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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

STATE BOARD OF AUCTIONEER EXAMINERS

TIME: 9:00 a.m.

BOARD ROOM C

One Penn Center

2601 North Third Street

Harrisburg, Pennsylvania 17110

Monday, May 14, 2018

State Board of Auctioneer Examiners
May 14, 2018

BOARD MEMBERS:

Sherman E. Hostetter Jr., Chairman
Ian J. Harlow, Commissioner of Professional and
Occupational Affairs - Absent
Gerald A. Rader, Professional Member
Nevin B. Rentzel, Professional Member
Daniel A. Trace, Professional Member
Heather M. Troutman, Consumer Protection Agent

BUREAU PERSONNEL:

Kenneth Suter, Esquire, Board Counsel
Ray Michalowski, Esquire, Board Prosecution
Liaison
Thomas Blackburn, Esquire, Senior Counsel-in-Charge
Terrie Kocher, Board Administrator
Kimberly A. Mattis, Director, Bureau of Finance and
Operations
Kim Adams, Chief, Division of Fiscal Management,
Bureau of Finance and Operations

ALSO PRESENT:

George A. Michak, Esquire, PA Auctioneers Association

1 ***

2 State Board of Auctioneer Examiners

3 May 14, 2018

4 ***

5 The regularly scheduled meeting of the State
6 Board of Auctioneer Examiners was held on Monday, May
7 14, 2018. Sherman E. Hostetter Jr., Chairman, called
8 the meeting to order at 9:00 a.m. A moment of silence
9 was held. Roll call was taken. A quorum was noted to
10 be present.

11 ***

12 Approval of Minutes of the March 12, 2018 meeting
13 [The Board discussed corrections to the Minutes.]

14 CHAIRMAN HOSTETTER:

15 I'll entertain a motion and then we'll
16 have some discussion.

17 MR. TRACE:

18 I make a motion we accept the minutes.

19 CHAIRMAN HOSTETTER:

20 Okay. We have a motion. Do I hear a
21 second?

22 MR. RENTZEL:

23 Second.

24 CHAIRMAN HOSTETTER:

25 Any discussion, anything that you saw

1 needed changed or added or delete?

2 Hearing none, all those in favor,
3 signify by saying aye? Those opposed,
4 same sign?

5 [The motion carried unanimously.]

6 ***

7 Report of Board Prosecution - No Report.

8 ***

9 Report of Board Counsel

10 [Kenneth Suter, Esquire, noted matters for
11 deliberation during Executive Session.

12 Mr. Suter referred Board members to the Schedule
13 of Civil Penalties, 16A-648, for further discussion on
14 changes to Act 48, which is the citation process
15 regulation; changes to the regulations as a result of
16 Act 88 Amendments; and changes in the application fees
17 in relation to the Bureau of Finance and Operations
18 presentation later in the meeting.

19 Mr. Suter discussed suggested section changes to
20 the Schedule of Civil Penalties, 16A-648. Board
21 members were welcome to offer comments and suggestions
22 for further discussion at the next Board meeting.

23 Mr. Suter explained the next step would be to
24 provide the public with the opportunity to comment and
25 provide feedback on an exposure draft.]

1 MR. TRACE:

2 I'll make a motion to adopt this as the
3 Board's exposure draft for the Citation
4 Schedule.

5 MR. RADER:

6 Second.

7 CHAIRMAN HOSTETTER:

8 We have a motion and a second. Any other
9 discussion? Hearing none, all those in
10 favor signify by saying aye? Those
11 opposed same sign.

12 [The motion carried unanimously.]

13 ***

14 Report of Board Prosecution

15 [Kenneth Suter, Esquire, Board Counsel, and Ray
16 Michalowski, Board Prosecutor, reviewed several
17 provisions of Act 6 of 2018, which are applicable for
18 all Boards.

19 Mr. Suter noted the first provision directs the
20 Commissioner to establish an expungement process for
21 disciplinary action to become a part of the formal
22 record. He stated the second provision requires
23 licensees to report any disciplinary action within 30
24 days in another jurisdiction.

25 Mr. Suter stated the third provision relates to

1 the immediate temporary suspensions. He read Section
2 3.1(a) into the record as follows: A licensing Board
3 or Commission may temporarily suspend a license,
4 certificate, registration or permit under
5 circumstances as determined by the Board or Commission
6 to be an immediate and clear danger to public health
7 and safety. The licensing Board or Commission shall
8 issue an order to that effect without a hearing, but
9 upon due notice to the licensee concerned at the
10 licensee's last known address, which shall include a
11 written statement of all allegations against the
12 licensee. After issuing the order, the licensing
13 Board or Commission shall commence formal action to
14 suspend, revoke or restrict the license, certificate,
15 registration or permit of the person concerned as
16 otherwise provided for by law.

