



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



REGULATORY AGENCY ACTION

conference for July 7. Plaintiff and intervenors challenge BCE's adoption of section 302 of BCE's regulations, which defines the scope of chiropractic practice. (See CRLR Vol. 9, No. 2 (Spring 1989) p. 112 and Vol. 9, No. 1 (Winter 1989) p. 97 for background information on this case.)

RECENT MEETINGS:

In March, Board member Dr. Bartels reported that at a recent meeting of the Federation of Chiropractic Licensing Boards, colleges and associations were encouraged to use the term "chiropractic physiological therapeutics" instead of "physical therapy" to avoid confusion between the practices.

FUTURE MEETINGS:

To be announced.

CALIFORNIA ENERGY COMMISSION

Executive Director: Stephen Rhoads
Chairperson: Charles R. Imbrecht
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In 1974, the legislature created the State Energy Resources Conservation and Development Commission, better known as the California Energy Commission (CEC). The Commission's major regulatory function is the siting of power plants. It is also generally charged with assessing trends in energy consumption and energy resources available to the state; reducing wasteful, unnecessary uses of energy; conducting research and development of alternative energy sources; and developing contingency plans to deal with possible fuel or electrical energy shortages.

The Governor appoints the five members of the Commission to five-year terms, and every two years selects a chairperson from among the members. Commissioners represent the fields of engineering or physical science, administrative law, environmental protection, economics, and the public at large. The Governor also appoints a Public Adviser, whose job is to ensure that the general public and other interested groups are adequately represented at all Commission proceedings.

The five divisions within the Energy Commission are: (1) Conservation; (2) Development, which studies alternative energy sources including geothermal, wind and solar energy; (3) Assessment, responsible for forecasting the state's energy needs; (4) Siting and Environ-

mental, which does evaluative work in connection with the siting of power plants; and (5) Administrative Services.

The CEC publishes *Energy Watch*, a summary of energy production and use trends in California. The publication provides the latest available information about the state's energy picture. *Energy Watch*, published every two months, is available from the CEC, MS-22, 1516 Ninth Street, Sacramento, CA 95814.

MAJOR PROJECTS:

Development of CEC Intervenor Award Program. The CEC Public Adviser held three public meetings in May to gather input from groups and individuals interested in the development of CEC's intervenor award program. The program is being developed in accordance with Senator Rosenthal's SB 283 (Chapter 1436, Statutes of 1988), which earmarked \$285,000 for establishment of a program to provide intervenors facing financial hardship with reasonable awards to pay for the costs of participation in certain Commission proceedings. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 98 for background information.)

According to CEC Public Adviser Thomas Maddock, the Commission has received authorization from the U.S. Department of Energy to spend the funds, and he has mailed a first working draft of his proposed provisions to all interested parties. The proposals outline the process whereby petitioners may (1) obtain intervenor status by demonstrating financial hardship; (2) offer to substantially contribute to CEC proceedings under the program; and (3) apply for compensation. At all stages, the Public Adviser would review and make recommendations as to intervenor eligibility and amounts of compensation. The draft also specifies the types of expenditures that would qualify for reimbursement, and proposes definitions for "hardship" and "substantial contribution."

Maddock states he is pleased by the input he received at the informational meetings, which were attended by representatives from the Sierra Club, the Natural Resources Defense Council, UCAN, and other ratepayer and consumer groups. Michael Shapiro of Senator Rosenthal's office also attended the meetings, which were held in Sacramento, Los Angeles, and San Francisco.

Although the Public Adviser's first working draft is similar to the rules of the Public Utilities Commission's (PUC) intervenor compensation program, one major difference is that the CEC proposal does not require the proceedings

to be resolved in the intervenor's favor in order to recognize a "substantial contribution" in the proceedings. Public Adviser Maddock hoped to issue a second draft of the proposed rules in early June; he anticipates significant changes from the incorporation of suggestions made at the three May meetings. Full Commission hearings on the program could take place as early as July, according to Maddock.

Pipeline Proposals Pondered. In March, CEC's Energy Forecasting and Planning Division published a report which concluded that new natural gas pipeline capacity could provide benefits in the tens of billions of dollars for California consumers. The report, entitled *An Economic Evaluation of Alternative Interstate Pipeline Projects to Serve California*, reached this conclusion by comparing scenarios for eleven different hypothetical configurations of new capacity with a scenario representing no expansion of existing pipeline capacity.

There are currently at least seven major proposals to add natural gas pipeline capacity into California. For several years, CEC has recommended that the Federal Energy Regulatory Commission (FERC) consider issuing permits for all pending applications to build interstate pipelines into California to ensure that the state can successfully compete for new interstate gas supplies.

Until recently, the PUC had argued, contrary to CEC's position, that new interstate pipelines were not needed. But in December 1988, the PUC initiated an investigation into the need for such capacity. The PUC's reassessment of its opposition to new pipelines was prompted by two major natural gas curtailments which occurred in southern California during the winter and summer of 1988. (See *infra* for further discussion; see also CRLR Vol. 9, No. 1 (Winter 1989) p. 99 and Vol. 8, No. 2 (Spring 1988) p. 115 for background information.)

According to CEC spokesperson Claudia Barker, the CEC report was prompted by the Commission's mandate to forecast energy demand, supply, and prices for California. Barker says market forces will determine whether new pipelines are built. Inadequate pipeline capacity could affect California's energy security, but excessive pipeline construction could increase energy costs. Barker estimates the cost of new pipeline at close to \$1,000,000 per mile. CEC's Fuels Policy Committee will continue to hold workshops, such as the one held on March 31 in Bakersfield, to gather information from the industry and the public.