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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: 9:02 a.m.

Board Room C
One Penn Center
2601 North Third Street
Harrisburg, Pennsylvania 17110

Monday, January 6, 2020

1 State Board of Auctioneer Examiners
2 January 6, 2020
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5 BOARD MEMBERS:
6

7 Nevin B. Rentzel, Chairman, Professional Member
8 Sherman E. Hostetter Jr., Professional Member
9 Theodore Stauffer, Executive Assistant, on behalf of
10 K. Kalonji Johnson, Acting Commissioner, Bureau
11 of Professional and Occupational Affairs
12 Gerald A. Rader, Professional Member
13 Daniel A. Trace, Secretary, Professional Member -
14 Absent
15 Heather M. Troutman, Consumer Protection Agent
16
17

18 BUREAU PERSONNEL:
19

20 Kenneth J. Suter, Esquire, Board Counsel
21 J. Karl Geschwindt, Esquire, Board Prosecution Liaison
22 Terrie Kocher, Board Administrator
23 Marc Farrell, Deputy Policy Director, Department of
24 State
25 Kimberly Adams, Chief of Fiscal Management, Bureau of
26 Finance and Operations
27 Amanda Richards, Bureau of Finance and Operations
28

29 ALSO PRESENT:
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31 George A. Michak, Esquire, Pennsylvania Auctioneers
32 Association
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1 ***

2 State Board of Auctioneer Examiners

3 January 6, 2020

4 ***

5 The regularly scheduled meeting of the State
6 Board of Auctioneer Examiners was held on Monday,
7 January 6, 2020. Nevin B. Rentzel, Chairman,
8 Professional Member, called the meeting to order at
9 9:02 a.m.

10 ***

11 Moment of Silence

12 [Chairman Rentzel asked for a moment of silence.]

13 ***

14 Roll Call

15 [Chairman Rentzel requested a roll call.]

16 ***

17 Introduction of Audience

18 [Chairman Rentzel requested the introduction of
19 audience members in attendance.]

20 ***

21 Approval of minutes of the November 4, 2019 meeting.

22 CHAIRMAN RENTZEL:

23 Do I hear a motion to accept the Minutes
24 as printed?

25 MR. HOSTETTER:

1 So moved.

2 MR. RADER:

3 Second.

4 CHAIRMAN RENTZEL:

5 Any discussion? All those in favor give
6 their consent by saying aye? Opposed?

7 [The motion carried unanimously.]

8 ***

9 Appointment - Budget and Finance (BFO)-FY 2019-2020

10 Auctioneer Complete Budget

11 [Kimberly Adams, Chief of Fiscal Management, and
12 Amanda Richards, Bureau of Finance and Operations,
13 presented before the Board for discussion of the
14 Board's 2019-2020 Budget. Included in the discussion
15 were statistics regarding licensee counts which to
16 date totaled 2,357, a decline of 369 licensees from FY
17 2015-2016. FY2017-2018 and FY2018-2019 Sources of
18 Revenues were discussed. Ms. Adams noted that 97.3
19 percent of incoming revenue was the result of renewals
20 and applications. She noted the renewal increase
21 projected for 2020-2021.

22 Ms. Adams referred members to the Expense Sheet
23 for further discussion of expenses up through FY 2020-
24 2021. She stated halfway through the fiscal year the
25 revenue was sufficient. Total revenues and total

1 expenses for FY 2020-2021 was a negative figure, but
2 the fee increase in 2020 would bring that figure to a
3 positive balance.

4 Board member expense categories were noted. Ms.
5 Adams noted the current budget for 2019-2020, which
6 she suggested should be increased. Current Board
7 expenses total to date was also noted. Board members
8 had questions.

9 Mr. Suter explained that the Governor's Office
10 had been moving the fee increase regulation in order
11 to get through in a timely fashion. He noted that
12 IRRC reviews the budget more from the perspective of
13 justifying the need for a fee increase rather than
14 questioning why the money was spent.]

15 ***

16 Report of Board Prosecution - No Report.

17 ***

18 Report of Board Counsel

19 [Chairman Rentzel stated the four Applications for
20 Review would be discussed during Executive Session.]

