-established:

First, the movant must establish a substantial likelihood of success on the merits. Second, there must be a substantial threat of irreparable injury if the injunction is not granted. Third, the threatened injury to the plaintiff must outweigh the threatened injury to the defendant. Fourth, the granting of the preliminary injunction must not disserve the public interest.

Evergreen Presbyterian Ministries Inc. v. Hood, 235 F.3d 908, 917 (5th Cir. 2000). “A preliminary injunction is considered an extraordinary and drastic remedy, not to be granted routinely, but only when the movant, by a clear showing, carries the burden of persuasion.” *Id.* (internal quotation marks and citation omitted). Plaintiff bears the burden of proof on each of these elements. *Id.* “The decision to grant a preliminary injunction is to be treated as the exception rather than the rule.” *Miss. Power & Light Co. v. United Gas Pipe Line Co.*, 760 F.2d 618, 621 - 622 (5th Cir. 1985).

B. Arguments and Authorities

1. Plaintiffs have not established a substantial likelihood of success on the merits.

As set forth in Part III above, Plaintiffs have not shown that they have a substantial likelihood of success on the merits.

2. Plaintiffs have not established a substantial threat of irreparable injury if the injunction is not granted.

Plaintiffs must prove that they are subject to an injury that is irreparable, that they are in danger of imminent harm, and that they have no adequate remedy at law. *Id.* at 623. Further enforcement of the Registration Law will not cause irreparable injury since Plaintiffs have not lost any First Amendment freedoms. The speech Plaintiffs seek to express is misleading and thus beyond the protection of the First Amendment.

3. Plaintiffs have not established that the threatened injury to the Plaintiff outweighs the threatened injury to the Defendants.

The Court must balance whatever alleged injury Plaintiffs may suffer with the injury to the public for not enforcing the law and allowing Plaintiffs to mislead consumers as to their education and experience in the field of interior design. Protecting consumers, as noted in Part III above, is a substantial state interest. Indeed, it is one of the State's most important roles. The potential real and tangible harm to the citizens of the state of Texas in being misled when choosing design professions must be prevented.

In addition, striking down the Registration Law, or temporarily suspending its enforcement, will harm all interior designers in the State as well as the health and safety of Texas citizens. If the designations "interior designer" and "interior decorator" become synonymous, there will be no value in the registration requirement. The value Plaintiffs seek in the title "interior designer" will vanish as soon as the term is severed from the statutory prerequisites. This will harm all interior designers who have earned the required training and education to be registered, and who have passed the licensing examination. Furthermore, if persons designing interior spaces stop receiving state-mandated training, such as continuing education on disability

access design and updated training on building, safety and fire codes, the health, safety and welfare of Texas citizens will suffer.

4. Plaintiffs have not established that the granting of the preliminary injunction would not disserve the public interest.

Public interest does not favor Plaintiffs in this case. The public is interested in the distribution of truthful and not misleading speech. *See* IRC Study, Exhibit C. The IRC study clearly demonstrates that, when given the choice, the public desires to hire licensed professionals. Allowing interior decorators to hold themselves out as interior designers, even if only in the interim, will cause harm to the public.

There must be substantial justification for the courts to interfere with a statute, even temporarily. A court cannot “use its remedial powers to circumvent the intent of the legislature.” *Califano v. Westcott*, 443 U.S. 76, 94 (Powell, J. concurring in part, dissenting in part). To disregard the Legislature’s intent, Plaintiffs must show exceptional circumstances. *See Spielman Motor Sales Co. v. Dodge*, 295 U.S. 89, 95 (1935). Plaintiffs’ have failed to make this showing.

Since Plaintiffs have not met their burden as to each of the four elements necessary for a preliminary injunction, their request should be denied.

V. CONCLUSION AND PRAYER FOR RELIEF

Plaintiffs have not established their right as a matter of law to a preliminary injunction or summary judgment. Defendants therefore pray that Plaintiffs’ Motion for Preliminary Injunction and Plaintiffs’ Motion for Summary Judgment be denied. Defendants further pray that Defendants’ Motion for Summary Judgment be granted and all of Plaintiffs’ claims be dismissed with prejudice. Defendants pray for such other relief to which they may be justly entitled.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I certify that on June 22, 2007, a true and correct copy of the foregoing document was filed with the Court's ECF system and send via the ECF electronic notification system to:

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Assistant Attorney General

IN THE UNITED STATES DISTRICT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

VICKEE BYRUM; §
JOEL MOZERSKY; VERONICA §
KOLTUNIAK; and NANCY PELL, §
§
Plaintiffs, §

VS. §

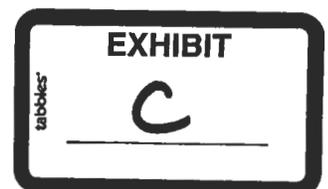
CIVIL ACTION NO. §
A07CA344LY §

GORDON E. LANDRETH, in his official §
capacity as Chair of the Texas Board of §
Architectural Examiners; ALFRED §
VIDAURRI, JR., in his official capacity as §
Vice-Chair of the Texas Board of §
Architectural Examiners; ROSEMARY A. §
GAMMON, in her official capacity as §
Treasurer of the Texas Board of §
Architectural Examiners; and ROBERT §
KYLE GARDNER, JANET PARNELL, §
PETER L. PFEIFFER, DIANE §
STEINBRUECK, PEGGY LEWENE §
VASSBERG, and JAMES S. WALKER, II, §
in their official capacities as members of the §
Texas Board of Architectural Examiners, §
§
Defendants. §

BUSINESS RECORDS AFFIDAVIT

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this day personally appeared Glenn Garry,
Communications Specialist of the Texas Board of Architectural Examiners, known to be the
person whose name is subscribed below, and being by me first duly sworn, upon his oath

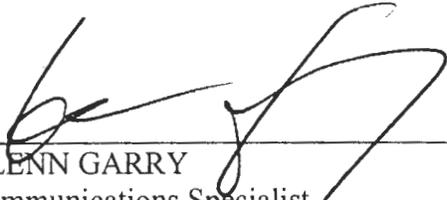


deposed and said as follows:

“My name is Glenn Garry. I am of sound mind and capable of making this Affidavit and personally acquainted with the facts herein stated.

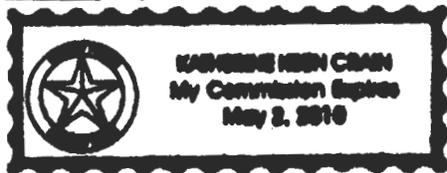
Attached hereto are thirty-eight (38) pages that comprise a report of a study commissioned, compiled and maintained by me in the course of my official duties as Communications Specialist on behalf of the Texas Board of Architectural Examiners. The study was conducted from June 8, 2007, through June 13, 2007, by a third party contractor, International Communications Research under contract with the American Society of Interior Designers, to ascertain commonly held beliefs regarding public perceptions of licensing, the value of licensure, and the public benefit of restricting the use of a professional title to persons who are licensed to use the title. The report is kept by the Texas Board of Architectural Examiners in the regular course of business and it was the regular course of business of the Texas Board of Architectural Examiners for an employee of the Texas Board of Architectural Examiners with knowledge of the act, event, condition, or opinion recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time or reasonably soon thereafter. The report attached hereto is an exact duplicate of the original.”

Signed this 21st day of June, 2007.

By: 

GLENN GARRY
Communications Specialist
TEXAS BOARD OF ARCHITECTURAL EXAMINERS

21st SWORN TO AND SUBSCRIBED before me, the undersigned Notary Public, on this the day of June, 2007.



By: 

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

My Commission Expires:

5/2/2010

T A B L E O F C O N T E N T S
PAGE 1

TABLE 001	P. 1	LS-1. When hiring a professional to provide certain services-for example, home repair services or financial services-how important to you is that the person be licensed to provide those services? Base: Total Respondents
002	3	LS-2. If there were two professionals offering the same service, one with a license and one without a license, do you think it is deceptive or misleading that both the licensed and unlicensed person can use the exact same professional title? Base: Total Respondents
003	4	LS-3. If you were remodeling a room in your home, would you want the design professional you hire to be licensed or unlicensed? Base: Total Respondents
004	5	LS-4. In some states, only persons who have met the appropriate qualifications of education, experience and examination and are licensed by the state can call themselves an "interior designer." Others who offer similar services but are not licensed may not, by law, call themselves an "interior designer." Do you think that requirement helps consumers or harms them with respect to hiring decisions? Base: Total Respondents
005	6	LS-5. Do you think that requirement helps consumers or harms them with respect to safety issues? Base: Total Respondents
006	7	Z-1. Own or rent home. Base: Total Respondents
007	8	Z-2. Marital Status. Base: Total Respondents
008	9	Z-3. Are you the head of household? Base: Total Respondents
009	10	Z-4. Employment status. Base: Total Respondents
010	12	Z-6. Total number living in household. Base: Total Respondents
011	14	Z-6a. Number of adults 18 or older living in household. Base: Total Respondents
012	16	Z-6b/6c/6d. Summary of ages of children in household. Base: Total Respondents
013	17	Z-7. Age of respondent. Base: Total Respondents

EXCEL Omnibus Study
Study #G8823

June 8 - 13, 2007

T A B L E O F C O N T E N T S
 PAGE 2

TABLE 014	P. 19	2-8. Level of Education. Base: Total Respondents
015	20	2-9. Total Annual Household Income. Base: Total Respondents
016	22	2-11. Race of Respondent. Base: Total Respondents
017	24	2-11a. Political Party Affiliation Base: Total Respondents
018	25	2-11b. Are you registered to vote at your present address? Base: Total Respondents
019	26	2-12. Number of other telephone numbers in household. Base: Total Respondents
020	27	-- Sex of Respondent -- -- Base: Total Respondents
021	28	-- Division -- -- Base: Total Respondents
022	30	-- Metro Status -- -- Base: Total Respondents

**EXCEL Omnibus Study
Study #G8823**

June 8 - 13, 2007

IS-1. When hiring a professional to provide certain services-for example, home repair services or financial services-how important to you is it that the person be licensed to provide those services?
Base: Total Respondents

	S E X		A G E					HOUSEHOLD INCOME		R E G I O N				E D U C A T I O N			R A C E		M E T R O STATUS				
	FE- MALE	MALE	18-34	35-44	45-54	55-64	65+	UNDER \$25K	\$25K-\$50K	\$49.9	\$74.9	\$75K+	NORTH EAST	NORTH CNTRL	SOUTH	WEST	H.S. LESS	SOME COLL	POST COLL	WHITE	BLACK	METRO	NONMETRO
Std. Error	0.04	0.06	0.04	0.08	0.08	0.08	0.08	0.10	0.09	0.09	0.05	0.08	0.08	0.05	0.09	0.06	0.08	0.05	0.04	0.14	0.04	0.08	0.08
Median	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00

sig-.05) (all Pairs) columns tested BC, DEFGH, IJKL, MNOP, QRS, TU, VW
Note: Frequencies are reported in 100,000's.
2229 . 222,900,000 which represents the U.S. Population 18 years of age or older.

