

BOARD OF CHIROPRACTIC EXAMINERS

RESOLUTION NO. 1-76

In special meeting, duly noticed, held February 19, 1976, at 314 West First Street, Los Angeles, California, the following resolution was duly enacted:

WHEREAS, this BOARD OF CHIROPRACTIC EXAMINERS was created by initiative enactment of the people in the year 1922, to administer the practice of Chiropractic in California through the issuance of certificates and supervision of practitioners and chiropractic schools; and

WHEREAS, this BOARD has had continuous existence since that time; and

WHEREAS, before and during the term of this BOARD's existence, the BOARD OF MEDICAL EXAMINERS and the DEPARTMENT OF CONSUMER AFFAIRS (formerly the Department of Professional and Vocational Standards) have, without pause, been antagonistic to this BOARD and the science of Chiropractic; and

WHEREAS, this BOARD, in 1946 elected, by resolution, to subject itself to administration by the DEPARTMENT OF CONSUMER AFFAIRS, (Then Department of Professional and Vocational Standards) pursuant to B & P Code Sec. 102; and

WHEREAS, as determined by the Attorney General's Opinion attached to this resolution as Exhibit "A" and made a part hereof by this reference, this BOARD has the legal authority to withdraw from the DEPARTMENT OF CONSUMER AFFAIRS; and

WHEREAS, the BOARD OF MEDICAL EXAMINERS, DEPARTMENT OF CONSUMER AFFAIRS, and the ATTORNEY GENERAL, have, without pause, supported the partisan activities of the BOARD OF MEDICAL EXAMINERS, siding with that BOARD on every legal question, interpretation and contest between that BOARD and this, requiring this BOARD to retain private counsel to enforce its positions and the positions of Chiropractic practitioners generally; and

WHEREAS, in present legal matters the DEPARTMENT OF CONSUMER AFFAIRS and the ATTORNEY GENERAL continue to align themselves against this BOARD, again requiring this BOARD to retain private counsel to protect its position; and

WHEREAS, the DEPARTMENT OF CONSUMER AFFAIRS and the ATTORNEY GENERAL take the position, despite clear conflict of interests between this BOARD and the BOARD OF MEDICAL EXAMINERS, that this BOARD may not retain private counsel, despite the authority of this BOARD to do so under the Chiropractic Act of California, an initiative measure, Section 4 thereof, without limiting conditions or restrictions, thus barring this BOARD's counsel from compensation; and

WHEREAS, the prospect of the continuation of these conflicts with the BOARD OF MEDICAL EXAMINERS, the DEPARTMENT OF CONSUMER AFFAIRS and the ATTORNEY GENERAL require that this BOARD be able to retain private counsel, without limiting conditions or restrictions, to protect its positions in court, before the Legislature and before the Governor of this state, and to be able to receive legal advice which is honorable and ethical and not provided by counsel subjected to supervision or control of any state agency also represented by the ATTORNEY GENERAL; and to avoid the ATTORNEY GENERAL's continuing conflict of interest and clear bias and prejudice;

NOW THEREFORE IT IS RESOLVED:

1. That this BOARD revokes, rescinds, and cancels its prior action, under B & P Code Sec. 102, and now does remove itself, withdraw, and declare its independence from the DEPARTMENT OF CONSUMER AFFAIRS:
2. That this BOARD will at all times in the future maintain an entirely autonomous position, free of control by the ATTORNEY GENERAL and the DEPARTMENT OF CONSUMER AFFAIRS or any other agency or department of the State of California;
3. That private counsel, previously retained by this BOARD, is by this resolution authorized to:
  - a. bring suit against any appropriate state agency or agencies to enforce this BOARD's statutory power to select counsel and to decide his compensation, and
  - b. to represent this BOARD in any appropriate action necessary to defend its autonomous position under the initiative measure of 1922.
4. That this resolution shall become effective on the 1st day of March 1976;

BE IT FURTHER RESOLVED that the President of the Board is empowered to execute all documents on behalf of the BOARD in order to carry out the intent and purpose of this resolution.

Cynthia C. Preiss, Jr.

[Signature]

Jaime de Heras Jr

Ray H. Zuehlke, C.