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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: 9:03 a.m.

BOARD ROOM B

One Penn Center

2601 North Third Street

Harrisburg, Pennsylvania 17110

Monday, July 8, 2019

State Board of Auctioneer Examiners
July 8, 2019

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BOARD MEMBERS:

- Nevin B. Rentzel, Chairman, Professional Member
- Sherman E. Hostetter Jr., Professional Member
- K. Kalonji Johnson, Acting Commissioner, Bureau of Professional and Occupational Affairs - Absent
- Gerald A. Rader, Professional Member
- Daniel A. Trace, Secretary, Professional Member
- Heather M. Troutman, Consumer Protection Agent

BUREAU PERSONNEL:

- Kenneth J. Suter, Esquire, Board Counsel
- J. Karl Geschwindt, Esquire, Board Prosecution Liaison
- Carolyn A. DeLaurentis, Deputy Chief Counsel, Prosecution Division
- Steven A. Mimm, Esquire, Board Prosecutor
- Terrie Kocher, Board Administrator

ALSO PRESENT:

- James L. Goldsmith, Esquire, Mette, Evans, & Woodside

1 ***

2 State Board of Auctioneer Examiners

3 July 8, 2019

4 ***

5 The regularly scheduled meeting of the State
6 Board of Auctioneer Examiners was held on Monday,
7 July 8, 2019. Nevin B. Rentzel, Chairman,
8 Professional Member, called the meeting to order at
9 9:03 a.m.

10 ***

11 Introduction of Audience

12 [Chairman Rentzel requested a moment of silence. He
13 also requested the introduction of the audience in
14 attendance.]

15 ***

16 Approval of minutes of the March 11, 2019 meeting

17 CHAIRMAN RENTZEL:

18 We have all been emailed the minutes
19 from our last meeting.

20 [The Board discussed corrections to the minutes.]

21 CHAIRMAN RENTZEL:

22 Do I have a motion, otherwise, to accept
23 the minutes?

24 MR. RADER:

25 So moved.

1 MR. HOSTETTER:

2 Second.

3 CHAIRMAN RENTZEL:

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

6 [The motion carried unanimously.]

7 ***

8 Prosecution Division Presentation

9 [Carolyn A. DeLaurentis, Esquire, Deputy Chief
10 Counsel, Prosecution Division, introduced herself and
11 provided a brief summary of her professional
12 background.

13 Ms. DeLaurentis addressed the prosecution
14 division statistics for the Auctioneer Board, noting
15 51 open cases for FY 2018-2019 and 73 open cases as of
16 July 1, 2019.

17 Ms. DeLaurentis discussed statistics on
18 enforcement actions during the FY 2018-2019, where 19
19 warning letters were distributed, 1 revocation, 2
20 suspensions, various administrative closings and other
21 closings.

22 Ms. DeLaurentis addressed immediate temporary
23 suspensions, where a license can be immediately
24 removed if there is immediate danger to the health and
25 safety of the public.

1 Ms. DeLaurentis stated there were 11,359 open
2 cases in general. She noted 1,500 more cases than the
3 year before. The staff is working on a balance of
4 managing the workload upon arrival.

5 Ms. DeLaurentis mentioned the Pennsylvania
6 Justice Network (JNET) for all of the Boards and
7 licensees in the Commonwealth that notifies the
8 prosecution division of arrests, convictions, and
9 sentences on a case. She noted that two
10 administrative assistants process the information
11 received in a queue, which is distributed to the
12 appropriate Boards.

13 Ms. DeLaurentis stated the prosecution division
14 receives e-Alerts upon convictions and sentencing,
15 because an arrest is not an actionable event for the
16 Board unless there is a requirement for an immediate
17 temporary suspension. She commented that the division
18 is more focused on convictions.

19 Ms. DeLaurentis explained warning letters as a
20 reminder to a licensee of the statutes that apply to
21 their licenses.

