



ly fined by the Board. Staff recommended the following proposed selection criteria: (1) review of a financial statement and credit report for both the applicant and any auction company he/she operates; (2) investigation of whether any civil complaints, criminal charges, or disciplinary actions are pending or have been filed against the applicant; (3) consideration of comments concerning the applicant as well as the applicant's response to those comments (comments to be solicited by publishing the names of all applicants in the Commission's monthly information bulletin); and (4) personal interviews with the applicant.

The Board of Governors hopes to create a selection process which will assure that applicants possess knowledge of the law administered by the Commission, an ability to act objectively and analytically in hearing and deciding cases, and personal integrity.

The Board of Governors' concern for selection criteria comes after the recent resignation, amidst accusations of wrongdoing, of David Lawson, a newly-appointed member of the Southern California Disciplinary Review Committee. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 90; CRLR Vol. 6, No. 4 (Fall 1986) p. 85.)

Enforcement. The Commission recently reviewed its enforcement practices, which have been criticized in the media in past months. The Commission's policy is to investigate complaints from consignors who have not been paid within thirty working days. Non-payment to consignors may result in license revocation. If payment is made after the thirty-day limit, staff may either issue a notice of warning or a fine of up to \$1,000. A notice of warning, rather than a fine, is normally issued for a first violation, so long as the licensee shows that circumstances beyond his/her control caused the late payment. In the past, ten licenses have been revoked and \$90,000 paid to consignors for non-payment and late payment violations.

The Commission's goals and objectives for the future, as stated in its 1985-86 Biennial Report, are as follows: (1) work with the local law enforcement agencies in pursuing criminal prosecution of serious violators of the Auctioneer and Auction Licensing Act; (2) reduce the time required to process claims so that consignors will receive what they are owed in a timely fashion; (3) reduce the time required to process disciplinary actions and revoke licenses of violators before additional consumers

are harmed; (4) reduce the incidence of unlicensed activity occurring in hotels and on fairgrounds by developing networks with both; (5) explore the feasibility of entering into contracts with other agencies to perform investigations of alleged violations.

LEGISLATION:

SB 84 (Boatwright) would eliminate existing laws providing for the regulation of the auction industry by the Auctioneer and Auction Licensing Act (see CRLR Vol. 7, No. 1 (Winter 1987) p. 90 for background information). On January 29, the bill was assigned to the Senate Committee on Business and Professions.

The bill already has had an effect. The Board of Governors, which was considering plans to draft and promote other legislation, believes that support for its own legislative proposals will be difficult to find so long as the Commission's future is in question. Therefore, it does not intend to search for sponsors to introduce legislation this year.

Though it is not clear whether the bill poses a serious threat to the Commission, the Legislative Analyst's Office supports the bill. The Board of Governors opposes SB 84.

SB 288 (Beverly). The Auctioneer and Auction Licensing Act provides that any person who acts as an auctioneer or operates an auction company shall be licensed and regulated by the Auctioneer Commission, with specified exceptions. This bill, introduced February 4, would create another exception. If passed, secured creditors would be exempt from the licensing requirements of the Auctioneer and Auction Licensing Act. The Board of Governors opposes this bill as introduced. On February 12, SB 288 was assigned to the Senate Committee on Business and Professions.

RECENT MEETINGS:

On February 6, the Board of Governors met in Ontario. Although the recovery fund concept was listed on the agenda, the Board spent very little time discussing the idea. A recovery fund would enable the Commission to collectively insure licensees if surety bond premiums become too high. After the Board's November meeting, during which an overwhelming number of auctioneers spoke out against the recovery fund concept (see CRLR Vol. 7, No. 1 (Winter 1987) p. 89), the Board of Governors shifted to other agenda items.

Discussion at the February meeting primarily focused on SB 84 (Boatwright). (See LEGISLATION, *supra*.) Although

the Board opposes SB 84, auctioneers in the audience, without reluctance, expressed dissatisfaction with the Commission and with the Auctioneer and Auction Licensing Act. A common complaint concerned numerous exceptions to the statute which have taken the teeth out of the Act. Licensed auctioneers questioned why certain auctioneers, such as those working at livestock or foreclosure sales, should be exempt from licensing fees and regulation. Audience members seemed to agree that any change could only be an improvement.

The Board of Governors went into closed session to discuss applications for its council of advisors. However, the Board made no selections. Only nine applications were received. The Board will solicit applications again soon and hopes to create a larger applicant pool from which to choose.

Finally, the Board of Governors postponed until its next meeting discussion on the issue of reciprocity with the state of Virginia.

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.

MAJOR PROJECTS:

Defining the Practice of Chiropractic. The Board finally approved proposed language changes to Title 16, California Administrative Code section 302. The changes include the definition of a duly licensed chiropractor as one who holds an unrevoked certificate to practice chiropractic in California. Section 302(a) defines the scope of practice: a duly licensed chiropractor is one who may manipulate and adjust the joints and soft tissues of the human body.