EXCEL Omnibus Study
Study #G8823

June 8 - 13, 2007

TABLE 002
 LS-2. If there were two professionals offering the same service, one with a license and one without a license, do you think it is deceptive or misleading that both the licensed and unlicensed person can use the exact same professional title?
 Base: Total Respondents

	SEX		AGE							HOUSEHOLD INCOME							REGION					EDUCATION					RACE		METRO STATUS	
	MALE	FEMALE	18-34	35-44	45-54	55-64	65+	\$25K- \$50K-	\$25K- \$50K+	\$49.9 \$74.9	\$75K+	EAST	NORTH	CENTRAL	SOUTH	WEST	H.S. LESS COLL	SOME COLL	POST COLL	WHITE	BLACK	METRO	NONMETRO							
TOTAL UNWEIGHTED	1037	526	511	196	163	209	203	238	174	236	149	210	204	244	377	212	375	253	383	841	88	786	251							
TOTAL WEIGHTED	2229	1083	1146	691	432	425	308	330	449	500	297	371	413	498	813	504	1109	522	544	1641	262	1871	358							
%	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0							
(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)	(O)	(P)	(Q)	(R)	(S)	(T)	(U)	(V)	(W)	(X)	(Y)							
Yes	1248	630	617	374	279H	246H	196H	142	273	266	174	258J	221	262	460	305	604	299	317	966U	107	1012	236V							
No	56.0	58.2	53.8	54.1	64.5	57.8	63.5	42.9	60.7	53.1	58.5	69.6	53.5	52.6	56.6	60.5	54.4	57.2	58.4	58.9	40.8	54.1	66.0							
Not sure	761	373	388	232	144	134	81	143G	141	189L	99	91	153	187P	293	128	415	166	155	521	138T	667	94							
Refused	213	73	140B	85E	10	41E	30E	43E	35	45	24	17	39	49	58	67	88	57	65	146	16	187	26							
%	9.5	6.7	12.2	12.3	2.3	9.6	9.8	12.9	7.7	9.1	8.2	4.7	9.4	9.9	7.1	13.3	8.0	10.9	12.0	8.9	6.3	10.0	7.1							
Refused	8	7	1	-	-	4	1	3	1	-	4	1	1	-	3	4	2	-	6	8	-	6	2							
%	0.4	0.6	0.1	-	-	1.0	0.3	0.9	0.2	-	1.1	0.2	0.2	-	0.4	0.9	0.2	-	1.1	0.5	-	0.3	0.6							

sig. (05) (all pairs) columns tested BC, DEFGH, IJKL, MNOP, QRS, TU, VW
 Note: Frequencies are reported in 100,000's.
 2229 ... 222,900,000 which represents the U.S. Population 18 years of age or older.

EXCEL Omnibus Study
Study #G8823

June 8 - 13, 2007

TABLE 004
LS-4. In some states, only persons who have met the appropriate qualifications of education, experience and examination and are licensed by the state can call themselves an "interior designer." Others who offer similar services but are not licensed may not, by law, call themselves an "interior designer." Do you think that requirement helps consumers or harms them with respect to hiring decisions?
Base: Total Respondents

	SEX		AGE							HOUSEHOLD INCOME					REGION				EDUCATION				RACE		METRO STATUS	
	MALE	FEMALE	18-34	35-44	45-54	55-64	65+	UNDER \$25K	\$25K-\$50K	\$50K-\$75K	\$75K+	EAST	CENTRAL	SOUTH	WEST	H.S. LESS	SOME COLL	COLL POST	WHITE	BLACK	METRO	NONMETRO				
TOTAL UNWEIGHTED	1037	526	511	196	163	209	203	238	174	236	149	210	204	244	377	212	375	253	383	841	88	786	251			
TOTAL WEIGHTED	2229	1083	1146	691	432	425	308	330	449	500	297	371	413	498	813	504	1109	522	544	1641	262	1871	358			
%	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0			
(B)			(C)		(D)		(E)		(F)		(G)		(H)		(I)		(J)		(K)		(L)		(M)			
(N)			(O)		(P)		(Q)		(R)		(S)		(T)		(U)		(V)		(W)		(X)		(Y)			
Helps	1255	629	626	359	280H	238	195	173	212	296	193I	255I	198	276	495M	286	578	273	380OR	998U	113	1046	209			
Harms	56.3	58.1	54.6	52.0	64.8	56.0	63.3	52.3	47.2	59.2	64.9	68.9	47.8	55.3	60.9	56.8	52.1	52.3	69.9	60.8	43.3	55.9	58.4			
Not sure	568	295	273	227GH	93	103	54	67	141L	128	56	72	155NO	112	186	115	344S	127S	80	348	109T	478	90			
Refused	387	147	240B	105	59	69	59	87DE	93	74	43	40	59	110	117	100	180	116	79	277	40	336	51			
	17.4	13.6	20.9	15.2	13.6	16.1	19.1	26.3	20.7	14.8	14.3	10.9	14.3	22.1	14.4	19.9	16.2	22.1	14.6	16.9	15.2	18.0	14.2			
	19	11	8	-	-	16D	1	3	3	2	6	3	1	1	15	3	7	6	4	18	-	12	8			
	0.9	1.1	0.7	-	-	3.7	0.2	1.0	0.7	0.4	2.1	0.8	0.3	0.1	1.8	0.5	0.7	1.2	0.7	1.1	-	0.6	2.2			

sig=.05) (all pairs) columns tested BC, DEFGH, IJKL, MNOP, QRS, TU, VW
Note: Frequencies are reported in 100,000's.
2229 = 222,900,000 which represents the U.S. Population 18 years of age or older.

EXCEL Omnibus Study
Study #G8823

June 8 - 13, 2007

TABLE 005
IS-5. Do you think that requirement helps consumers or harms them with respect to safety issues?
Base: Total Respondents

	SEX		AGE								HOUSEHOLD INCOME				REGION				EDUCATION				RACE		METRO STATUS
	MALE	FEMALE	18-34	35-44	45-54	55-64	65+	UNDER \$25K	\$25K-\$50K	\$50K-\$75K	\$75K-\$100K	\$100K+	EAST	CENTRAL	SOUTH	WEST	H.S. LESS	SOME COLL	POST COLL	WHITE	BLACK	METRO	NONMETRO		
TOTAL UNWEIGHTED	1037	526	511	196	163	209	203	238	174	236	149	210	204	244	377	212	375	253	383	841	88	766	251		
TOTAL WEIGHTED	2229	1083	1146	691	432	425	308	330	449	500	297	371	413	498	813	504	1109	522	544	1641	262	1871	358		
	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0		
Helps	1544	755	789	461	310	310	238H	207	287	371	229	275	245	331	594M	373M	744	377	392	1193	169	1298	245		
	69.3	69.7	68.8	66.7	71.7	73.0	77.4	62.8	64.0	74.3	76.9	74.2	59.4	66.5	73.0	74.1	67.1	72.3	72.0	72.7	64.7	69.4	68.6		
Harms	395	186	209	161G	70	63	34	47	111K	93	27	56	115OP	88	113	78	214S	100	66	233	66	325	70		
	17.7	17.2	18.3	23.3	16.2	14.8	11.1	14.2	24.7	18.5	9.1	15.2	27.9	17.7	13.9	15.5	19.3	19.1	12.1	14.2	25.4	17.4	19.5		
Not sure	282	134	148	69	51	48	35	73DEF	48	36	42	37	51	79	102	50	146	45	84	207	26	245	37		
	12.7	12.4	12.9	10.0	11.7	11.4	11.5	22.1G	10.6	7.2	14.1	10.1	12.2	15.8	12.6	10.0	13.1	8.6	15.4	12.6	9.9	13.1	10.3		
Refused	8	7	1	-	2	3	-	3	3	-	-	2	2	-	4	2	5	-	2	8	-	2	5V		
	0.4	0.7	0.1	-	0.4	0.8	-	0.9	0.7	-	-	0.4	0.4	-	0.5	0.4	0.5	-	0.5	0.5	-	0.1	1.5		

sig+.05) (all pairs) columns tested BC, DEFGH, IJKL, MNOP, QRS, TU, VM
Note: Frequencies are reported in 100,000's.
2229 . 222,900,000 which represents the U.S. Population 18 years of age or older.

EXCEL Omnibus Study
Study #G8823

June 8 - 13, 2007

TABLE 006
 Z-1. Own or rent home.
 Base: Total Respondents

	SEX		AGE										HOUSEHOLD INCOME										REGION					EDUCATION					RACE		METRO STATUS	
	MALE	FE-	18-34	35-44	45-54	55-64	65+	UNDER \$25K	\$25K- \$49.9	\$74.9	\$75K+	EAST	NORTH	CENTRAL	SOUTH	WEST	LESS	SOME COLL	COLL	POST	WHITE	BLACK	METRO	NONMET												
TOTAL UNWEIGHTED	1037	526	511	196	163	209	203	238	174	236	149	210	204	244	377	212	375	253	383	841	88	88	786	251												
TOTAL WEIGHTED	2229	1083	1146	691	432	425	308	330	449	500	297	371	413	498	813	504	1109	522	544	1641	262	1871	358													
%	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0													
(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)	(O)	(P)	(Q)	(R)	(S)	(T)	(U)	(V)	(W)															
Own	1619	745	874	418	324D	331D	266DE	259D	219	345I	255IJ	352IJ	260	392M	579	399M	730	418Q	453Q	1274U	143	1323	296V													
Rent	72.6	68.8	76.2	60.5	74.9	77.8	86.4	78.3	48.6	69.0	85.8	94.9K	63.0	76.6	71.1	79.0	65.8	80.1	83.2	77.7	54.7	70.7	82.9													
Don't know	6	1	5	4	-	1	-	1	-	1	-	-	-	-	5	1	1	-	1	5	1	2	4													
Refused	32	24	8	2	8	11	2	6	3	-	-	-	6	7	8	11	3	6	-	2	-	31	1													
	1.4	2.2	0.7	0.3	1.8	2.5	0.8	1.7	0.7	-	-	-	1.4	1.5	1.0	2.1	0.3	1.1	-	0.1	-	1.7	0.2													

(sig-.05) (all pairs) columns tested BC, DEFGH, IJKL, MNOP, QRS, TU, VW
 Note: Frequencies are reported in 100,000's.
 2229 = 222,900,000 which represents the U.S. Population 18 years of age or older.