17 Mr. Michalowski discussed the formation of a
18 Probable Cause Screening committee, which is a
19 committee composed of at least one member and one
20 alternate delegated by the Board to act on its behalf
21 to review cases with the Board Prosecutor. Mr.
22 Michalowski discussed the protocol going forward.

23 The Board will further discuss the nominees for
24 the committee during Executive Session.]

25

1 Report of Board Counsel (Continued)

2 [Kenneth Suter, Esquire, Board Counsel, referred
3 members to 16A-6410, Act 88 Amendments for further
4 language discussion of the prescribed course of study
5 for Group A and Group B schools as well as additional
6 sections of Act 88 to be addressed. There was
7 discussion related to changes to the citation level
8 offenses.

9 Mr. Suter suggested the inclusion of a provision
10 notifying the Board of a change of address or the sale
11 of an auction company within 10 or 15 days. Criteria
12 for out-of-state auctioneers was also discussed.]

13 ***

14 [The Board recessed from 10:45 a.m. until 10:50 a.m.]

15 ***

16 Appointment - Bureau of Finance and Operations

17 Presentation

18 [Kimberly A. Mattis, Director, Bureau of Finance and
19 Operations, and Kim Adams, Chief, Division of Fiscal
20 Management, Bureau of Finance and Operations, provided
21 a financial report packet for the Board's review for
22 discussion on the Board's expenses, revenues and
23 balances, license population, applications and fees.
24 Fee increases and renewal options will be discussed
25 further at the next meeting in July.]

1 ***

2 Report of Board Counsel (Continued)

3 [Kenneth Suter, Esquire, Board Counsel, discussed the
4 licensing of trading assistants.

5 Mr. Michak noted that in 2016 the Board was given
6 authority to set the registration renewals for trading
7 assistants. He further discussed Section 1.25 of the
8 old Act, which concerned partnerships, associations
9 and corporations; Section 1.26, which refers to
10 applications for auction house and auction company
11 licenses; and Section 1.35, which relates to
12 applications for auctioneer licenses for partnerships,
13 associations or corporations.

14 There was discussion regarding the auctioneer
15 license application fee.]

16 ***

17 Report of Board Administrator

18 [Terrie Kocher, Board Administrator, noted the Case
19 Status Report and Active License Counts added to the
20 agenda.]

21 ***

22 New Business

23 [Chairman Hostetter stated the National Auctioneers
24 Association Convention will be held in Jacksonville,
25 Florida, from July 17 to July 21, 2018.]

1 MR. TRACE:

2 I'll make a motion to send Sherman
3 Hostetter to the National Auctioneers
4 Association Convention.

5 MR. RADER:

6 I'll second.

7 CHAIRMAN HOSTETTER:

8 Any discussion on the motion? Hearing
9 none, all those in favor signify by
10 saying aye? Opposed?

11 [The motion carried unanimously.]

12 ***

13 [Pursuant to Section 708(a)(5) of the Sunshine Act,
14 the Board entered into Executive Session with Kenneth
15 Suter, Esquire, at 12:03 p.m. for the purpose of
16 conducting quasi-judicial deliberations on matters
17 that are currently pending before the Board. The
18 Board returned to open session at 1:03 p.m.]

19 ***

20 MOTIONS

21 MR. SUTER:

22 The Board just completed Executive
23 Session. The purpose of the Executive
24 Session was to discuss Item No. 3 on the
25 agenda, which is the Briscoe case, a

1 Motion to Deem Facts Admitted and
2 potential Adjudication and Order; and
3 Item No. 4 on the agenda, which is the
4 Pletcher case, File No. 16-64-08258.

5 We discussed Item No. 8 on the
6 agenda, which is the Gilmore case, File
7 No. 17-64-12494; Item No. 9, which is
8 the Bauer litigation the Board is
9 involved in; and to determine who would
10 want to serve on a Probable Cause
11 Screening Committee pursuant to Act 6 of
12 2018 as Item No. 10 on the agenda.

13 The purpose in general was for
14 quasi-judicial deliberations on these
15 matters.

16 As a result of the Executive
17 Session, I would suggest to adopt a
18 Motion to Deem Facts Admitted in File
19 No. 16-64-12830.