21 ***

22 Regulations

23 Act 41 of 2019

24 Licensure by Endorsement Under Act 41

25 [Kenneth Suter, Esquire, Board Counsel, explained Act

1 41 is the licensure by endorsement regulation. He
2 referred Board members to Act 41 for further
3 discussion of the proposed legislation. Mr. Suter
4 explained that Section B under Act 41 had not been
5 discussed previously. He stated the Board may require
6 an applicant to appear before it for a personal
7 interview. He also explained the regulation as it
8 pertains to the Provisional Endorsement License.

9 Mr. Suter requested that Board members consider
10 the comments addressed in a letter from George Michak
11 as Counsel for the Auctioneers Association (PAA). Mr.
12 Michak was present to discuss concerns listed in that
13 letter. He noted the most significant concern related
14 to residency and entry into Pennsylvania by military
15 spouses and others locating here and creating an
16 easier route for them to become licensed. He stated
17 one risk in terms of not having a residency
18 requirement was the ability to facilitate licensure
19 through endorsement in the Commonwealth by those who
20 were not moving into the Commonwealth and thus not
21 satisfying the purpose of Act 41, which he noted would
22 mean less control of these licenses by this Board.

23 Mr. Michak commented that under the reciprocity
24 rules with respect to Act 41, that if someone comes
25 into Pennsylvania through reciprocity, even if coming

1 here from a state where auctioneers cannot sell real
2 estate, they can sell real estate in Pennsylvania. He
3 asked the Board to consider whether those individuals
4 would have the same skills, qualifications and
5 backgrounds commensurate with auctioneers in
6 Pennsylvania. Mr. Michak noted that the Pennsylvania
7 Auctioneers Association and the lobbyists for the PAA
8 were pleased to participate in the regulation process.
9 There were questions and comments regarding the
10 matter.

11 Marc Farrell, Deputy Policy Director, commented
12 that other Boards look at Act 41 as a vehicle for
13 allowing others out of state to practice in
14 Pennsylvania via electronic means, and that the
15 overall goal was to make it easier for providers to be
16 able to conduct business in Pennsylvania regardless of
17 their residence.

18 Mr. Suter stated all of the concerns were valid,
19 but he was not sure how to address the concerns within
20 the context of Act 41.

21 Mr. Michak commented that the purpose of the Act
22 was consumer protection and how well the Pennsylvania
23 consumers were being protected, and whether the Board
24 under Act 41 was facilitating that goal or somehow
25 putting that in jeopardy. There was additional

1 discussion.

2 Mr. Geschwindt explained that effecting service
3 on a licensee who lived outside the country would be
4 difficult. From a legal standpoint, there would be a
5 problem with the privileges immunities clause if
6 differentiating between residents and nonresidents
7 with regard to reciprocity or endorsement.

8 Mr. Suter commented it would be premature to vote
9 on the matter. He would review the residency matter.
10 He suggested that the Board further discuss and make a
11 decision on the matter at the next meeting.]

12 ***

13 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
14 10:04 a.m. the Board entered into Executive Session
15 with Kenneth J. Suter, Esquire, Board Counsel, for the
16 purpose of conducting quasi-judicial deliberations on
17 matters that are currently pending before the Board.
18 The Board returned to open session at 11:55 a.m.]

19 ***

20 Report of Board Counsel

21 Applications for Review

22 MOTIONS

23 MR. SUTER:

24 The Board was in Executive Session to
25 discuss pending litigation as well as

1 Items 3, 4, 5 and 6 on the agenda which
2 are all applications submitted to the
3 Board, they're all applications through
4 reciprocity.

5 As a result of the discussions in
6 Executive Session, I understand the Board
7 will entertain some motions.

8 The first motion being Item 3 on
9 the agenda, which is the Reciprocal
10 Application of Jeffrey Rill. And I
11 understand the Board will entertain a
12 motion to provisionally deny this
13 license.

14 CHAIRMAN RENTZEL:

15 Do I hear a motion to provisionally deny?

16 MR. RADER:

17 So moved.

18 CHAIRMAN RENTZEL:

19 Is there a second?

20 MR. HOSTETTER:

21 Second.

22 CHAIRMAN RENTZEL:

23 All those in favor give their consent by
24 saying aye? Opposed?

25 [The motion carried unanimously.]

1 ***

2 MR. SUTER:

3 The next matter for consideration is Item
4 No. 4 on the agenda. Once again, this is
5 a reciprocal application for Matthew
6 Newsome. And I understand the Board will
7 entertain a motion to approve the
8 application in this case.