EXCEL Omnibus Study
Study #G8823

June 8 - 13, 2007

TABLE 007
 2-2. Marital Status.
 Base: Total Respondents

	SEX		AGE										HOUSEHOLD INCOME										REGION										EDUCATION										RACE				METRO STATUS	
	MALE	FEMALE	18-34	35-44	45-54	55-64	65+	UNDER \$25K	\$25K-\$50K	\$50K-\$74.9	\$75K-\$99.9	\$100K+	EAST	CENTRAL	NORTH	SOUTH	WEST	H.S. LESS	SOME COLL	POST COLL	POST COLL	WHITE	BLACK	METRO	NONMETRO	WHITE	BLACK	METRO	NONMETRO	WHITE	BLACK	METRO	NONMETRO															
TOTAL UNWEIGHTED	1037	526	511	196	163	209	203	238	174	236	149	210	204	244	244	377	212	375	253	383	841	88	88	786	251																							
TOTAL WEIGHTED	2229	1083	1146	691	432	425	308	330	449	500	297	371	413	498	813	504	1109	522	544	1641	262	1871	358																									
Single	469	269C	200	301	60	58	26	22	126L	198L	55L	20	93	101	162	113	259S	141S	67	265	121T	420W	50																									
Single, living with a partner	162	94	68	90	17	17	1	9	76	30	17	16	57	29	38	37	100	35	23	134	134	3	128	33																								
Married	1131	515	616	239	249D	262	192	155D	231I	186	186	203	273	399	256	506	248	358	916U	81	928	203																										
Separated	37	19	18	15	9	2	9	2	5	14	8	5	14	8	15	15	7	12	12	28	6	32	5																									
Widowed	154	39	115B	-	5	22D	19D	105	54K	34	7	7	24	41	65	24	88	34	31	126	8	133	21																									
Divorced	237	128	109	39	57D	53	61	24	92	62L	21	20	21	42	118M	57	128	57	49	169	36	193	44																									
Refused	40	20	20	6	8	12	-	12G	1	-	4	-	2	5	17	16	13	-	5	2	7T	39	1																									

(sig-.05) (all pairs) columns tested BC, DEFGH, IJKL, MNOP, QRS, TU, VW
 Note: Frequencies are reported in 100,000's.
 2229 - 222,900,000 which represents the U.S. Population 18 years of age or older.

TABLE 008
2-3. Are you the head of household?
Base: Total Respondents

	SEX		AGE							HOUSEHOLD INCOME			REGION				EDUCATION			RACE		METRO STATUS	
	MALE	FE-	18-34	35-44	45-54	55-64	65+	UNDER \$25K	\$25K-\$49.9	\$50K-\$74.9	\$75K+ EAST	NORTH CNTRL	NORTH SOUTH	WEST	H.S. LESS	SOME COLL.	POST COLL.	WHITE	BLACK	METRO	NONMET		
TOTAL UNWEIGHTED	1037	526	511	196	163	209	203	238	174	236	149	210	204	244	377	212	375	253	383	841	89	786	251
TOTAL WEIGHTED	2229	1083	1146	691	432	425	308	330	449	500	297	371	413	498	813	504	1109	522	544	1641	262	1871	358
%	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)	(O)	(P)	(Q)	(R)	(S)	(T)	(U)	(V)	(W)	
Yes	1815	900	915	447	391D	349D	290DF	298D	349	417	282IJ	351IJ	333	416	681	385	869	398	518Q	143IU	177	1513	302
No	81.4	83.1	79.8	64.8	90.4	82.2	94.2	90.1	77.7	83.4	94.7	94.8	80.6	83.5	83.7	76.3	78.3	76.2	95.2R	87.2	67.6	80.8	84.4
Don't know	384	160	224	241EFG	32	66G	16	29	98KL	81KL	16	14	75	77	116	116	238S	118S	24	200	83T	329	55
Refused	17.2	14.8	19.5	34.9H	7.3	15.6	5.3	8.7	21.8	16.1	5.3	3.8	18.1	15.4	14.2	23.1	21.5	22.7	4.4	12.2	31.6	17.6	15.4
	7	5	2	2	2	-	2	-	2	2	-	2	3	-	4	-	2	3	2	5	5	2	7
	0.3	0.5	0.2	0.3	0.5	-	0.5	-	0.5	0.5	-	0.4	0.8	-	0.5	-	0.2	0.5	0.4	0.3	0.8	0.4	-
	23	17	6	-	8	9	-	4	-	-	-	3	2	5	13	3	-	3	-	5	-	22	1
	1.0	1.6	0.5	-	1.8	2.2	-	1.2	-	-	-	0.9	0.4	1.0	1.6	0.7	-	0.6	-	0.3	-	1.2	0.2

(19, 05) (all pairs) columns tested BC, DERGH, IJKL, MNOP, QRS, TU, VW
Note: Frequencies are reported in 100,000's.
2229 = 222,900,000 which represents the U.S. Population 18 years of age or older.

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TABLE 009
 Z-4. Employment status.
 Base: Total Respondents

	SEX		AGE										HOUSEHOLD INCOME		REGION										EDUCATION										RACE		METRO STATUS
	MALE	FEMALE	18-34	35-44	45-54	55-64	65+	UNDER \$25K	\$25K- \$49.9	\$50K- \$74.9	\$75K+	EAST	NORTH	CENTRAL	NORTH	SOUTH	WEST	H.S. LESS	SOME COLL	POST COLL	WHITE	BLACK	METRO	NONMETRO													
TOTAL UNWEIGHTED	1037	526	511	196	163	209	203	238	174	236	149	210	204	244	377	212	375	253	383	841	88	786	251														
TOTAL WEIGHTED	2229	1083	1146	691	432	425	308	330	449	500	297	371	413	498	813	504	1109	522	544	1641	262	1871	358														
100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0														
	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)	(O)	(P)	(Q)	(R)	(S)	(T)	(U)	(V)	(W)															
Employed	1363	796C	567	495GH	340GH	292H	179H	42	211	346I	221I	304IJ	233	301	518	310	594	351Q	400Q	1039	149	1144	219														
	61.1	73.5	49.5	71.7	78.7	68.8	58.1	12.6	46.9	69.3	74.4	82.1	56.5	60.4	63.7	61.5	53.5	67.1	73.6	63.4	56.9	61.1	61.2														
Full-time	1131	686C	446	395H	287GH	267GH	141H	28	138	295I	203I	283IJ	197	253	443	238	487	277	358QR	877	111	948	184														
	50.8	63.3	38.9	57.2	66.4	62.8	45.9	8.3	30.8	59.0	68.1	76.4	47.7	50.8	54.5	47.2	43.9	53.0	65.9	53.4	42.4	50.6	51.4														
Part-time	231	110	121	100H	53H	26	38H	14	72KL	51	19	21	36	48	75	72	107	74	42	163	38	196	35														
	10.4	10.2	10.6	14.5	12.3	6.1	12.2	4.3	16.1	10.3	6.3	5.7	8.8	9.6	9.2	14.4	9.7	14.1	7.7	9.9	14.5	10.5	9.8														
Not employed	840	267	573B	196	82	124	129DE	284DE	239JK	154L	76	66	175	192	285	187	515RS	171	144	600	113	702	138														
	37.7	24.7	50.0	28.3	19.0	29.2	41.9	85.8F	53.1L	30.7	25.6	17.9	42.5	38.6	35.1	37.1	46.5	32.7	26.4	36.6	43.1	37.5	38.5														
Retired	395	162	232	1	6	54DE	80DE	247DE	106KL	67	27	39	72	99	167P	56	235	67	86	312	54	328	66														
	17.7	15.0	20.2	0.2	1.3	12.6	25.9F	74.7F	23.7	13.4	9.0	10.5	17.5	19.9	20.5	11.2	21.2	12.9	15.8	19.0	20.7	17.5	18.6														
Housewife	136	6	130B	38	34	23	20	18	19	42	24	22	13	46	37	40	73	26	37	117	5	114	23														
	6.1	0.5	11.4	5.5	7.9	5.4	6.4	5.4	4.3	8.3	8.0	5.8	3.2	9.3	4.5	7.9	6.6	5.0	6.8	7.2	1.9	6.1	6.3														
Student	93	20	74B	75ERGH	3	14	1	-	15	27L	6	-	9	21	13	50MO	25	64QS	1	34	29T	90	3														
	4.2	1.8	6.4	10.9	0.6	3.4	0.4	-	3.3	5.5	2.1	-	2.1	4.3	1.6	9.9	2.3	12.2	0.3	2.1	10.9	4.8	0.9														
Temporarily unemployed	141	43	98B	74H	16	20H	14H	1	65JKL	14	9	6	54NO	21	33	34	119RS	7	15	87	14	113	28														
	6.3	4.0	8.6	10.7	3.7	4.7	4.6	0.4	14.5	2.7	2.9	1.6	13.0	4.1	4.1	6.7	10.8	1.4	2.7	5.3	5.3	6.1	7.8														

sig=.05) (all pairs) columns tested BC, DEFGH, IJKL, MNOP, QRS, TU, VW
 Note: Frequencies are reported in 100,000's.
 2229 - 222,900,000 which represents the U.S. Population 18 years of age or older.

