



REGULATORY AGENCY ACTION

also requested that the Board act to protect purse monies which have, as a practice, been commingled with other track funds. Purses paid at fairs are based upon prior year handles, which are comprised of the total annual revenue generated through betting. The purses are augmented by appropriated funds from state license fees generated by simulcast wagering at fairs during the previous fiscal year. However, the 1987 purses did not include that portion of simulcast wagering on the fair wagering programs.

At the October meeting, the CHRB ordered distribution of "75% of the amount from the simulcast handle which was retained for distribution in the form of purses." The Board also ordered that the daily paymaster's report to the Board reflect a separate account status for purse funds.

At its November meeting, the CHRB recognized the Arabian Racing Association of California as the representative of Arabian horsemen. Under recently-enacted SB 287 (Maddy) (Chapter 154, Statutes of 1987), the Board is required to determine the organization which will represent each breed. (See CRLR Vol. 7, No. 4 (Fall 1987) pp. 103-04 for background information.) Recognized organizations act as agents for the breeds' owners and trainers in negotiating agreements with race track organizations, receiving in return a percentage of purse money for administrative expenses. Each organization is required to represent a majority of the horsemen with respect to the breed represented. CHRB recognition is required in order for a horsemen's organization to receive a distribution under the Horse Racing Law.

Also at the November meeting, the CHRB approved several satellite wagering facilities, including the 22nd District Agricultural Association (Del Mar); the 31st District Agricultural Association (Ventura); the National Orange Show (San Bernardino); and the 9th District Agricultural Association (Eureka).

FUTURE MEETINGS:

To be announced.

NEW MOTOR VEHICLE BOARD

Executive Officer: Sam W. Jennings (916) 445-1888

The New Motor Vehicle Board (NMVB) licenses new motor vehicle dealerships and regulates dealership relocations and manufacturer terminations of franchises. It reviews disciplinary

action taken against dealers by the Department of Motor Vehicles. Most licenses deal in cars or motorcycles.

The Board also handles disputes arising out of warranty reimbursement schedules. After servicing or replacing parts in a car under warranty, a dealer is reimbursed by the manufacturer. The manufacturer sets reimbursement rates which a dealer occasionally challenges as unreasonable. Infrequently, the manufacturer's failure to compensate the dealer for tests performed on vehicles is questioned.

The Board consists of four dealer members and five public members. The Board's staff consists of an executive secretary, three legal assistants and two secretaries.

RECENT MEETINGS:

At its September 29 meeting in Los Angeles, the NMVB adopted the administrative law judge's (ALJ) decision in several cases.

In the matter of *Brian Chuchua's Jeep dba Brian Chuchua's Four Wheel Drive Center v. American Motors Sales Corporation (AMC)*, the ALJ found, after a hearing, that respondent AMC proved there was good cause for terminating the franchise. Thus, the protest was overruled and AMC was permitted to terminate the franchise. However, the termination was stayed on the condition that protestant will fully comply with all of its obligations under the franchise and the law in regard to performing service on Jeep vehicles, irrespective of where the vehicles were purchased. In the event AMC receives evidence that protestant has failed to comply with the conditions, it may move the Board for an order removing the stay.

In the matter of *Murray's Truck Service, Inc. v. Iveco Trucks of North America, Inc.*, the ALJ found that respondent established good cause for terminating the franchise of protestant, and overruled the protest.

In the matter of *Stevens Pontiac-GMC, Inc. v. Pontiac Motor Division, General Motors Corporation*, respondent had given notice to Stevens Pontiac of Pontiac Motor Division's intention to establish an additional franchise at 750 West Capitol Expressway, San Jose. Stevens Pontiac is located at 620 Blossom Hill Road, Los Gatos. After hearing the matter, the ALJ found that protestant failed to prove that there is good cause for not establishing the additional franchise. Therefore, the protest was overruled and Pontiac Motor Division was permitted to establish the proposed franchise in San Jose.

In the matter of *University Ford Chrysler Plymouth v. Chrysler Corporation*, it was determined that Chrysler failed to establish good cause to terminate the franchise of University Chrysler Plymouth. The protest was sustained upon condition that University Chrysler Plymouth (1) relocate to a suitable existing or new facility within two years and, in the interim, (2) follow through with its plans to modify its present facility to accommodate Chrysler Plymouth products.

FUTURE MEETINGS:

To be announced.

BOARD OF OSTEOPATHIC EXAMINERS

Executive Director: Linda Bergmann (916) 322-4306

In 1922, California voters approved a constitutional initiative which created the Board of Osteopathic Examiners (BOE). BOE regulates entry into the osteopathic profession, examines and approves schools and colleges of osteopathic medicine and enforces professional standards. The 1922 initiative, which provided for a five-member Board consisting of practicing osteopaths, was amended in 1982 to include two public members. The Board now consists of seven members, appointed by the Governor, serving staggered three-year terms.

MAJOR PROJECTS:

Regulation Changes. On December 10, 1987, the Office of Administrative Law (OAL) approved the amended regulations originally submitted by BOE in December 1986. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 94.) The regulations affected are sections 1609, 1610(d), 1615(d), 1628(d), 1630(c), 1637(c), 1646(e), 1647(c), 1650, 1651(d), 1656(d), 1658, 1669(d), 1670, 1672, 1673(d), 1678(c), 1678(d), 1681(a), 1681(b), 1682(c), and 1691 in Title 16 of the California Administrative Code, which were the subject of a regulatory hearing on November 21, 1986. These regulations deal with the application and registration for new osteopaths.

At its December 11 meeting the Board expressed concern over the \$200-per-hour attorneys' fees it was charged by OAL for review of its regulations. The Board decided to request a justification from OAL for its fee policy.

Diversion Program. At its December 11 meeting, the Board heard from Bradley Grant, DO, concerning the possibility of an intervention program for osteo-