



REGULATORY AGENCY ACTION

In November 1990, the San Francisco-based environmental group, Earth Island Institute Inc., filed suit in federal district court against Southern California Edison (SCE), alleging violations of the federal Clean Water Act stemming from operations at the San Onofre Nuclear Power Plant. The suit is based primarily on a 1989 report of the Coastal Commission's Marine Review Committee, which concluded after a 15-year study that the operation of the San Onofre plant kills tons of fish and kelp each year. (See CRLR Vol. 11, No. 1 (Winter 1991) p. 135 for background information.) Among other things, Earth Island alleges that SCE's operation of San Onofre violates WRCB's permit. In March, plaintiff filed a motion for preliminary injunction against Edison, alleging that the utility is stalling in its duty to provide a mitigation plan for damage

caused by the release of cooling water from the power plant, and asking the court to "hold Edison's feet to the fire." Edison has in turn requested that U.S. District Court Judge Rudi Brewster postpone any ruling on the case until after the Regional Water Quality Control Board has held hearings and acted upon the Marine Review Committee's report. Earth Island Institute claims that this request is merely another delay tactic by Edison to avoid producing the mitigation plan and implementation timeline. The motion was scheduled for a hearing on April 22.

FUTURE MEETINGS:

Workshop meetings are generally held the first Wednesday and Thursday of each month. For the exact times and meeting locations, contact Maureen Marche at (916) 445-5240.

the following violations of the Auctioneer and Auction Licensing Act: failure to pay a consignee, failure to pay a consignee within 30 working days, use of false bidders/false bidding practices, use of false or misleading advertising or statements, and misrepresentation of goods offered for sale.

FUTURE MEETINGS:

November 22 in Monterey (tentative).

BOARD OF CHIROPRACTIC EXAMINERS

Executive Director: Vivian R. Davis (916) 739-3445

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 Board licenses chiropractors and enforces professional standards. It also approves chiropractic schools, colleges, and continuing education courses.

The Board consists of seven members, including five chiropractors and two public members.

MAJOR PROJECTS:

Renewal Fee Increase. At its March 7 meeting, the Board held a public hearing on its proposal to amend section 355(a) of its regulations to increase the annual license renewal fee from \$95 to \$150 (the statutory maximum). BCE also proposed to amend section 355(c), to establish a cyclical renewal system under which licenses would expire during the birth month of the licensee. Following the hearing, the Board approved this language; staff submitted the rulemaking file on the proposed regulatory action to the Office of Administrative Law (OAL) on March 25.

Four Hours of Adjustive Technique. At its January 17 meeting, the Board held a public hearing on a proposed regulatory amendment to section 356(d), which would specify that four hours of each licensee's annual twelve-hour continuing education (CE) requirement must be completed in adjustive technique, and must be satisfied by lecture and demonstration.

The Board received numerous written and oral comments on the proposed change. Most witnesses opposed the change, arguing that the Board lacks statistical data on the number of CE hours most chiropractors complete each year in



INDEPENDENTS

AUCTIONEER COMMISSION

Executive Officer: Karen Wyatt (916) 324-5894

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). The Board, which is composed of four public members and three auctioneers, is responsible for enforcing the provisions of the Act and administering the activities of the Commission. Members of the Board are appointed by the Governor for four-year terms. Each member must be at least 21 years old and a California resident for at least five years prior to appointment. In addition, the three industry members

must have a minimum of five years' experience in auctioneering and be of recognized standing in the trade.

The Act provides assistance to the Board of Governors in the form of a council of advisers appointed by the Board for one-year terms. In September 1987, the Board disbanded the council of advisers and replaced it with a new Advisory Council (see CRLR Vol. 7, No. 4 (Fall 1987) p. 99 for background information).

MAJOR PROJECTS:

Newsletter. In its March newsletter, the Commission noted that it currently regulates 1,113 auctioneers and 223 auction companies.

Between July 1, 1990 and March 1991, the Commission received 114 complaints against its licensees, of which 46 were pending as of March 1991. During that time period, the Commission assessed 19 fines, assigned 23 cases out for investigation, and filed 7 disciplinary actions.

Also in the March newsletter, the Commission noted that at its May 6 meeting, it would be reviewing proposed disciplinary penalty guidelines, for use by administrative law judges who preside over Commission disciplinary hearings and make disciplinary recommendations to the Board. The proposed guidelines set forth minimum and maximum penalties, plus a description of aggravating and mitigating factors, for