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TABLE 009 (continued)
 2-4. Employment status.
 Base: Total Respondents

	S E X		A G E										H O U S E H O L D I N C O M E					R E G I O N				E D U C A T I O N				R A C E		M E T R O		S T A T U S	
	FE-	MALE	18-34	35-44	45-54	55-64	65+	UNDER \$25K	\$25K-\$49.9	\$49.9-\$74.9	\$74.9-\$75K+	\$75K+	EAST	CENTRAL	SOUTH	WEST	H.S. LESS	SOME COLL	POST COLL	WHITE	BLACK	METRO	NONMETRO	6V	NONV						
TOTAL MALE	18-34	35-44	45-54	55-64	65+	UNDER \$25K	\$25K-\$49.9	\$49.9-\$74.9	\$74.9-\$75K+	\$75K+	EAST	CENTRAL	SOUTH	WEST	H.S. LESS	SOME COLL	POST COLL	WHITE	BLACK	METRO	NONMETRO	6V	NONV								
Disabled/ Handicapped	60	32	28	3	22D	12	13D	11	30U	4	7	-	27N	3	23	7	53RS	3	4	46	4	48	12								
	2.7	3.0	2.4	0.5	5.0	2.8	4.1	3.3	6.7	0.8	2.5	-	6.6	0.6	2.8	1.4	4.8	0.6	0.7	2.8	1.4	2.6	3.3								
Other	8	4	4	4	2	1	2	-	3	-	3	-	-	2	6	-	2	3	1	3	1	2	2	6V							
	0.4	0.4	0.3	0.5	0.4	0.2	0.5	-	0.7	-	1.1	-	-	0.4	0.8	-	0.2	0.6	0.2	0.2	0.4	0.1	1.6								
Refused	7	-	7	-	-	-	-	7D	-	-	-	-	-	-	7	-	7	-	-	-	7T	7	-								
	0.3	-	0.6	-	-	-	-	2.0	-	-	-	-	-	-	0.8	-	0.6	-	-	-	2.5	0.4	-								
Refused	26	20	6	-	10	9	-	5	-	-	-	-	4	5	10	7	-	1	-	1	-	25	1								
	1.2	1.8	0.5	-	2.4	2.0	-	1.5	-	-	-	-	1.1	1.0	1.2	1.4	-	0.2	-	0.1	-	1.4	0.2								

sig=.05) (all pairs) columns tested BC, DEFGH, IJKL, MNOP, QRS, TU, VW
 Note: Frequencies are reported in 100,000's.
 2229 222,900,000 which represents the U.S. Population 18 years of age or older.

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TABLE 010
 2-6. Total number living in household.
 Base: Total Respondents

	SEX				HOUSEHOLD INCOME												REGION					EDUCATION					RACE		METRO STATUS
	MALE	FE-18-34	FE-35-44	FE-45-54	UNDER \$25K	\$25K-\$50K	\$50K-\$74.9	\$75K+	EAST	NORTH	CENTRAL	SOUTH	WEST	H.S. LESS	SOME COLL.	POST COLL.	WHITE	BLACK	METRO	NONMETRO									
TOTAL UNWEIGHTED	1037	526	511	196	163	209	203	238	174	236	149	210	204	244	377	212	375	253	383	841	88	786	251						
TOTAL WEIGHTED	2229	1083	1146	691	432	425	308	330	449	500	297	371	413	498	813	504	1109	522	544	1641	262	1871	358						
100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0						
One	308	163	144	37	39	48	65	48	112	111	89	130	55	64	130	59	176	69	59	245	35	249	59						
Two	687	322	365	134	75	151	167	145	162	88	125	126	157	261	144	328	154	200	570	75	567	121							
Three	371	213	159	178	79	56	21	33	88	69	73	51	65	114	132	61	203	73	89	292	25	309	62						
Four	450	228	223	167	121	104	35	20	56	100	55	108	95	76	168	111	251	97	94	317	49	391	59						
Five	238	93	145	113	81	32	7	3	28	37	45	53	23	54	92	68	88	81	64	129	60	208	30						
Six	95	22	73	46	19	18	9	2	19	34	2	12	16	22	12	46	29	38	28	63	11	73	23						
Seven	8	0.3	4	0.3	0.3	0.2	0.2	0.2	1	0.2	1.0	0.7	0.5	0.2	0.2	0.1	0.6	0.7	0.7	0.5	0.5	0.4	0.2						
Eight or more	34	13	21	12	1	5	0.7	0.7	7	5	4	25	2	1	6	27	4	3	3	12	0.4	32	2						
Refused	38	26	12	2	10	9	3	11	2	0.3	0.3	1.4	6	8	16	8	7	4	3	5	7	36	2						

(sig. .05) (all pairs) columns tested BC, DEFGH, IJKL, MNOP, QRS, TU, VW
 Note: Frequencies are reported in 100,000's.
 2229 - 222,900,000 which represents the U.S. Population 18 years of age or older.

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TABLE 010 (continued)
 2-6. Total number living in household.
 Base: Total Respondents

Mean	S E X		A G E					HOUSEHOLD INCOME			R E G I O N				E D U C A T I O N			R A C E		M E T R O S T A T U S			
	FE- MALE	GH	18-34	35-44	45-54	55-64	65+	UNDER \$25K	\$25K- \$50K	\$49.9 \$74.9	\$75K+ EAST	NORTH NORTH	CNTRL SOUTH	WEST	H.S. LESS	SOME COLL	POST COLL	WHITE	BLACK	METRO	NONMT		
3.05	2.91	3.18	3.56F GH	3.52F GH	3.01G H	2.28H	1.93	2.57	2.94	3.16I J	3.37I	3.22	2.97	2.85	3.320	2.98	3.22	3.03	2.87	3.22	3.08	2.89	
Std. Deviation	1.53	1.43	1.62	1.43	1.44	1.46	1.17	0.95	1.39	1.58	1.45	1.40	1.81	1.43	1.35	1.63	1.53	1.60	1.47	1.43	1.55	1.54	1.50
Std. Error	0.07	0.09	0.10	0.14	0.14	0.15	0.11	0.08	0.15	0.14	0.16	0.12	0.19	0.12	0.10	0.17	0.11	0.15	0.10	0.07	0.24	0.08	0.13

ig-.05) (all pairs) columns tested BC, DEFGH, IJKL, MNOP, QRS, TU, VW
 Note: Frequencies are reported in 100,000's.
 2229 = 222,900,000 which represents the U.S. Population 18 years of age or older.

EXCEL Omnibus Study
Study #G8823

June 8 - 13, 2007

TABLE 011
Z-6a. Number of adults 18 or older living in household.
Base: Total Respondents

	SEX		AGE							HOUSEHOLD INCOME				REGION				EDUCATION				RACE				METRO STATUS
	MALE	FEMALE	18-34	35-44	45-54	55-64	65+	\$25K-	\$25K-	\$49.9	\$74.9	\$75K+	EAST	CENTRAL	NORTH	SOUTH	WEST	H.S. COLL	SOME COLL	POST COLL	WHITE	BLACK	METRO	NONMETRO		
TOTAL UNWEIGHTED	1037	526	511	196	163	209	203	238	174	236	149	210	204	244	377	212	375	253	383	841	88	786	251			
TOTAL WEIGHTED	2229	1083	1146	691	432	425	308	330	449	500	297	371	413	498	813	504	1109	522	544	1641	262	1871	358			
One	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0		
Two	16.4	18.8	17.8	65	62	54	66D	112DE	131KL	112KL	27	14	64	74	154	74	206	87	66	271	51	296	70			
Three	50.9	49.4	52.3	50.0	55.4	46.4	57.8	48.0	45.6	48.4	62.7	66.1	49.6	53.0	52.8	46.8	45.8	49.1	65.7	57.0	40.1	49.6	57.7			
Four	15.7	19.9	15.0	124G	79G	83G	22	40	64	72	48	76	76	1060	88	79	219S	70	60	250	31	305	44			
Five	10.7	8.8	12.4	18.3	4.5	13.7	8.7	2.1	4.7	9.4	12.0	7.2	7.2	5.9	13.5	13.6	10.5	16.5	5.6	7.8	21.7	11.7	5.3			
Six	2.1	3.1	1.7	0.7	5.1	4.9	-	-	12	25K	-	9	7	15	12	14	22	19	7	36	12	48	-			
Seven	0.7	1.6	0.9	2.3	3.5	-	3.0	0.7	3.8	-	-	2.3	1.6	3.1	1.4	2.8	2.0	3.6	1.2	2.2	4.4	2.6	-			
Eight	2.38	2.31	2.44	2.61E	2.29H	2.51G	2.16H	1.85	2.17	2.26	2.31	2.38	2.51	2.28	2.25	2.57N	2.41	2.41	2.30	2.24	2.50	2.41	2.22			
Mean	2.38	2.31	2.44	2.61E	2.29H	2.51G	2.16H	1.85	2.17	2.26	2.31	2.38	2.51	2.28	2.25	2.57N	2.41	2.41	2.30	2.24	2.50	2.41	2.22			

(sig=.05) (all pairs) columns tested BC, DEFGH, IJKL, MNOP, QRS, TU, VW
Note: Frequencies are reported in 100,000's.
2229 222,900,000 which represents the U.S. Population 18 years of age or older.

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TABLE 011 (continued)
 2-6a. Number of adults 18 or older living in household.
 Base: Total Respondents

Std. Deviation	S E X		A G E					HOUSEHOLD INCOME			R E G I O N				E D U C A T I O N			R A C E		M E T R O S T A T U S		
	FE-	MALE	18-34	35-44	45-54	55-64	65+	UNDER \$25K	\$25K-\$49.9	\$50K-\$74.9	\$75K+	NORTH	NORTH CNTRL	SOUTH	WEST	H.S. LESS	SOME COLL	COLL POST	WHITE	BLACK	METRO	NONMETRO
1.12	1.02	1.21	1.12	0.96	1.05	1.06	0.81	1.20	1.07	0.80	0.78	1.37	0.90	0.99	1.26	1.18	1.07	1.05	0.96	1.18	1.12	1.12
Std. Error	0.05	0.06	0.08	0.11	0.10	0.11	0.07	0.13	0.10	0.09	0.07	0.14	0.08	0.07	0.13	0.08	0.10	0.07	0.04	0.19	0.06	0.10

(19-05) (all pairs) columns tested BC, DEFGH, IJKL, MNOP, QRS, TU, VW
 Note: Frequencies are reported in 100,000's.
 2229 = 222,900,000 which represents the U.S. Population 18 years of age or older.

