



INDEPENDENTS

AUCTIONEER COMMISSION

Executive Officer: Karen Wyant
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The Auctioneer and Auction Licensing Act was enacted in 1982 (AB 1257, Chapter 1499, Statutes of 1982) and established the California Auctioneer Commission to regulate auctioneers and auction businesses in California.

The Act was 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.

The Auctioneer and Auction Licensing Act provided for the appointment of a seven-member Board of Governors, composed of four public members and three auctioneers, to enforce the provisions of the act and to administer the activities of the Auctioneer 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:

Private Investigator Contracts. The Board has allocated \$48,000 of its budget to hire contract investigators throughout the state to conduct investigations and compliance inspections of licensees. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 114 and Vol. 7, No. 4 (Fall 1987) p. 99 for background information.) The Board-approved "invitation to bid" describes the services to be performed as well as the six geographic areas which may be bid upon. As required by law, this "invitation" has been listed in the Contracts

Register. Private investigative companies will bid for services at a proposed hourly rate. Those making the lowest responsible bids will be chosen to perform the services in each geographic region.

Warning to Licensees. Licensees have been warned that the designation of an item of art as being created by a "named" artist when, in fact, the work of art is not original is misleading and therefore prohibited. Civil Code sections 1740-1745.5 substantially regulate the sale of fine art multiples. Licensees engaged in the sale of such goods are urged to carefully review those provisions to assure their compliance with the law.

RECENT MEETINGS:

At its December 2 meeting in San Francisco, Executive Officer Wyant and the Board continued their discussion of the use of the terms "minimum" and "reserve" by Board licensees. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 111; Vol. 8, No. 2 (Spring 1988) p. 113; Vol. 7, No. 4 (Fall 1987) p. 100; Vol. 7, No. 1 (Winter 1987) p. 89 and Vol. 6, No. 4 (Fall 1986) p. 85 for complete background information.) The Board decided that the problem arises not because the terms are used, but because they are used in a way that is misleading to the public. In order to eradicate this problem, a letter has been sent to all licensees stating that the Board considers the terms to be misleading. The continued misleading use of these terms will result in the review of an owner's license.

FUTURE MEETINGS:

To be announced.

BOARD OF CHIROPRACTIC EXAMINERS

Executive Director: Edward Hoefling
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In 1922, California voters approved an initiative which created the Board of Chiropractic Examiners (BCE). 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:

Mid-level Disciplinary Review. At its October meeting, the Board adopted a recommendation to implement mid-level disciplinary review procedures. (See CRLR Vol. 8, No. 1 (Winter 1988) p. 100 for background information.) Regional mid-level review committees appointed by the Board will interview offending chiropractors and recommend various sanctions. The committees will act in an advisory capacity. Additionally, the committee will conduct periodic statistical studies for the Board concerning the number of complaints and investigations in progress. The studies will contain breakdowns of categories of violations. Executive Director Ed Hoefling will prepare a budget change proposal and meet with legal counsel to develop the procedures.

Curriculum Commissioners. At its September meeting, the Board moved to apply the title of curriculum commissioner to certain examination commissioners involved in assisting the Board in the development of a textbook list. The designated commissioners would have the responsibility of reviewing textbooks used to construct examinations questions. The Board decided to periodically bestow the title on qualified examination commissioners.

LITIGATION:

In *California Chapter of the American Physical Therapy Ass'n, et al. v. Board of Chiropractic Examiners* (consolidated case Nos. 35-44-85 and 35-24-14), the Sacramento Superior Court recently entertained motions for summary judgment and for summary adjudication filed against BCE by the Board of Medical Quality Assurance (BMQA) and the California Medical Association (CMA). In a ruling issued January 5, the court denied both motions for summary judgment. In two rulings adverse to BCE, however, the court granted BMQA's motion for summary adjudication on issues relating to the proper scope of chiropractic practice, and also granted CMA's motion on the issue of its standing to pursue the action. BCE planned to appeal these two rulings by way of peremptory writ to the court of appeals by February 1. The superior court was scheduled to hold a status hearing in the case on March 27. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 119 and Vol. 8, No. 2 (Spring 1988) p. 30 for background information on this case.)