



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).

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:

Violations of Posting Requirements Discovered. Commission investigators have completed thirty inspections of li-

censes throughout the state. In over 40% of those cases, investigators found that the licensee did not post the sign required by section 5575(c) of the Business and Professions Code. The sign must be 18" x 24" and contain specified certain language, including the name and address of the Commission. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 118 for complete background information.) Fines totalling \$650 have been assessed thus far. Investigators were expected to conduct approximately 100 inspections before the end of the fiscal year.

Monitoring of Auction Practices.

Investigators have begun to monitor certain auctions to determine whether the following illegal practices are occurring: false bidding; misrepresentation of goods; announcements of items as sold when they have not in fact been sold; and the imposition of minimums and reserves when those conditions are not announced. The Commission is also monitoring auction advertisements which may be misleading to the public. False or misleading statements in advertising are subject to an administrative fine of \$500 for each violation. (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 further information.)

RECENT MEETINGS:

The Board of Governors' meeting scheduled for March 17 was cancelled.

FUTURE MEETINGS:

To be announced.

BOARD OF CHIROPRACTIC EXAMINERS

Acting Executive Director:

Vivian Davis

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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 mem-

bers, including five chiropractors and two public members.

MAJOR PROJECTS:

Proposed Regulatory Changes. The Board recently published its proposal to amend section 355(a) and adopt new section 355(c), Chapter 4, Title 16 of the California Code of Regulations (CCR).

Existing section 355(a) provides for the renewal and restoration of a chiropractic license, but does not define the amount of the annual renewal fee. The amendment will state and raise the amount of the annual renewal fee. The fee is currently \$95 and will be raised to \$145. New section 355(c) would require that 48 hours of a postgraduate course in thermography be completed before operating or supervising the use of a thermography unit.

The Board was scheduled to hold a public hearing on July 20 in Sacramento on these proposed regulatory changes.

Future Regulatory Changes. At its April 27 meeting in San Diego, the Board considered a proposal to add subsection (e) to section 331.1, Chapter 4, Title 16 of the CCR. The new subsection would establish a required minimum 3.0 overall grade point average in an accredited two- or four-year college in order to matriculate at a Board-approved school.

Also at its April 27 meeting, the Board considered a proposal to add new section 313.1, which would implement a "preceptor program" through an approved chiropractic college. A preceptor program, as defined in proposed section 313.1, is an "off-site educational program extending the chiropractic student's extern chiropractic experience beyond the date of graduation or completion of the curriculum requirement up to one year, or to the date of licensure." The preceptee would practice with a licensed chiropractor, who would supervise the student and assume responsibility for that student's conduct.

At this writing, the Board has not taken formal action on either proposal.

LITIGATION:

On May 26 in *California Chapter of the American Physical Therapy Ass'n et al. v. California State Board of Chiropractic Examiners, et al.*, Nos. 35-44-85 and 35-24-14 (Sacramento Superior Court), the court heard BCE's motion for reconsideration of its earlier rulings granting motions for summary adjudication filed by the Board of Medical Quality Assurance and the California Medical Association. The court took the matters under submission and scheduled a status