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TABLE 013
 2-7. Age of respondent.
 Base: Total Respondents

	S E X		A G E							H O U S E H O L D I N C O M E							R E G I O N							E D U C A T I O N					R A C E				M E T R O S T A T U S	
	TOTAL MALE	FE- MALE	18-34	35-44	45-54	55-64	65+	UNDER \$25K	\$25K- \$50K	\$49.9 \$74.9	\$75K+	EAST	CENTRAL	SOUTH	WEST	H.S. GRSS	SOME COLL	POST COLL	WHITE	BLACK	METRO	NONMET	(W)											
TOTAL UNWEIGHTED	1037	526	511	196	163	209	203	238	174	236	149	210	204	244	377	212	375	253	383	841	88	786	251											
TOTAL WEIGHTED	2229	1083	1146	691	432	425	308	330	449	500	297	371	413	498	813	504	1109	522	544	1641	262	1871	358											
	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0											
	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)	(O)	(P)	(Q)	(R)	(S)	(T)	(U)	(V)	(W)												
18-20	126	70	56	126EFG	-	-	-	-	27	23	6	5	20	21	23	62NO	72S	51S	-	46	25T	122W	4											
	5.7	6.4	4.9	18.2H	-	-	-	-	6.0	4.6	2.1	1.3	4.8	4.2	2.9	12.3	6.5	9.7	-	2.8	9.6	6.5	1.1											
21-24	171	83	87	171EFG	-	-	-	-	54L	39L	31L	2	49	37	55	30	88	52	27	106	33	145	26											
	7.7	7.7	7.6	24.7H	-	-	-	-	11.9	7.9	10.6	0.5	11.8	7.5	6.8	5.9	8.0	9.9	4.9	6.5	12.7	7.7	7.3											
25-29	208	108	100	208EFG	-	-	-	-	55	50	51L	19	20	56	78	53	102	35	68	148	21	180	28											
	9.3	10.0	8.7	30.1H	-	-	-	-	12.3	10.0	17.1	5.2	4.9	11.3	9.5	10.6	9.2	6.6	12.6	9.0	7.9	9.6	7.8											
30-34	186	92	94	186EFG	-	-	-	-	27	59	26	49	27	44	70	46	71	44	71Q	138	14	152	35											
	8.4	8.5	8.2	27.0H	-	-	-	-	6.1	11.9	8.7	13.1	6.4	8.8	8.6	9.0	6.4	8.5	13.1	8.4	5.3	8.1	9.7											
35-39	163	81	83	163EFG	-	-	-	-	36	41	15	54K	37	29	65	32	71	41	47	130	24	144	20											
	7.3	7.5	7.2	37.8H	-	-	-	-	8.0	8.1	4.9	14.5	9.1	5.8	8.0	6.4	7.9	8.6	7.9	7.9	9.1	7.7	5.6											
40-44	269	135	134	269EFG	-	-	-	-	43	64	37	58	57	58	93	60	146	51	62	221	23	228	41											
	12.1	12.5	11.7	62.2H	-	-	-	-	9.6	12.9	12.5	15.7	13.8	11.7	11.4	12.0	13.1	9.8	11.3	13.5	8.8	12.2	11.3											
45-49	192	114	78	192DEG	-	-	-	-	28	42	35	36	20	40	86	47	99	47	38	151	15	155	38											
	8.6	10.6	6.8	45.3H	-	-	-	-	6.3	8.3	11.7	9.8	4.9	7.9	10.5	9.2	8.9	9.0	7.1	9.2	5.8	8.3	10.6											
50-54	233	94	138	233DEG	-	-	-	-	21	52	29	63I	45	51	88	49	106	65	59	176	41	207	26											
	10.4	8.7	12.1	54.7H	-	-	-	-	4.8	10.4	9.6	16.9	10.9	10.2	10.8	9.7	9.6	12.4	10.8	10.7	15.7	11.0	7.3											
55-59	162	89	73	162DEF	-	-	-	-	30	40	26	28	39	41	61	22	79	39	41	129	22	127	35											
	7.3	8.3	6.3	52.6H	-	-	-	-	6.8	8.1	8.7	7.4	9.5	8.2	7.4	4.3	7.1	7.4	7.5	7.9	8.5	6.8	9.7											

(sig. 05) (all pairs) columns tested BC, DEFGH, IJKL, MNOP, QRS, TU, VW
 Note: Frequencies are reported in 100,000's.
 2229 = 222,900,000 which represents the U.S. Population 18 years of age or older.

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TABLE 013 (continued)
2-7. Age of respondent.
Base: Total Respondents

	S E X		A G E					HOUSEHOLD INCOME					R E G I O N					E D U C A T I O N					R A C E					M E T R O S T A T U S	
	MALE	FEMALE	18-34	35-44	45-54	55-64	65+	UNDER \$25K	\$25K- \$50K	\$50K- \$74.9	\$75K+ EAST	NORTH CNTRL	NORTH SOUTH	WEST	LESS	H.S. COLL	SOME COLL	POST	WHITE	BLACK	METRO	NONMET							
60-64	146	59	87	-	-	146DEF	-	26	36	21	16	28	28	54	36	58	36	50	115	8	112	34							
	6.5	5.4	7.6	-	-	47.4H	-	5.9	7.2	7.0	4.3	6.8	5.7	6.6	7.1	5.2	6.8	9.2	7.0	3.1	6.0	9.4							
65-70	115	53	62	-	-	115DEF	33	9	10	13	20	31	41	23	68	19	26	83	15	91	24								
	5.2	4.9	5.4	-	-	34.8G	7.5	1.9	3.3	3.5	4.9	6.3	5.0	4.5	6.1	3.6	4.8	5.1	5.7	4.9	6.7								
71-74	77	35	42	-	-	77DEF	24	16	6	7	10	14	37	16	40	18	16	60	11	63	15								
	3.5	3.2	3.7	-	-	23.3G	5.3	3.2	2.2	1.8	2.5	2.9	4.5	3.1	3.6	3.5	3.0	3.6	4.2	3.3	4.1								
75-98	138	57	82	-	-	138DEF	44K	23	3	18	19	39	56	25	89	17	29	117	5	108	30								
	6.2	5.2	7.1	-	-	41.9G	9.7	4.6	1.0	4.8	4.7	7.8	6.9	4.9	8.0	3.3	5.4	7.1	2.1	5.8	8.5								
Refused	43	12	31	-	-	-	-	4	1	5	210	8	8	6	20	8	9	19	4	39	4								
	1.9	1.1	2.7	-	-	-	-	0.9	0.4	1.4	5.1	1.7	1.0	1.1	1.8	1.6	1.7	1.2	1.6	2.1	1.1								
Mean	45.21	44.21	46.17	25.63	40.00	49.68	59.16	74.21	45.51	43.44	41.99	46.41	44.95	45.93	46.59	42.46	45.72	42.96	46.31	46.84	41.76	44.54	48.66V						
Std. Deviation	17.45	17.20	17.68	5.02	2.81	2.69	2.87	6.89	20.03	16.35	14.67	13.56	16.91	18.18	17.02	17.74	18.32	17.11	15.90	17.01	16.97	17.41	17.33						
Std. Error	0.78	1.05	1.14	0.47	0.28	0.28	0.26	0.57	2.13	1.47	1.63	1.17	1.68	1.52	1.26	1.85	1.27	1.62	1.07	0.80	2.67	0.87	1.56						
Median Age	44.00	43.00	45.00	26.00	40.00	50.00	59.00	73.00	42.00	42.00	44.00	43.00	44.00	46.00	43.00	44.00	44.00	44.00	45.00	40.00	43.00	48.00							

(sig=.05) (all_paired) columns tested BC, DEFGH, IJKL, MNOP, QRS, TU, VW
Note: Frequencies are reported in 100,000's.
2229 - 2222,900,000 which represents the U.S. Population 18 years of age or older.

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TABLE 015
Z-9. Total Annual Household Income.
Base: Total Respondents

	SEX		AGE													HOUSEHOLD INCOME					REGION						EDUCATION					RACE		METRO STATUS	
	MALE	FEMALE	18-34	35-44	45-54	55-64	65+	UNDER \$25K	\$25K-\$50K	\$49.9	\$74.9	\$75K+	EAST	CENTRAL	NORTH	SOUTH	WEST	H.S. LESS	SOME COLL.	POST COLL.	WHITE	BLACK	METRO	NONMT											
TOTAL UNWEIGHTED	1037	526	511	196	163	209	203	238	174	236	149	210	204	244	377	212	375	253	383	841	88	786	251												
TOTAL WEIGHTED	2229	1083	1146	691	432	425	308	330	449	500	297	371	413	498	813	504	1109	522	544	1641	262	1871	358												
100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0												
	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)	(O)	(P)	(Q)	(R)	(S)	(T)	(U)	(V)	(W)													
Under \$10,000	129	55	73	39	22	10	17	41	129	JKL	-	-	14	30	62	23	110	14	5	74	35	105	23												
\$10,000 - \$14,999	5.8	5.1	6.4	5.6	5.1	2.3	5.6	12.4	28.6				3.4	6.0	7.6	4.5	9.9	2.6	1.0	4.5	13.6	5.6	6.5												
\$15,000 - \$19,999	86	37	49	36	11	4	12	22	86	JKL	-	-	17	29	14	27	70	10	6	82	1	58	28												
\$20,000 - \$24,999	3.8	3.4	4.3	5.2	2.6	1.0	3.8	6.8	19.1				4.0	5.8	1.7	5.3	6.3	2.0	1.1	5.0	0.5	3.1	7.9												
\$25,000 - \$29,999	75	23	51	25	16	13	5	15	75	JKL	-	-	15	15	35	9	53	15	6	44	10	66	9												
\$30,000 - \$39,999	3.3	2.1	4.5	3.7	3.8	3.0	1.8	4.4	16.6				3.7	3.1	4.4	1.7	4.8	2.9	1.1	2.7	3.9	3.5	2.4												
\$40,000 - \$49,999	160	114	46	63	29	23	23	23	160	JKL	-	-	31	30	61	39	127	27	6	99	30	141	19												
\$50,000 and over	7.2	10.5	4.0	9.2	6.7	5.3	7.3	7.0	35.7				7.6	6.0	7.5	7.6	11.4	5.3	1.2	6.0	11.5	7.5	5.4												
Under \$50,000 (unspecified)	144	64	80	24	50	37	15	16	144	JKL	-	-	19	47	54	24	86	45	13	125	16	113	31												
\$50,000 and over (unspecified)	6.5	5.9	7.0	3.4	11.6	8.7	4.8	4.8	28.9				4.5	9.4	6.7	4.8	7.8	8.5	2.5	7.6	6.1	6.1	8.6												
Under \$10,000 (unspecified)	182	95	87	69	27	44	20	23	182	JKL	-	-	31	52	76	23	87	48	47	149	25	148	34												
\$10,000 - \$14,999 (unspecified)	8.2	8.8	7.6	9.9	6.1	10.3	6.4	7.0	36.5				7.6	10.4	9.3	4.7	7.8	9.1	8.7	9.1	9.4	7.9	9.5												
\$15,000 - \$19,999 (unspecified)	173	89	84	80	28	13	42	9	173	JKL	-	-	32	58	52	30	60	57	56	130	26	148	25												
\$20,000 - \$24,999 (unspecified)	7.8	8.2	7.3	11.5	6.6	3.0	13.7	2.9	34.7				7.9	11.7	6.5	5.9	5.4	11.0	10.3	7.9	10.1	7.9	7.0												
\$25,000 - \$29,999 (unspecified)	51	17	34	7	3	11	9	18	51	JKL	-	-	3	9	33	5	38	7	5	36	12	38	12												
\$30,000 - \$39,999 (unspecified)	2.3	1.6	3.0	1.0	0.6	2.6	3.0	5.5	0.7	1.9	4.1	1.0	0.7	1.9	4.1	1.0	3.4	1.4	1.0	2.2	4.7	2.1	3.4												
\$40,000 and over (unspecified)	123	43	80	51	16	32	15	8	123	JKL	-	-	36	13	50	24	66	18	39	69	37	114	9												
\$50,000 and over (unspecified)	5.5	4.0	7.0	7.4	3.8	7.6	4.8	2.4	8.8	2.5	6.2	4.8	6.0	3.4	7.2	4.2	14.0	6.1	2.6																

sig: .05) (all pairs) columns tested BC, DEFGH, IJKL, MNOP, QRS, TU, VW
 Note: Frequencies are reported in 100,000's.
 2229 - 222,900,000 which represents the U.S. Population 18 years of age or older.

