



Act and thus abolish the California Auctioneer Commission. (See CRLR Vol. 7, No. 4 (Fall 1987) pp. 99-100; Vol. 7, No. 3 (Summer 1987) p. 124; and Vol. 7, No. 1 (Winter 1987) p. 90 for background information.)

Commission Executive Officer Karen Wyant testified in defense of the Commission, stating that the Commission's record for revoking licenses in fiscal year 1985-86 "represented more revocations per licensee than all but one of the licensing agencies in the Department of Consumer Affairs." In spite of such statistics, Wyant conceded that some problems exist with regard to unrecovered losses to consignors. Such losses are incurred when auctioneers fail to pay sellers proceeds from the sale of their goods, in spite of current law requiring such payment within thirty working days of the sale transaction.

Although bonding is required of all Commission licensees, it affords only limited protection, as is illustrated in the fact that half of the bond claims processed thus far by the Commission have resulted in unrecovered losses to consignors.

The Commission's concern over such losses was manifested in its recently proposed regulation which would have (1) required that consignment contracts disclose the limited protection afforded by licensee bonding, and (2) encouraged discussion between the licensee and consignor about additional protections over and above that provided by the license bond. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 99.) Subsequent to Wyant's testimony, this proposed regulation was rejected by the Office of Administrative Law (see related discussion, *infra*).

Also reflecting the Commission's concern over unrecovered losses is a budget change proposal for fiscal year 1988-89, recently approved by the Department of Finance, which will provide for increased investigations so that non-payment to consignors may be discovered early, and unethical licensees can be removed from the business before additional monies are lost.

In her testimony, Wyant disagreed with the Legislative Analyst's recommendation to abolish the Commission while retaining the bonding requirement, observing that, "a bonding program without a licensing and enforcement agency, as [SB 84] proposes, would be a purely voluntary process. Once a consignor is defrauded, it's of no help to have a law on the books that says the auctioneer should have had a bond. And those auctioneers and companies most likely

to defraud consignors would certainly not observe a costly, voluntary law."

Wyant concluded, "to abolish an agency simply because it has not recovered all monies for defrauded consumers is not in the best interest of the public. To replace it with a voluntary bonding program would not protect the public at all."

**Regulations Rejected by OAL.** The Office of Administrative Law has rejected proposed section 3527 in Chapter 35, Title 16 of the California Administrative Code, submitted November 16. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 99 for background information.) The proposed rule would have required that contracts between an auctioneer or auction company and the owner or consignor of goods include a notice that the auctioneer "is licensed and regulated by the California Auctioneer Commission... and all licensed auctioneers and auction companies are bonded to the Commission. Request information from your auctioneer or auction company as to bonding limits and alternatives for security of payment." OAL determined that the last sentence is non-regulatory and imposes no burden on licensees. Executive Officer Wyant stated that without the last sentence the provision is essentially the same as existing statutory language. The Board may amend the language to satisfy OAL's concerns at its next meeting.

## LEGISLATION:

**SB 84 (Boatwright)**, as introduced, would abolish the Auctioneer Commission. (See CRLR Vol. 7, No. 4 (Fall 1987) pp. 99-100; Vol. 7, No. 3 (Summer 1987) p. 124; Vol. 7, No. 2 (Spring 1987) p. 98; and Vol. 7, No. 1 (Winter 1987) p. 90 for background information.) As of this writing, SB 84 is pending as a two-year bill.

## FUTURE MEETINGS:

To be announced.

## BOARD OF CHIROPRACTIC EXAMINERS

**Executive Director: Edward Hoefling (916) 445-3244**

In 1922, California voters approved an initiative which created the Board of Chiropractic Examiners. 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.

At its January 1988 meeting, the Board selected Dr. Dennis McKown, DC, as Board Chair; Dr. B. Jackie Bartels, DC, as Vice-Chair; and Dr. Bruce A. Reyes, DC, as Secretary.

## MAJOR PROJECTS:

**Regulation Changes.** At its January 7 meeting, the Board adopted proposed changes to its regulations, which appear in Chapter 4, Title 16 of the California Administrative Code. The Board published its notice of intent to amend the regulations in August 1987, and held no public hearing on the changes. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 100 for background information.)

The Board adopted changes to section 321 which include a reference to the required application fee of \$100; the amendments to section 321.1 provide for application processing time periods in accordance with the Permit Reform Act; and changes to section 355 add language specifying a license renewal fee of \$95. The Board is in the process of preparing the rulemaking file for submission to the Office of Administrative Law.

**Chiropractic Consultant Position.** At its October 29 meeting, the Board discussed and approved in concept the creation of a chiropractic consultant position to participate in disciplinary proceedings. The Board has not decided the precise parameters of responsibility for the position. Several Board members expressed concern that the Board would lose control over disciplinary matters, and suggested that specific guidelines be drawn up by staff for consideration at a future meeting.

