

ENDORSED FILED
SUPERIOR COURT
COUNTY OF SAN FRANCISCO

NOV 12 2003

GORDON PARK-LI, Clerk

BY: _____
Deputy Clerk

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California Board of Chiropractic Examiners
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8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SAN FRANCISCO
10

11 LAURENCE TAIN, D.C., DONALD NIELSEN, D.C.,
ROBERT BITTERS, D.C., STEPHANIE
12 WATTENBERG, D.C., and LORI PRESCOTT, D.C.,

13 Plaintiffs and Petitioners,

14 vs.

15 STATE BOARD OF CHIROPRACTIC EXAMINERS,
CALIFORNIA ACUPUNCTURE BOARD,
16 COUNCIL ON CHIROPRACTIC EDUCATION,
and DOES 1 to 20,

17 Defendants and Respondents.
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Case No. CGC-03-419378

**DECLARATION
OF JEANINE SMITH
IN SUPPORT OF DEFENDANT
AND RESPONDENT
BOARD OF CHIROPRACTIC
EXAMINERS' MOTION FOR
SUMMARY JUDGMENT OR,
IN THE ALTERNATIVE,
SUMMARY ADJUDICATION**

Date: January 28, 2004
Time: 2:00 p.m.
Department: 502

19 I, Jeanine Smith, declare as follows:

20 1. I am the Executive Director of the California State Board of Chiropractic
21 Examiners ("Board"): I have served in that position since March, 2000. As Executive Director
22 of the Board, I am responsible for the administration of the Board's statutory licensure and
23 enforcement activities. I am thoroughly familiar with all aspects of those activities including,
24 but not limited to, the Board's interpretation and enforcement of its regulations concerning
25 those activities. I am also the custodian of the Board's records including, but not limited to,
26 its licensing and enforcement records.

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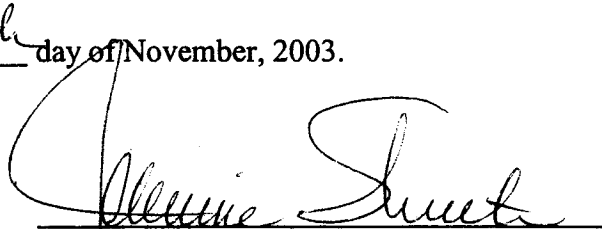
28 1.

COPY

1 6. Should Rule 302 be declared illegal by the court, or should the court order
 2 the Board to promulgate new, further or additional regulations in the above indicated areas of
 3 candidates' admission to the Board's licensure procedures, examination for licensure, provision
 4 of approved curricula including permissive elective courses, and utilization of the accrediting
 5 function of the CCE, or in other areas, the Board will be faced with additional financial burdens
 6 of presently unknowable, but large, dimensions which will, with certainty, negatively impact
 7 the ability of the Board to fulfill its previously existing statutory responsibilities.

8 7. Should the Board be forced to abandon its reliance on the accrediting decisions
 9 of the CCE, the absence of national standards for chiropractic programs and the promulgation,
 10 administration and enforcement of California-only program standards will entail not only
 11 significant financial and other resource outlay, but will also make interfacing with other State
 12 and federal chiropractic regulatory programs more difficult, time-consuming, and costly.

13 I declare under penalty of perjury under the laws of the State of California that the
 14 foregoing is true and correct, and that this declaration was executed in Sacramento, Sacramento
 15 County, California on the 5th day of November, 2003.



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 18 JEANINE SMITH
 Executive Director

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 20 Board of Chiropractic Examiners

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 28 3.

PROOF OF SERVICE

Page 1 of 2

CASE NAME: Laurence Tain, D.C., et al., v. State Board of Chiropractic Examiners, et al.**CASE NO.:** CGC-03-419378 in the Superior Court of California, County of San Francisco

I am employed in the County of Alameda, California. I am over the age of 18 years and not a party to the within entitled cause; my business address is 1515 Clay Street, 20th Floor, Oakland, California 94612-1413. On November 12, 2003, I served the following document(s):

**DECLARATION OF JEANINE SMITH IN SUPPORT OF
DEFENDANT AND RESPONDENT BOARD OF CHIROPRACTIC EXAMINERS'
MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE,
SUMMARY ADJUDICATION**

on the parties through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below for service as designated below:

- (A) **By First Class Mail:** I caused each such envelope to be placed in the internal mail collection system at the Office of the Attorney General with first-class postage thereon fully prepaid in a sealed envelope, for deposit in the United States Postal Service that same day in the ordinary course of business.
- (B) **By Certified Mail:** I caused each such envelope to be placed in the internal mail collection system at the Office of the Attorney General with first-class postage thereon fully prepaid in a sealed envelope, for deposit in the United States Postal Service that same day in the ordinary course of business.
- (C) **By Overnight Mail:** I caused each such envelope to be placed in a box or other facility regularly maintained by the express service carrier, or delivered to an authorized courier or driver authorized by the express service carrier to receive documents, in an envelope or package designated by the express service carrier with delivery fees paid or provided for.
- (D) **By Messenger Service:** I caused each such envelope to be delivered by a courier, with whom we have a direct billing account, who personally delivered each such envelope to the office of the address on the date last written below.
- (E) **By Facsimile:** I caused each such document to be served via facsimile electronic equipment transmission (fax) on the parties in this action by transmitting a true copy to the following fax numbers listed under each addressee below.
- (F) **By E-mail:** I caused each such document to be served via electronic equipment transmission (E-mail) on the parties in this action by transmitting a true copy to the following E-mail addresses listed under each addressee below.