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TABLE 015 (continued)
 2-9. Total Annual Household Income.
 Base: Total Respondents

	SEX		AGE										HOUSEHOLD INCOME				REGION				EDUCATION				RACE		METRO STATUS	
	FE- TOTAL MALE	MALE	18-34	35-44	45-54	55-64	65+	UNDER \$25K	\$25K-\$50K	\$50K-\$75K	\$75K+ EAST	NORTH	CENTRAL	SOUTH	WEST	H.S. LESS	SOME COLL	POST COLL	POST	WHITE	BLACK	METRO	NONMETRO					
\$50,000 - \$74,999	297	142	156	115H	52	63H	47H	19	-	297I	61	66	100	71	123	73	102Q	255	14	239	58							
	13.3	13.1	13.6	16.6	12.0	14.9	15.2	5.9	100.0	14.9	13.2	12.3	14.0	11.1	13.9	18.7	15.6	5.2	12.8	16.3								
\$75,000 - \$99,999	185	99	86	28	53D	56D	26	20	-	185I	26	29	84	46	61	58	66Q	166	11	153	32							
	8.3	9.2	7.5	4.1	12.3	13.1	8.3	6.1	50.0	6.2	5.8	10.4	9.2	5.5	11.1	12.1	10.1	4.1	8.2	9.1								
\$100,000 or more	185	120C	66	46	59H	43	18	17	-	185I	38	52	44	51	38	52Q	96Q	149	10	163	22							
	8.3	11.1	5.7	6.6	13.5	10.1	5.8	5.1	50.0	9.1	10.5	5.4	10.2	3.4	9.9	17.6	9.1	3.9	8.7	6.3								
Don't Know	95	35	60	62EGH	3	15	6	8	-	-	13	9	32	42N	47S	44S	-	52	11	76	20							
	4.3	3.2	5.3	9.0	0.6	3.6	2.0	2.3	-	3.2	1.7	3.9	8.3	4.2	8.5	-	3.2	4.1	4.0	5.5								
Refused	286	122	164	30	52D	47	44D	85DEFG	-	-	66	50	97	73	124	48	63	162	15	256	30							
	12.8	11.3	14.3	4.4	12.0	11.1	14.4	25.7	-	15.9	10.1	11.9	14.5	11.2	9.2	11.6	9.9	5.6	13.7	8.5								
Mean (\$1000)	52.93	55.16	50.68	50.03	58.66	60.86	51.58	39.86	15.47	36.30	62.50	106.25	56.57	50.62	50.05	57.58	41.31	57.56	72.36	54.37	44.47	53.89	48.23					

sig-.05) (all pairs) columns tested BC, DEFGH, IJKL, MNOP, QRS, TU, VW
 Note: Frequencies are reported in 100,000's.
 2229 -- 222,900,000 which represents the U.S. Population 18 years of age or older.

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TABLE 016 (continued)
2-11. Race of Respondent.
Base: Total Respondents

	SEX		AGE						HOUSEHOLD INCOME				REGION				EDUCATION				RACE		METRO STATUS	
	FE-	MALE	18-34	35-44	45-54	55-64	65+	UNDER \$25K	\$25K-\$50K	\$49.9-\$74.9	\$75K+	EAST	NORTH	CENTRAL	SOUTH	WEST	H.S. LESS	SOME COLL	COLL POST	WHITE	BLACK	METRO		NONMETRO
TOTAL MALE	112	44	68	90	FEFGH	3	-	9F	10F	4IJJL	-	7	7	38NO	-	18	56NO	55	34	24	-	-	112W	-
	5.0	4.1	5.9	13.0	0.8			3.0	3.0	9.2		2.2	1.8	9.1		2.2	11.2	4.9	6.5	4.4			6.0	
Other Race	134	70	64	55	15	21	12	14	29	26	18	27	31	37	27	40	71	31	32	-	-	116	18	
	6.0	6.5	5.6	8.0	3.4	5.0	4.1	4.1	6.4	5.2	6.2	7.2	7.4	7.4	3.3	7.9	6.4	5.9	6.0			6.2	4.9	
Refused	81	43	38	15	16	20	12	16	3	2	4	1	12	15	22	32	20	9	10	-	-	73	7	
	3.6	4.0	3.3	2.2	3.7	4.7	3.8	4.7	0.7	0.5	1.2	0.3	2.9	3.0	2.7	6.3	1.8	1.7	1.8			3.9	2.1	

sig .05) (all pairs) columns tested BC, DEFGH, IJKL, MNOP, QRS, TU, VW
 Note: Frequencies are reported in 100,000's.
 2229 . 222,900,000 which represents the U.S. Population 18 years of age or older.

EXCEL Omnibus Study
Study #G8823

June 8 - 13, 2007

TABLE 017
 Z-11a. Political Party Affiliation
 Base: Total Respondents

	SEX		AGE										HOUSEHOLD INCOME										REGION										EDUCATION					RACE		METRO STATUS
	MALE	FE-	18-34	35-44	45-54	55-64	65+	UNDER \$25K	\$25K-\$49.9	\$50K-\$74.9	\$75K+	EAST	NORTH	CENTRAL	SOUTH	WEST	H.S. LESS	SOME COLL	POST COLL	WHITE	BLACK	METRO	NONMETRO																	
TOTAL UNWEIGHTED	1037	526	511	196	163	209	203	238	174	236	149	210	204	244	377	212	375	253	383	841	88	786	251																	
TOTAL WEIGHTED	2229	1083	1146	691	432	425	308	330	449	500	297	371	413	498	813	504	1109	522	544	1641	262	1871	358																	
	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0																	
Republican	535	265	269	157	128	85	80	80	86	123	86	132	71	133	212	119	229	144	160	489	16	408	127																	
	24.0	24.5	23.5	22.7	29.6	20.0	26.0	24.1	19.1	24.6	28.9	35.7	17.2	26.7	26.0	23.6	20.6	27.6	29.4	29.8	6.1	21.8	35.6																	
Democrat	694	279	415	197	108	172	86	108	146	176	87	108	153	148	260	134	353	157	181	453	148	606	89																	
	31.1	25.8	36.2	28.5	24.9	40.4	27.9	32.8	32.6	35.2	29.1	29.1	36.9	29.7	32.0	26.5	31.8	30.0	33.2	27.6	56.5	32.4	24.8																	
Independent	700	393	307	240	141	116	105	93	189	153	114	114	131	152	265	152	389	153	158	549	72	593	107																	
	31.4	36.3	26.8	34.7	32.7	27.3	34.0	29.1	42.1	30.5	38.4	30.8	31.8	30.5	32.6	30.2	35.1	29.4	29.0	33.4	27.4	31.7	29.9																	
Other	51	24	26	15	12	6	15	2	9	4	4	7	9	8	8	25	12	19	19	35	3	43	8																	
	2.3	2.2	2.3	2.1	2.8	1.4	4.8	0.6	2.0	0.8	1.3	2.0	2.3	1.6	1.0	4.9	1.1	3.6	3.6	2.1	1.3	2.3	2.2																	
Don't know	79	45	34	30	13	19	6	11	3	25	5	2	16	26	16	20	54	11	14	62	6	71	8																	
	3.5	4.2	2.9	4.4	2.9	4.5	2.0	3.2	0.7	5.0	1.6	0.6	3.9	5.3	2.0	4.0	4.8	2.1	2.6	3.8	2.2	3.8	2.2																	
Refused	170	76	95	52	31	27	17	37	16	19	2	7	32	31	52	55	72	38	12	53	17	152	19																	
	7.6	7.0	8.2	7.6	7.1	6.3	5.4	11.1	3.5	3.8	0.6	1.9	7.8	6.3	6.4	10.8	6.5	7.3	2.3	3.2	6.5	8.1	5.2																	

(B) (C) (D) (E) (F) (G) (H) (I) (J) (K) (L) (M) (N) (O) (P) (Q) (R) (S) (T) (U) (V) (W)

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Base: Total Respondents

Base: Frequencies are reported in 100,000's.

2229 = 222,900,000 which represents the U.S. Population 18 years of age or older.