20 MR. RADER:

21 So moved.

22 CHAIRMAN HOSTETTER:

23 We have a motion? Do I hear a second?

24 MS. TROUTMAN:

25 Second.

1 CHAIRMAN HOSTETTER:

2 Motion and a second. Any discussion on
3 the motion?

4 Hearing no discussion, all those
5 in favor of the motion, signify by
6 saying aye? Those opposed, same sign?

7 [The motion carried unanimously. The Respondent's
8 name is William Briscoe.]

9 ***

10 MR. SUTER:

11 Next, I would suggest a motion to adopt
12 the Adjudication and Order for the
13 Pletcher file, No. 4 on the agenda, File
14 No. 16-64-08258.

15 MR. TRACE:

16 So moved.

17 CHAIRMAN HOSTETTER:

18 We have a motion. Do I hear a second?

19 MR. RENTZEL:

20 Second.

21 CHAIRMAN HOSTETTER:

22 Any discussion on the motion?

23 Hearing no discussion, all those
24 in favor of the motion, signify by
25 saying aye? Those opposed, same sign?

1 [The motion carried unanimously.]

2 ***

3 MR. SUTER:

4 Item No. 8 on the agenda, the Gilmore
5 file, File No. 17-64-12494, I would
6 suggest a motion to table this matter.

7 MR. TRACE:

8 So moved.

9 MR. RADER:

10 Second.

11 CHAIRMAN HOSTETTER:

12 We have a motion and a second to table
13 the Gilmore matter. Any discussion?

14 All those in favor, signify by
15 saying aye? Those opposed, same sign?

16 [The motion carried unanimously.]

17 ***

18 MR. SUTER:

19 And Mr. Chairman, I believe a member of
20 the Board would like to make a motion
21 regarding Item No. 10 on the agenda, Act
22 6 of 2018.

23 MR. RENTZEL:

24 I make a motion to appoint Heather
25 Troutman as Probable Cause Screening

1 Committee pursuant to Act No. 6 of 2018
2 with Dan Trace as being the alternate.

3 CHAIRMAN HOSTETTER:

4 We have a motion, do I hear a second?

5 MR. RADER:

6 Second.

7 CHAIRMAN HOSTETTER:

8 We have a motion and a second. Any
9 discussion? Hearing none, all those in
10 favor of the motion signify by saying
11 aye? Those opposed, same sign?

12 [The motion carried unanimously.]

13 ***

14 Miscellaneous

15 [Chairman Hostetter noted that Mr. Rentzel will not be
16 present at the July 2018 meeting.]

17 ***

18 Adjournment

19 CHAIRMAN HOSTETTER:

20 I'll entertain a motion to adjourn.

21 MR. RADER:

22 So moved.

23 CHAIRMAN HOSTETTER:

24 I'll second. All those in favor,
25 signify by saying aye? Those opposed,

1 same sign?

2 [The motion carried unanimously.]

3 ***

4 [There being no further business, the State Board of
5 Auctioneer Examiners meeting adjourned at 1:09 p.m.]

6 ***

7

8 CERTIFICATE

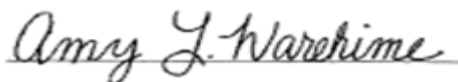
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10 I hereby certify that the foregoing summary
11 minutes of the State Board of Auctioneer Examiners
12 meeting, was reduced to writing by me or under my
13 supervision, and that the minutes accurately summarize
14 the substance of the State Board of Auctioneer
15 Examiners meeting.

16

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19

Amy L. Warehime,

20

Minute Clerk

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Sargent's Court Reporting

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Service, Inc.

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STATE BOARD OF AUCTIONEER EXAMINERS
REFERENCE INDEX
May 14, 2018

	TIME	AGENDA
1		
2		
3		
4		
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6		
7	9:00	Official Call to Order
8		
9	9:00	Roll Call
10		
11	9:01	Approval of Minutes
12		
13	9:02	Report of Board Counsel
14		
15	9:47	Report of Board Prosecution
16		
17	10:35	Report of Board Counsel (Continued)
18		
19	10:45	Recess
20	10:50	Return to Open Session
21		
22	10:50	Appointment - Bureau of Finance and Operations Presentation
23		
24		
25	11:35	Report of Board Counsel (Continued)
26		
27	11:56	Report of Board Administrator
28		
29	12:00	New Business
30		
31	12:03	Executive Session
32	1:03	Return to Open Session
33		
34	1:06	Motions
35		
36	1:09	Miscellaneous
37		
38	1:09	Adjournment
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