Other amendments to the section define the techniques and services which may and may not be provided by a chiropractor. The section expressly lists numerous permissible techniques, but



adds a proviso that the list is not exhaustive. A chiropractor may not penetrate the tissues of a human being, withdraw blood, or deliver a child. The use of X-ray equipment is also limited under this section. The proposed rule states that a chiropractor may use X-ray equipment for diagnosis only, and not for treatment.

The Board has adopted these proposed changes and submitted them to the Office of Administrative Law for formal review.

LEGISLATION:

SB 147 (Torres) would require every health facility which provides diagnostic evaluation equipment for members of the facility's medical staff to provide these services upon the order or referral of an authorized chiropractor. Under the proposed legislation, wilful or repeated violation of this requirement would be a misdemeanor.

RECENT MEETINGS:

At the January 15 meeting, the Board elected new officers for 1987. Dr. Hemauer is the new chairperson; Dr. McKown is the vice-chair; and Dr. Kauffman is secretary.

At the February 19 meeting, the Board discussed proposed changes to the Relative Value Schedule (RVS). The RVS is a schedule of fees used in workers' compensation cases, and is set by the Department of Industrial Relations (DIR). The DIR proposed a change in fees for overlapping services. Overlapping services are services which can be provided by either a chiropractor or a medical doctor. The fees would be different depending on whether a chiropractor or a medical doctor performed the service, even though the service may be exactly the same.

The Board opposes these changes and believes that because the services are the same the fees should be the same. The Board suggested that the DIR form an ad hoc committee to study the issue.

The Board also discussed the need for a chiropractor to review consumer complaints received by the Board to determine their merit. The chiropractor would be a professional expert who would not be a member of the Board. The Board agreed to the concept of a chiropractic consultant and directed the staff to analyze the costs associated with this proposal.

FUTURE MEETINGS:

May 7 in northern California.
June 11 (location undecided).

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.

CEC consists of five commissioners appointed by the Governor to staggered five-year terms. One commissioner must be a public member. The remaining four are chosen for their experience in engineering, physical science, environmental protection, and administrative law, economics and natural resource management. Each commissioner has a special advisor and supporting staff. The current Commission staff numbers approximately 360.

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.

MAJOR PROJECTS:

Quarterly Oil Report (Third Quarter 1986). The Quarterly Oil Report is the most current update on petroleum fuels market activity, price trends, refinery activities, and exploration and production in California, drafted in December 1986 by the Fossil Fuels Assessment Office and published by the CEC.

The Report sets forth the following statistical data:

-Total crude input to refineries (169,665 barrels) during this quarter was the greatest since 1981.

-Increased demand for petroleum products caused an increase in refinery output by 6%, as compared to third quarter 1985.

-The amount of petroleum fuels supplied to California during this quarter increased by 5.6% (84.1 thousand barrels

per day) over the same period last year.

-The total of all grades of motor gasoline supplied to California increased 4.3% compared to the same period last year. This increase was primarily due to a 9.8% (53.6 thousand barrels per day) increase in unleaded gasoline supplied.

-Electric utility consumption of low sulfur fuel oil was 3.3 times higher than consumption at this time last year.

-Net exports of petroleum fuels from California increased by 2% over the same period last year, reflecting a general increase in exports and decreases in imports of motor gasoline and aviation fuels.

-The average international crude oil price during the quarter was \$11.11 per barrel, down 59.2% from third quarter last year.

-California's posted crude oil price was \$7.92, down 60.8% from last year. Crude oil production declined from a year ago and previous quarter levels in five of six districts, bringing California total production below one million barrels per day for the first time in over three years.

-Third quarter average retail gasoline prices were 76.6 cents for regular leaded; 85.5 cents for regular unleaded; and 102.3 cents for premium unleaded, down 10% to 12.3% depending on grade, from second quarter 1986.

-Third quarter 1986 average retail diesel prices decreased 10.1 cents from second quarter 1986.

-Oil company revenue and net income declined by an average of 30% (\$2.852 billion) and 34.5% (\$125 million) respectively, compared to third quarter last year.

1987 Biennial Report. The CEC is preparing the 1987 Biennial Report, which is the state's principal energy policy and planning document. The Biennial Report is analytically based upon four other CEC documents: the Conservation Report, Electricity Report, Biennial Fuels Report, and Energy Development Report. A draft Biennial Report was made available in early March; the CEC will hold hearing thereafter.

LEGISLATION:

AB 98 (Bradley), introduced on December 10, 1986, would appropriate \$50,000 from the Energy Programs Account in the General Fund for a private independent study to evaluate whether CEC energy standards for new residential and nonresidential buildings are cost effective. Results would be submitted to the legislature no later than December 1988. On February 9, the bill