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June 8 - 13, 2007

TABLE 018
2-11b. Are you registered to vote at your present address?
Base: Total Respondents

	SEX		AGE							HOUSEHOLD INCOME				REGION				EDUCATION				RACE		METRO STATUS	
	MALE	FEMALE	18-34	35-44	45-54	55-64	65+	UNDER \$25K	\$25K-\$39K	\$40K-\$49K	\$50K-\$74.9K	\$75K+	EAST	NORTH	CENTRAL	SOUTH	WEST	H.S. LESS	SOME COLL	COLL POST	WHITE	BLACK	METRO	NONMETRO	
TOTAL UNWEIGHTED	1037	526	511	196	163	209	203	238	174	236	149	210	204	244	377	212	375	253	383	841	88	786	251		
TOTAL WEIGHTED	2229	1083	1146	691	432	425	308	330	449	500	297	371	413	498	813	504	1109	522	544	1641	262	1871	358		
%	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0		
	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)	(O)	(P)	(Q)	(R)	(S)	(T)	(U)	(V)	(W)			
Yes	1672	752	921B	416	331D	338D	264D	285D	303	372	251I	344IJ	340O	376	574	382	769	412	489Q	1317U	169	1397	275		
	75.0	69.4	80.3	60.2	76.6	79.6	85.6	86.3	67.4	74.5	84.4	92.9K	82.4	75.4	70.5	75.8	69.3	79.0	89.1R	80.3	64.8	74.7	76.9		
No	462	285C	177	242EFG	80	70	36	32	143KL	144L	47L	25	61	98	217M	86	321RS	80	56	306	90T	388	74		
	20.7	26.3	15.4	35.1H	18.6	16.4	11.6	9.8	31.9	22.7	15.6	6.6	14.7	19.7	26.7	17.0	29.0	15.3	10.4	18.6	34.5	20.7	20.8		
Don't know	15	14	1	-	11	2	2	-	-	12	-	2	1	120	2	-	12	2	2	12	1	15	-		
	0.7	1.3	0.1	-	2.5	0.4	0.5	-	-	2.3	-	0.4	0.2	2.5	0.2	-	1.0	0.3	0.3	0.8	0.3	0.8	-		
Refused	80	32	48	32	10	15	7	13	3	2	-	-	11	12	21	36	8	28QS	1	5	1	72	8		
	3.6	3.0	4.2	4.7	2.4	3.6	2.3	3.9	0.7	0.5	-	-	2.7	2.4	2.5	7.2	0.7	5.4	0.2	0.3	0.4	3.8	2.3		

Fig. 05) (all pairs) columns tested BC, DEFGH, IJKL, MNOP, QRS, TU, VW
 Note: Frequencies are reported in 100,000's.
 2229 - 222,900,000 which represents the U.S. Population 18 years of age or older.

EXCEL Omnibus Study
Study #G8823

June 8 - 13, 2007

TABLE 019
 2-12. Number of other telephone numbers in household.
 Base: Total Respondents

	SEX		AGE										HOUSEHOLD INCOME		REGION					EDUCATION					RACE		METRO STATUS	
	TOTAL MALE	MALE	18-34	35-44	45-54	55-64	65+	UNDER \$25K	\$25K-\$50K	\$49.9-\$74.9	\$74.9-\$75K+	EAST	CENTRAL	NORTH	SOUTH	WEST	H.S. LESS	SOME COLL	POST COLL	WHITE	BLACK	METRO	NONMETRO					
TOTAL UNWEIGHTED	1037	526	511	196	163	209	203	238	174	236	149	210	204	244	377	212	375	253	383	841	88	786	251					
TOTAL WEIGHTED	2229	1083	1146	691	432	425	308	330	449	500	297	371	413	498	813	504	1109	522	544	1641	262	1871	358					
%	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0					
None	2058	987	1071	635	400	389	280	314	431L	474L	279	323	394	453	757	453	1056R	458	494	1527	242	1715	343					
One	91	55	37	19	19	21	18	12	13	15	6	35	12	27	40	12	35	28	27	68	18	93	8					
Two	21	15	6	4	3	7	4	2	2	4	4	7	3	6	9	3	6	3	11	20	0	17	4					
Three	22	15	7	9	6	3	3	1	3	5	4	4	4	6	4	7	6	7	9	15	2	21	1					
Four or more	10	9	1	-	5	2	2	1	-	1	4	4	4	6	2	2	6	2	2	10	-	9	1					
Refused	27	3	25B	24	-	3	-	-	-	1	4	2	-	6	2	2	6	2	2	1	-	26	1					
	1.2	0.2	2.2	3.5	-	0.6	-	-	-	0.3	1.2	0.6	-	1.1	0.3	0.5	0.6	0.4	0.4	0.1	-	1.4	0.2					

(sig=.05) (all_pairs) columns tested BC, DEFGH, IJKL, MNOP, QRS, TU, VW
 Note: Frequencies are reported in 100,000's.
 2229 - 222,900,000 which represents the U.S. Population 18 years of age or older.

EXCEL Omnibus Study
Study #G8823

June 8 - 13, 2007

TABLE 020
Sex of Respondent
Base: Total Respondents

	SEX		AGE							HOUSEHOLD INCOME				REGION					EDUCATION			RACE		METRO STATUS	
	MALE	FEMALE	18-34	35-44	45-54	55-64	65+	UNDER \$25K	\$25K-\$50K	\$50K-\$74.9	\$75K+	EAST	CENTRAL	NORTH	SOUTH	WEST	LESS	SOME COLL	POST COLL	WHITE	BLACK	METRO	NONMT		
TOTAL UNWEIGHTED	1037	526	511	196	163	209	203	238	174	236	149	210	204	244	377	212	375	253	383	841	88	786	251		
TOTAL WEIGHTED	2229	1083	1146	691	432	425	308	330	449	500	297	371	413	498	813	504	1109	522	544	1641	262	1871	358		
%	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0		
		(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)	(O)	(P)	(Q)	(R)	(S)	(T)	(U)	(V)	(W)		
Male	1083	1083C	-	353	216	209	148	144	229	249	142	219	197	2890	364	232	554	259	241	811	115	909	174		
%	48.6	100.0		51.2	50.0	49.1	48.1	43.7	51.0	49.7	47.7	59.2	47.6	58.0	44.8	46.1	50.0	49.6	44.2	49.4	43.8	48.6	48.6		
Female	1146	-	1146B	337	216	216	160	186	220	251	156	151	216	209	449N	272	555	263	303	830	147	962	184		
%	51.4		100.0	48.8	50.0	50.9	51.9	56.3	49.0	50.3	52.3	40.8	52.4	42.0	55.2	53.9	50.0	50.4	55.8	50.6	56.2	51.4	51.4		

(sig .05) (all pairs) columns tested BC, DEFGH, IJKL, MNOP, QRS, TU, VW
 Note: Frequencies are reported in 100,000's.
 2229 222,900,000 which represents the U.S. Population 18 years of age or older.

EXCEL Omnibus Study
Study #G8823

June 8 - 13, 2007

TABLE 021
 -- Division --
 Base: Total Respondents

	SEX		AGE										HOUSEHOLD INCOME										REGION										EDUCATION										RACE										METRO STATUS									
	MALE	FE-	18-34	35-44	45-54	55-64	65+	UNDER \$25K	\$25K-\$50K	\$49.9	\$74.9	\$75K+	EAST	CENTRAL	SOUTH	WEST	H.S. LESS	SOME COLL	POST COLL	WHITE	BLACK	METRO	NONMET																																							
TOTAL UNWEIGHTED	1037	526	511	196	163	209	203	238	174	236	149	210	204	244	377	212	375	253	383	841	88	786	251																																							
TOTAL WEIGHTED	2229	1083	1146	691	432	425	308	330	449	500	297	371	413	498	813	504	1109	522	544	1641	262	1871	358																																							
100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0																																							
North Central	498	289C	209	159	87	90	69	84	104	157	66	81	-	498MOP	-	-	259	109	121	403	44	391	107V																																							
Region	22.4	26.7	18.2	23.0	20.2	21.3	22.4	25.5	23.0	31.4	22.1	22.0	-	100.0	-	-	23.4	20.9	22.2	24.6	16.7	20.9	30.0																																							
East North Central	351	211C	140	118	68	69	35	56	77	122I	50	51	-	351MOP	-	-	178	74	92	270	36	296	55																																							
Central	15.8	19.5	12.2	17.1	15.7	16.2	11.3	16.9	17.1	24.5	16.6	13.8	-	70.5	-	-	16.1	14.2	16.9	16.5	13.6	15.8	15.5																																							
West North Central	147	78	69	41	19	22	34	28	27	35	16	30	-	147MOP	-	-	81	35	29	133	8	95	52V																																							
Central	6.6	7.2	6.0	5.9	4.5	5.1	11.1	8.6	5.9	5.4	8.1	8.1	-	29.5	-	-	7.3	6.7	5.4	8.1	3.1	5.1	14.5																																							
South Region	813	364	449	226	158	174	114	133	172	182	100	128	-	813MNP	-	-	429	176	185	577	169T	654	159																																							
South Atlantic	36.5	33.6	39.2	32.8	36.5	40.8	37.2	40.3	38.3	36.5	33.5	34.7	-	100.0	-	-	38.6	33.8	34.0	35.2	64.7	34.9	44.6																																							
South Atlantic	19.4	17.3	26.0	11.3	92	98	51	78	77	103	38	69	-	433MNP	-	-	231	92	105	292	115T	374	59																																							
East South Central	136	58	77	42	24	19	27	23	53J	13	18	27	-	136MNP	-	-	79	16	32	105	21	86	50V																																							
Central	6.1	5.4	6.7	6.1	5.5	4.5	8.8	6.9	11.7	2.6	6.1	7.3	-	16.7	-	-	7.2	3.1	6.0	6.4	8.1	4.6	13.9																																							

(sig-.05) (all pairs) columns tested BC, DEFGH, IJKL, MNOP, QRS, TU, VW
 Note: Frequencies are reported in 100,000's.
 2229 ... 222,900,000 which represents the U.S. Population 18 years of age or older.

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TABLE 021 (continued)
 -- Division --
 Base: Total Respondents

SEX	AGE					HOUSEHOLD INCOME	REGION				EDUCATION			RACE		METRO STATUS										
	FE-18-34	MALE 35-44	MALE 45-54	MALE 55-64	MALE 65+		UNDER \$25K	\$25K-\$50K	\$50K-\$75K	\$75K+	EAST	CENTRAL	SOUTH	WEST	H.S. LESS		SOME COLL	POST COLL	WHITE	BLACK	METRO	NONMET				
TOTAL MALE	18-34	35-44	45-54	55-64	65+	\$25K	\$49.9	\$74.9	\$75K+	EAST	CENTRAL	SOUTH	WEST	H.S. LESS	SOME COLL	POST COLL	WHITE	BLACK	METRO	NONMET						
West South	245	132	112	71	42	57	37	33	42	66	43	33	-	-	245MNP	-	118	10.7	13.1	69	48	8.7	11.0	12.5	10.4	14.2
Central	11.0	12.2	9.8	10.3	9.8	13.4	11.9	9.9	9.4	13.2	14.6	8.8	-	-	30.1	-	10.7	13.1	69	48	8.7	11.0	12.5	10.4	14.2	
West Region	504	232	272	190	93	95	57	63	97	78	71	97.7	-	-	504MNP	215	152Q	29.2	23.1	126	357U	19	447	57		
Mountain	22.6	21.5	23.7	27.6	21.4	22.4	18.6	19.1	21.5	15.5	23.8	26.3	-	-	100.00	19.4	29.2	23.1	23.1	21.7	7.4	23.9	16.0			
Pacific	146	67	79	51	29	31	14	18	35	27	26	17	-	-	146MNP	70	31	39	114	-	118	28	6.3	7.8		
	6.5	6.2	6.9	7.3	6.6	7.2	4.6	5.5	7.8	5.4	8.7	4.6	-	-	29.0	6.3	6.0	7.2	7.0	-	6.3	7.8				
	358	165	193	140	64	65	43	45	62	51	45	80J	-	-	358MNP	145	121Q	23.2	15.9	87	242	19	329W	29		
	16.1	15.3	16.8	20.2	14.8	15.2	14.0	13.6	13.7	10.1	15.1	21.7	-	-	71.00	13.1	23.2	15.9	14.8	7.4	17.6	8.2				

(sig. 05) (all pairs) columns tested BC, DEFGH, IJKL, MNOP, QRS, TU, VW
 Note: Frequencies are reported in 100,000's.
 2229 - 222,900,000 which represents the U.S. Population 18 years of age or older.

