



REGULATORY AGENCY ACTION

rights to the water to which it was entitled under several pre-1953 licenses prior to the September 9, 1953 effective date of the statutes, and thus was not being divested of any water rights.

Thus, the appellate court ordered the trial court to issue the appropriate writs commanding the WRCB to "exercise its discretion to conduct proceedings for revocation of licenses 10191 and 10192, subject to its authority to reissue them consistent with section 5946, as construed in this opinion."

On June 22, however, the court granted LAWP's motion for reconsideration and temporarily withdrew its May 23 opinion, in order to consider LAWP's objections to alleged factual errors in the court's original opinion. If the appellate court reinstates its opinion, LAWP has suggested it will appeal the ruling to the California Supreme Court.

RECENT MEETINGS:

At its May meeting, the Board considered a proposed extension of the State Mussel Watch program (SMW), which it has funded since 1977 in conjunction with the DFG. SMW began as a renewable interagency agreement to monitor and analyze mussels for absorbed toxic metals and organics. (See CRLR Vol. 6, No. 3 (Summer 1986) p. 74 for background information.) The program is also designed to provide long-term information on the existence and relative quantities of toxic pollutants such as pesticides. Information from the program is used to track temporal trends and geographic distribution of toxic substances along the California coast. If the Board refunds SMW, the interagency agreement would extend to July 1989. Proposed survey sites for the 1988-89 program tentatively include a continuation of research in ocean areas near the Diablo Canyon Power Plant, the Elk River Treatment Plant, the U.S. Naval Weapons Station at Seal Beach, the San Diego Creek, and San Diego Bay.

Also at its May meeting, the Board considered whether to extend its toxic substances monitoring program (TSMP) designed to detect toxic pollutants in fish and other aquatic organisms. By examining fish livers for metals analysis and flesh for mercury and synthetic organics analyses, TSMP provides the state and regional boards with long-term trends of pollutants and their quantities in fresh surface waters. TSMP also identifies potential problems in inland water areas which might warrant further study. This program also oper-

ates through an interagency agreement with the DFG, which expires in 1989. Streams and lakes sampled under the TSMP include the Russian River, the New River, the Kesterson Reservoir, the Sacramento Slough, the Salton Sea, San Diego Creek, Sweetwater Marsh, and the Tijuana River.

FUTURE MEETINGS:

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



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).

MAJOR PROJECTS:

Proposed Regulations Rejected. On May 2, the Office of Administrative Law (OAL) rejected the Commission's proposed section 3527, Chapter 35, Title 16 of the California Code of Regula-

tions, requiring specific disclosures on consignor contracts. (See CRLR Vol 8, No. 2 (Spring 1988) p. 113; Vol. 8, No. 1 (Winter 1988) p. 99; and Vol. 7, No. 4 (Fall 1987) p. 99 for complete background information.) This marks the second time that OAL has rejected the proposed wording for lack of clarity. According to OAL, consumers may become confused when they are informed that licensed auctioneers are "bonded to the Commission in the amount of \$10,000 for all occurrences." OAL believes this may be construed to mean either that the total maximum bonding coverage is \$10,000, or that the licensee is bonded for \$10,000 for each and every occurrence.

The Commission was scheduled to discuss the rejection and whether to resubmit the language to OAL at its June 30 meeting.

Warnings to Licensees. In May, the Commission warned licensees to carefully review their contracts to assure compliance with section 5776(k) of the Business and Professions Code. Failure to include the information required by section 5776(k) could result in a \$250 fine. Licensees were also cautioned to prominently post the sign required by section 5775(c) at the main entrance of each auction sale. Fines of \$50 for a first violation are being assessed whenever such a violation is observed by the Executive Officer. The sign must be 18" x 24" and state "The [or "this"] auction is being conducted pursuant to section 2328 of the Commercial Code, section 235 of the Penal Code, and the provisions of the California Auctioneer and Auction Licensing Act. California Auctioneer Commission, 1130 K Street, Suite 1120, Sacramento, CA 95814."

FUTURE MEETINGS:

To be announced.