



## INDEPENDENTS

### AUCTIONEER COMMISSION

*Executive Officer: Karen Wyant  
(916) 324-5894*

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).

Paula Higashi, former Executive Officer of the Commission, has been appointed to fill a vacancy on the Commission's Disciplinary Review Committee (DRC). The DRC hears appeals from licensees who have been administratively fined by the Board. (See CRLR Vol. 7, No. 2 (Spring 1987) p. 98; Vol. 7, No. 1 (Winter 1987) p. 90; and Vol. 6, No. 4 (Fall 1986) for background information.)

#### MAJOR PROJECTS:

*Private Investigators Hired.* The Commission awarded ten contracts to various investigative firms throughout California

to conduct inspections and investigations of licensees. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 97; Vol. 8, No. 4 (Fall 1988) p. 114; and Vol. 7, No. 4 (Fall 1987) p. 99 for background information.) Inspections will occur on a random basis, while investigations will result from complaints filed with the Commission which cannot be adequately investigated by the Executive Officer.

*Monitoring of Advertisements.* The Commission will monitor licensee advertising and investigate those which may be false or misleading to the public. The focus of its attention will be on "estate" auctions, the use of such terms as "minimum" and "reserves", and the advertisement of reproduced artworks in a manner indicating that they are—or may be—original works. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 97; Vol. 8, No. 4 (Fall 1988) p. 111; Vol. 8, No. 2 (Spring 1988) p. 113; and Vol. 7, No. 4 (Fall 1987) p. 100 for background information.)

*Receivership Program Proposed.* Executive Officer Wyant has proposed that the Commission review the possibility of setting up a receivership program in which the Board would petition the court to appoint a receiver to preserve the assets of an auctioneer or auction company and decide how these assets would be distributed. Potentially, such a program would alleviate the problem of auctioneers who do not pay consignors and who, during the period of the Commission's investigation, continue to take on new consignments and harm additional individuals.

Commissioners Eppel, Hall, and Van Tassel expressed concern over a measure which would drive away business at a time when it is badly needed. Wyant will continue to explore the alternatives and report back to the Board.

*Biennial Report.* As required by section 5724 of the Business and Professions Code, the Commission drafted its biennial report for the period of January 1, 1987 through December 31, 1988. During this period, the Commission ordered payment of \$127,714 to consumers from license bonds—up from \$72,079 for the previous year. Money recovered from complaint mediation rose to \$112,828, over the

previous year's \$18,395. The Commission also suspended ten licensees for failure to pay administrative fines totalling \$19,500 and revoked eleven licenses following formal disciplinary action.

#### FUTURE MEETINGS:

To be announced.

### BOARD OF CHIROPRACTIC EXAMINERS

*Acting Executive Director:*

*Vivian Davis  
(916) 445-3244*

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:

*Chiropractic College Attrition Rate Survey.* At its January meeting, the BCE reviewed a proposed survey form that will be used in an ongoing BCE effort to determine whether educational requirements for entrance to or continued enrollment in chiropractic college should be increased. Board members B. Jackie Bartels, Louis Newman, Patricia Quibell, and John Emerzian have formed a committee to address the issue of educational improvements.

The survey will be sent to the presidents of every California chiropractic college. It will seek detailed information concerning the number of students entering and graduating from a college, and the number of students placed on academic probation. The survey spans five years (1981-1985). The results will be used by the Board to determine whether to propose new regulations or modify existing regulations.

*Use of Thermography by Chiropractors.* Also in January, the Board voted to go forward with a previous proposal to adopt regulations concerning the use of thermography by chiropractors. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 111 for background information.) Deputy Attorney General Joel Primes suggested that the Board delay proceeding on the regulatory action until the current litigation with the California Physical Therapy Association is settled. (See *infra* LITIGATION; see also CRLR Vol. 9, No. 1 (Winter 1989) p. 97 and Vol. 8, No. 4