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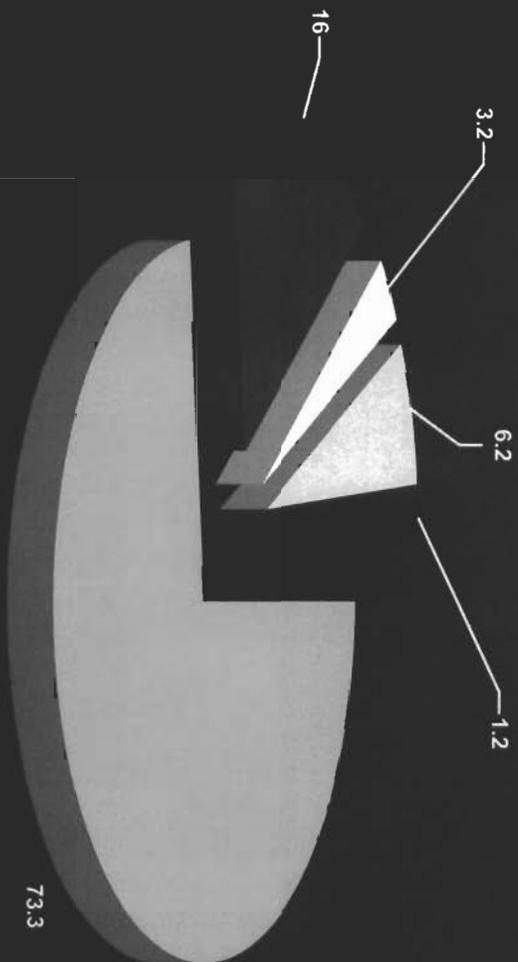
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TABLE 022
 Metro Status
 Base: Total Respondents

	SEX		AGE							HOUSEHOLD INCOME		REGION				EDUCATION				RACE		METRO STATUS	
	FE-10-34	MALE	35-44	45-54	55-64	65+	UNDER \$25K	\$25K-\$50K	\$49.9	\$74.9	\$75K+	NORTH	NORTH	SOUTH	WEST	H.S. LESS	SOME COLL	POST COLL	WHITE	BLACK	METRO		NONMT
TOTAL UNWEIGHTED	1037	526	511	196	163	209	203	238	174	236	149	210	204	244	377	212	375	253	383	841	88	786	251
TOTAL WEIGHTED	2229	1083	1146	691	432	425	308	330	449	500	297	371	413	498	813	504	1109	522	544	1641	262	1871	358
	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
	%	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)	(O)	(P)	(Q)	(R)	(S)	(T)	(U)	(V)	(W)
Metro	1871	909	962	598	372	361	240	262	370	410	239	316	379NO	391	654	447N	882	461Q	482Q	1319	251T	1871W	-
	84.0	84.0	84.0	86.6	86.0	85.0	77.8	79.2	82.3	82.1	80.4	85.2	91.8	78.5	80.4	88.6	79.5	88.3	88.7	80.4	96.0	100.0	100.0
Non-metro	358	174	184	93	60	64	68	69	79	90	58	55	34	107MP	159M	57	227RS	61	62	322U	11	358V	100.0
	16.0	16.0	16.0	13.4	14.0	15.0	22.2	20.8	17.7	17.9	19.6	14.8	8.2	21.5	19.6	11.4	20.5	11.7	11.3	19.6	4.0	-	100.0

(sig=.05) (all_pairs) columns tested BC, DEFGH, IJKL, MNOP, QRS, TU, VW
 Note: Frequencies are reported in 100,000's.
 2229 222,900,000 which represents the U.S. Population 18 years of age or older.

LS-1: When hiring a professional to provide certain services-for example, home repair services or financial services-how important to you is it that the person be licensed to provide those services?



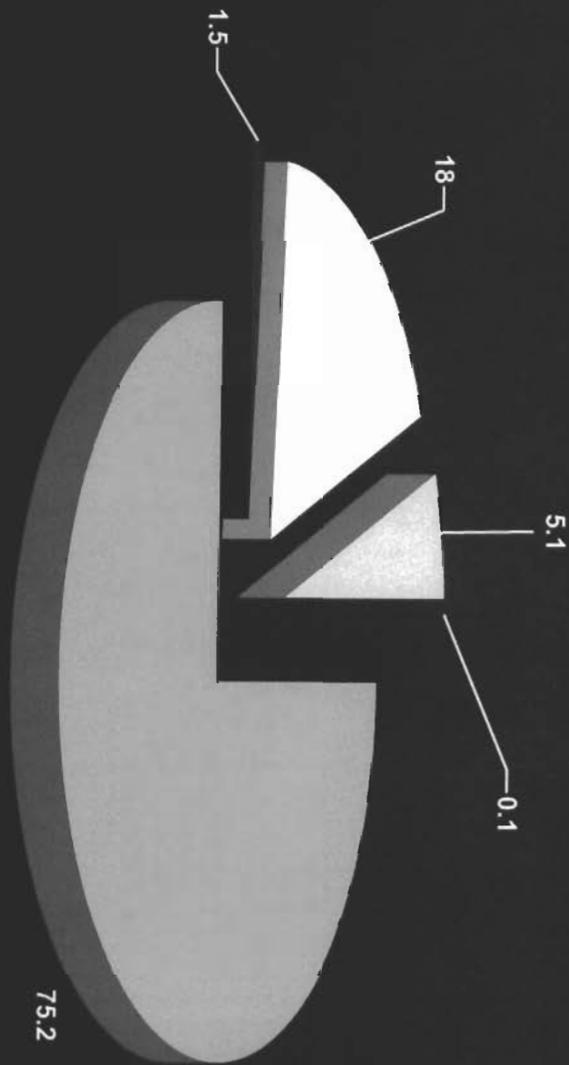
Values given in chart are percentage of total.

L5-2: If there were two professionals offering the same service, one with a license and one without a license, do you think it is deceptive or misleading that both the licensed and unlicensed person can use the exact same professional title?



Values given in chart are percentage of total.

LS-3: If you were remodeling a room in your home, would you want the design professional you hire to be licensed or unlicensed?



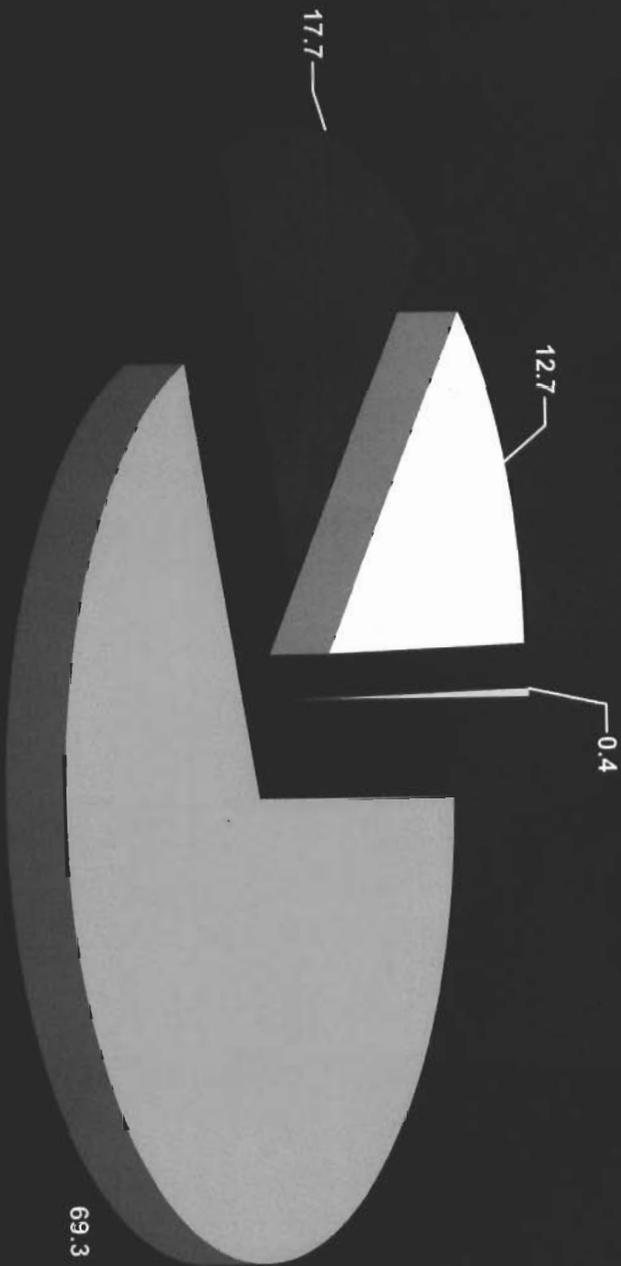
Values given in chart are percentage of total.

LS-4: In some states, only persons who have met the appropriate qualifications of education, experience and examination and are licensed by the state can call themselves an "interior designer." Others who offer similar services but are not licensed may not, by law, call themselves an "interior designer." Do you think that requirement helps consumers or harms them with respect to hiring decisions?



Values given in chart are percentage of total.

LS-5: Do you think that requirement helps consumers or harms them with respect to safety issues?



Values given in chart are percentage of total.

LS-1	
Very Important	73.3
Somewhat Important	16
Neither Imp nor Unimp	3.2
Not Important	6.2
Not Sure/No Opinion	1.2

LS-2	
Yes	56
No	34.1
Not Sure	9.5
Refused	0.4

LS-3	
Licensed	75.2
Unlicensed	1.5
Not Imp/Doesn't Matter	18
Not Sure/No Opinion	5.1
Refused	0.1

LS-4	
Helps	56.3
Harms	25.5
Not Sure	17.4
Refused	0.9

LS-5	
Helps	69.3
Harms	17.7
Not Sure	12.7
Refused	0.4