## LITIGATION:

Two lawsuits challenging the validity of section 302 of the Board's regulations, which defines the scope of chiropractic practice, have been consolidated. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 100 for background information.) A Sacramento Superior Court judge recently joined the suit filed by the California Medical Association with a similar action filed by the California chapter of the American Physical Therapy Association (APTA). The Board of Medical Quality Assurance and the Physical Therapy Examining Committee have joined as plaintiffs in the APTA suit. A case conference was scheduled for late January.



## RECENT MEETINGS:

At its January meeting, the Board selected Dr. McKown as its delegate to the National Board of Chiropractic Examiners Conference.

The Board also entertained discussion of its examination commissioners. Dr. Reyes suggested that exam commissioners be provided with a training session on an annual basis; the Board agreed to hold a seminar for exam commissioners prior to the May exam.

The Board created a committee consisting of Mr. Hoefling, Dr. Bagwell, and Dr. Hemauer to study and develop a system of mid-level discipline, which may provide an alternative to formal disciplinary procedures in certain cases.

Board member Quibell raised the issue of requiring adjustive technique as a condition of license renewal. Because the Board was unsure whether such a requirement would involve a regulation change, the subject was tabled for future discussion.

## FUTURE MEETINGS:

To be announced.

## CALIFORNIA ENERGY COMMISSION

*Executive Director: Stephen Rhoads*  
*Chairperson: Charles R. Imbrecht*  
(916) 324-3008

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 Environmental, 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:

*Methanol Use in California Transportation.* In its 1987 Biennial Report, the CEC stated its belief that methanol use holds the most promise to displace oil used in transportation in California, and therefore protect California from fuel price increases and supply shortages. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 101.) CEC has launched a cooperative effort with ARCO and Ford Motor Company to expand the use of methanol as a motor vehicle fuel. ARCO will be adding methanol pumps to 25 retail outlets in southern California by the end of 1988. This fuel may be used by the 700 methanol-fueled vehicles presently used in California by public agencies and private companies. In the meantime, Ford is developing other flexible fuel vehicles for testing by the CEC and other public agencies. CEC Chair Charles Imbrecht has stated that methanol use has many advantages over other alternative fuels in that it can reduce dependence on gasoline fuel; it can be produced from domestic resources; its costs are competitive; and it provides substantial emission reductions of virtually all major air pollutants.

*California Energy Innovation Awards.* In October, the CEC honored six programs for unique conservation and renewable energy projects. The Energy Engineering Institute of San Diego State University was recognized for a program which pairs students with energy professionals on applied energy research. The UCLA Graduate School of Architecture and Urban Planning developed a "user-friendly" computer to help architects understand energy implications of different building shapes. Southern California Edison Company received two awards for conservation efforts with businesses. The California Department

of Transportation (CalTrans) reduced energy needs significantly at one of its remote maintenance stations. An honorable mention was given to the California Department of Water Resources Trinity River Fish Hatchery for an innovative method of solar heating to help salmon spawning.

*Small Powerplant Exemption for Chevron's Richmond Cogeneration Facility.* Chevron U.S.A. has proposed to construct and operate a cogeneration facility at its oil refinery in Richmond. The proposed facility will produce electricity and steam for use in the refinery. The CEC has exclusive jurisdiction to certify sites for thermal electric powerplants of fifty megawatts or more within California, but can grant an exemption for the site certification process to powerplants with a generating capacity of up to 100 megawatts. To grant this exemption, the CEC must find that (1) there are no substantial adverse impacts on the environment or energy resources; and (2) the added generating capacity will not substantially be in excess of the CEC's latest adopted forecast of energy demands.

Chevron's request for an exemption was approved in October 1987 (CEC Docket No. 86-SPPE-1). The CEC found that with certain conditions, the proposed plant met both of the required findings described above. Chevron was asked to limit its burning of diesel fuel so as to limit harmful air emissions, and to work with the City of Richmond to negotiate an acceptable agreement over lost revenues due to a reduction in the refinery's utility users' tax. Chevron was also instructed to limit the amount of surplus electrical power per year that it will sell to Pacific Gas and Electric Company (PG&E), so as not to curtail or displace core energy resources.

*State to Assist Small Family Farms.* California farmers, particularly those operating small family farms, will have access to \$5 million in financial and technical assistance through a farm energy assistance program. These monies were made available to the CEC through federal oil overcharge funds in the Petroleum Violation Escrow Account (PVEA). The PVEA contains funds derived from negotiated settlements and judgments against the oil companies from legal actions taken by the federal government for price overcharges during the period from September 1973 to January 1981 when federal government price controls were in effect.

A recent report compiled by the CEC, *California Small Family Farmers: Who*