9 MR. HOSTETTER:

10 So moved.

11 CHAIRMAN RENTZEL:

12 We have a motion made. Do I hear a
13 second?

14 MS. TROUTMAN:

15 Second.

16 CHAIRMAN RENTZEL:

17 All those in favor give their consent by
18 saying aye? Opposed?

19 [The motion carried unanimously.]

20 ***

21 MR. SUTER:

22 The next matter for consideration is Item
23 No. 5 on the agenda. It's a reciprocal
24 application for Debra Burns. And I
25 understand the motion is to approve the

1 application in this case.

2 CHAIRMAN RENTZEL:

3 Do I hear a motion for that?

4 MR. RADER:

5 So moved.

6 MR. HOSTETTER:

7 Second.

8 CHAIRMAN RENTZEL:

9 All those in favor give their consent by
10 saying aye? Opposed?

11 [The motion carried unanimously.]

12 ***

13 MR. SUTER:

14 And the last motion is again for a
15 reciprocity application of Jacob
16 Bernstein. And I understand the motion
17 would be to table the application at this
18 time directing your Board Administrator
19 to send a discrepancy letter.

20 CHAIRMAN RENTZEL:

21 Do I hear a motion to that effect?

22 MR. RADER:

23 So moved.

24 CHAIRMAN RENTZEL:

25 Second?

1 MS. TROUTMAN:

2 Second.

3 CHAIRMAN RENTZEL:

4 All those in favor give their consent by
5 saying aye? Opposed?

6 [The motion carried unanimously.]

7 ***

8 Report of Board Chairman - No Report.

9 ***

10 Report of Commissioner

11 [Theodore Stauffer, Executive Assistant, on behalf of
12 K. Kalonji Johnson, Acting Commissioner, Bureau of
13 Professional and Occupational Affairs, noted changes
14 to the travel policy Commonwealth wide. He stated
15 allowances would be by calendar day instead of 24-hour
16 period, that certain miscellaneous expenses are now
17 limited to \$85, and that the adtrav website will no
18 longer be accessible. Mr. Stauffer stated all Board
19 members would be receiving a memo regarding these
20 matters.]

21 ***

22 Report of Board Administrator

23 [Terrie Kocher, Board Administrator, referred members
24 to the 2021 proposed Board meeting dates for review.]

25 CHAIRMAN RENTZEL:

1 Do I hear a motion to adopt the proposed
2 meeting dates for 2021?

3 MR. HOSTETTER:

4 So moved.

5 CHAIRMAN RENTZEL:

6 Second?

7 MR. RADER:

8 Second.

9 CHAIRMAN RENTZEL:

10 All in favor give their consent by saying
11 aye? Opposed?

12 [The motion carried unanimously.]

13 ***

14 Miscellaneous

15 [Mr. Hostetter invited everyone to the PAA Convention
16 and the bid calling contest at the upcoming
17 Pennsylvania Farm Show and auction.]

18 ***

19 Adjournment

20 CHAIRMAN RENTZEL:

21 Do I hear a motion to adjourn?

22 MR. HOSTETTER:

23 So moved.

24 MS. TROUTMAN:

25 Second.

1 CHAIRMAN RENTZEL:

2 All those in favor give their consent by
3 saying aye? Opposed?

4 [The motion carried unanimously.]

5 ***

6 [There being no further business, the State Board of
7 Auctioneer Examiners Meeting adjourned at 12:07 p.m.]

8 ***

9

10 CERTIFICATE

11

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

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19



20

Derek Richmond,

21

Minute Clerk

22

Sargent's Court Reporting

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Service, Inc.

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STATE BOARD OF AUCTIONEER EXAMINERS
REFERENCE INDEX

January 6, 2020

| TIME | AGENDA |
|-------|---|
| 9:02 | Official Call to Order/Roll Call |
| 9:03 | Introduction of Audience Members |
| 9:03 | Approval of Minutes |
| 9:04 | Appointment - Kimberly Adams, Chief of Fiscal Management, Bureau of Finance and Operations, Complete Budget |
| 9:20 | Report of Board Counsel - Regulations |
| 10:05 | Executive Session |
| 11:55 | Return to Open Session |
| 11:55 | Motions |
| 11:58 | Report of Commissioner |
| 12:01 | Report of Board Administrator |
| 12:05 | Miscellaneous |
| 12:07 | Adjournment |