22 Ms. DeLaurentis addressed the Office of General
23 Counsel's Mediation Program, where a neutral mediator
24 works with both sides to reach an agreement at no
25 cost. She noted the program to be optional and both

1 sides must agree to the mediation.

2 Ms. DeLaurentis introduced J. Karl Geschwindt,
3 Esquire, as the new Board prosecution liaison. Mr.
4 Geschwindt provided a brief summary of his
5 professional background.]

6 ***

7 Report of Board Counsel

8 [Nevin B. Rentzel, Chairman, Professional Member,
9 noted an application hearing at 10:00 a.m. He also
10 noted the auctioneer reciprocity application for
11 discussion during Executive Session.

12 Mr. Suter, Esquire, Board Counsel, reviewed the
13 Bureau of Professional and Occupational Affairs
14 Recusal Guidelines and the need for Board member
15 recusal to avoid any potential conflict or appearance
16 of conflict.

17 Mr. Suter provided an overview of mandatory,
18 strongly suggested, discretionary, and uncertain areas
19 for the Board.

20 Mr. Suter also provided guidelines regarding the
21 Pennsylvania Sunshine Act for the Board's review. He
22 commented that agenda items are advertised for the
23 public's participation in order to hear the
24 developments of the Board. He stated the meetings are
25 open except for Executive Session.

1 Mr. Suter discussed exceptions to the Sunshine
2 Act that include seeking legal advice, consent
3 agreements, and personnel issues that are to be
4 discussed in Executive Session. He noted that
5 official actions of the Board must be voted on in
6 public.

7 Chairman Rentzel noted agenda items 4, 5, 6, 9,
8 and 10 for discussion during executive session.]

9 ***
10 Report of Board Chairman - No Report

11 ***
12 Report of Acting Commissioner - No Report

13 ***
14 Miscellaneous

15 [Terrie Kocher, Board Administrator, noted the
16 remaining upcoming 2019 meeting dates for the Board's
17 review.]

18 ***
19 Report of Board Administrator
20 [Terrie Kocher, Board Administrator, informed those
21 who received a notice for workplace training that the
22 personal email received to check pa.gov was to advise
23 the member that the training was not mandatory.

24 Ms. Kocher addressed appointments, noting that
25 she had not received any updates.

1 Mr. Suter discussed obtaining background checks
2 on appointments and receiving notifications right
3 before the matter goes to the Senate for confirmation.

4 Ms. Kocher and Board members discussed terms and
5 reappointments.]

6 ***
7 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
8 9:28 a.m. the Board entered into Executive Session
9 with Kenneth J. Suter, Esquire, Board Counsel, for the
10 purpose of conducting quasi-judicial deliberations on
11 matters that are currently pending before the Board.
12 The Board returned to open session at 10:03 a.m.]

13 ***
14 [A formal hearing was held from 10:03 a.m. until
15 11:04 a.m. in the matter of the Application for
16 Licensure to Practice Auctioneering for David Weiss,
17 Case No. 19-64-002945.]

18 ***
19 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
20 11:04 a.m. the Board entered into Executive Session
21 with Kenneth J. Suter, Esquire, Board Counsel, for the
22 purpose of conducting quasi-judicial deliberations on
23 matters that are currently pending before the Board.
24 The Board returned to open session at 12:34 p.m.]

25 ***

1 MR. HOSTETTER:

2 Second.

3 CHAIRMAN RENTZEL:

4 Any discussion of the question? All
5 those in favor of the provisional
6 denial, consent by saying aye. Opposed?

7 [The motion carried unanimously.]

8 ***

9 MR. SUTER:

10 Item No. 4 on the agenda. As a result
11 of discussions in executive session, I
12 understand the Board will entertain a
13 motion directing your Board counsel to
14 draft and send a letter to Jason Nielsen
15 from Harrisburg Area Community College
16 informing him that nothing specifically
17 precludes online auctioneer education.

