



extent that conditions relating to the perimeters and access to the buildings were not imposed as part of the approval of the parcel or tentative maps.

Redwood Coast Watershed Alliance v. California State Board of Forestry, No. 932123 (San Francisco Superior Court), is still under submission. RCWA alleges that the Board and CDF's regulation of timber operations on private land violates certain provisions of the California Environmental Quality Act (CEQA), and that the THP process administered by CDF and the Board is not functionally equivalent to the environmental impact report process required by CEQA. [12:4 CRLR 214; 12:1 CRLR 176] As the Board has recently revamped its regulations to define the term "sustained yield" and provide for THP review in the context of that definition (see MAJOR PROJECTS), the court is waiting for the Board's implementation of those new rules.

■ FUTURE MEETINGS

September 7-9 in Sacramento.
October 5-6 in Sacramento.
November 9-10 in Sacramento.
December 7-8 in Sacramento.



INDEPENDENTS

AUCTIONEER COMMISSION

The Auctioneer and Auction Licensing Act, Business and Professions Code section 5700 *et seq.*, was enacted in 1982 and establishes the California Auctioneer Commission to regulate auctioneers and auction businesses in California.

The Act is designed to protect the public from various forms of deceptive and fraudulent sales practices by establishing minimal requirements for the licensure of auctioneers and auction businesses and prohibiting certain types of conduct.

Section 5715 of the Act provides for the appointment of a seven-member Board of Governors, which is authorized to adopt and enforce regulations to carry out the provisions of the Act. The Board's regulations are codified in Division 35, Title 16 of the California Code of Regulations (CCR).

During the summer of 1992, the California legislature defunded the Auctioneer Commission and its Board of Governors in retaliation for the Commission's filing of *California Auctioneer Commission v. Hayes*, No. 370773 (Sacramento County Superior Court). The petition for writ of mandate sought a court order prohibiting state budget officers from carrying out a June 30, 1992 transfer to the general fund of all but three months' worth of operating expenses from the Commission's reserve fund, in compliance with a legislative directive in the Budget Act of 1991. The Commission was attempting to prevent a loss of \$127,000 in auctioneers' licensing fees to the general fund. [12:4 CRLR 1, 214-15; 12:2&3 CRLR 248; 12:1 CRLR 177] The legislature did not repeal the Auctioneer and Auction Licensing Act, the provisions of law which establish the Commission and its Board of Governors and set forth their respective jurisdiction, or any other provision affecting the licensing of auctioneers or the conduct of auctions in California. It simply eliminated all funding for the Commission, preventing it from paying the attorneys handling its lawsuit and from functioning in any other way.

■ LEGISLATION

SB 514 (Alquist), as amended May 19, would repeal existing law establishing the California Auctioneer Commission and delegating it the responsibility for licens-

ing and disciplining auctioneers, and enact similar provisions to be administered by the Secretary of State. However, the Secretary of State would have no disciplinary duties, and the bill would authorize courts in criminal actions to revoke an auctioneer's license. The bill would also revise existing bonding provisions to, among other things, increase the amount of the required auctioneers' bond to \$15,000. [S. Appr]

SB 685 (Wright), as amended May 12, would suspend the licensing requirements for auctioneers and auction companies under the Auctioneer and Auction Licensing Act until January 1, 1994. [A. CPGE&ED]

AB 259 (Hannigan), as amended April 27, would repeal the Auctioneer and Auction Licensing Act, require every auctioneer and auction company to maintain a surety bond in the amount of \$30,000 with the Secretary of State, and enact related provisions regulating that bond.

Under existing law, it is a crime for any person to obtain any money or property from another, or to obtain the signature of another to any written instrument, the false making of which is forgery, by means of any false or fraudulent sale of property or pretended property, by auction, or by any of the practices known as mock auctions. Under existing law, a person who violates this provision shall also forfeit any license he/she may hold as an auctioneer and is permanently disqualified from receiving a license to act as an auctioneer in this state. This bill would delete this latter provision. [A. Floor]

BOARD OF CHIROPRACTIC EXAMINERS

Executive Director:
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In 1922, California voters approved an initiative which created the Board of Chiropractic Examiners (BCE). Today, the Board's enabling legislation is codified at Business and Professions Code section 1000 *et seq.*; BCE's regulations are located in Division 4, Title 16 of the California Code of Regulations (CCR). The