18 CHAIRMAN RENTZEL:

19 Is there a motion to that fact?

20 MS. TROUTMAN:

21 So moved.

22 CHAIRMAN RENTZEL:

23 Second?

24 MR. TRACE:

25 Second.

1 CHAIRMAN RENTZEL:

2 Any discussion of the question? All
3 those in favor, give their consent by
4 saying aye. Opposed?

5 [The motion carried unanimously.]

6 ***

7 MR. SUTER:

8 Item No. 6 on the agenda. As a result
9 of discussions in executive session, I
10 understand the Board will entertain a
11 motion directing your Board counsel and
12 Board administrator to issue a letter
13 consistent with the Board's decision
14 regarding Robert Sherwood Stewart III.

15 CHAIRMAN RENTZEL:

16 Do I hear a motion?

17 MR. TRACE:

18 So moved.

19 CHAIRMAN RENTZEL:

20 Second to the motion?

21 MS. TROUTMAN:

22 Second.

23 CHAIRMAN RENTZEL:

24 Any further discussion? All those in
25 favor, give their consent by saying aye.

1 Opposed?

2 [The motion carried unanimously.]

3 ***

4 MR. SUTER:

5 Item No. 9 on the agenda. As a result
6 of discussions in executive session, I
7 understand that the Board is directing
8 your Board counsel to issue an order
9 delegating this matter to a hearing
10 examiner for a proposed Adjudication and
11 Order at File No. 18-64-007473, Michael
12 L. Goepfert.

13 CHAIRMAN RENTZEL:

14 Do I hear a motion?

15 MR. RADER:

16 So moved.

17 CHAIRMAN RENTZEL:

18 Second to the motion?

19 MR. TRACE:

20 Second.

21 CHAIRMAN RENTZEL:

22 Any discussion? All those in favor,
23 give their consent by saying aye.

24 Opposed?

25 [The motion carried unanimously.]

1 ***

2 MR. SUTER:

3 Item No. 10 on the agenda. As a result
4 of discussions in executive session, I
5 understand that you will be entertaining
6 a motion directing your Board counsel to
7 schedule a hearing before the Board in
8 due course.

9 CHAIRMAN RENTZEL:

10 Do I hear a motion?

11 MR. RADER:

12 So moved.

13 MR. HOSTETTER:

14 Second.

15 CHAIRMAN RENTZEL:

16 Motion has been made and seconded. Any
17 further discussion? All those in favor,
18 give their consent by saying aye.

19 Opposed?

20 [The motion carried unanimously.]

21 ***

22 [Nevin B. Rentzel, Chairman, Professional Member,
23 noted that the next scheduled Board meeting is Monday,
24 September 9 at 9:00.]

25 ***

1 Adjournment

2 CHAIRMAN RENTZEL:

3 Do I hear a motion to adjourn?

4 MR. HOSTETTER:

5 So moved.

6 CHAIRMAN RENTZEL:

7 Do I hear a second?

8 MS. TROUTMAN:

9 Second.

10 CHAIRMAN RENTZEL:

11 All in favor?

12 [The motion carried unanimously.]

13 ***

14 [There being no further business, the State Board of
15 Auctioneer Examiners Meeting adjourned at 12:40 p.m.]

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CERTIFICATE

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



Amber Garbinski,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF AUCTIONEER EXAMINERS
REFERENCE INDEX

July 8, 2019

TIME	AGENDA
9:03	Official Call to Order
9:04	Introduction of Audience
9:05	Approval of Minutes
9:05	Appointment - Carolyn A. DeLaurentis,
9:14	Deputy Chief Counsel, Prosecution
	Division Presentation
9:20	Report of Board Counsel
9:24	Miscellaneous
9:25	Report of Board Administrator
9:28	Executive Session
10:03	Return to Open Session
10:03	Formal Hearing - David Weiss
11:04	
11:04	Executive Session
12:34	Return to Open Session
12:34	Motions
12:40	Adjournment