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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  
VIA TELECONFERENCE**

TIME: 10:31 a.m.

Monday, November 9, 2020

State Board of Auctioneer Examiners  
November 9, 2020

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BOARD MEMBERS:

Nevin B. Rentzel, Chairman, Professional Member  
Sherman E. Hostetter Jr., Professional Member  
K. Kalonji Johnson, 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  
Terrie Kocher, Board Administrator  
Theodore Stauffer, Executive Secretary, Bureau of  
Professional and Occupational Affairs

1 \*\*\*

2 State Board of Auctioneer Examiners

3 November 9, 2020

4 \*\*\*

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
6 10:00 a.m. the Board entered into Executive Session  
7 with Kenneth J. Suter, Esquire, Board Counsel, for the  
8 purpose of conducting quasi-judicial deliberations on  
9 matters that are currently pending before the Board.

10 The Board returned to open session at 10:30 a.m.]

11 \*\*\*

12 The regularly scheduled meeting of the State  
13 Board of Auctioneer Examiners was held on Monday,  
14 November 9, 2020. Nevin B. Rentzel, Chairman,  
15 Professional Member, called the meeting to order at  
16 10:31 a.m.

17 \*\*\*

18 Moment of Silence

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

20 \*\*\*

21 Roll Call

22 [Chairman Rentzel requested roll call be taken.]

23 \*\*\*

24 [Theodore Stauffer, Executive Secretary, Bureau of  
25 Professional and Occupational Affairs, announced that

1 the meeting was being recorded, and those who remained  
2 on the line were giving their consent to being  
3 recorded.]

4 \*\*\*

5 Approval of minutes of the September 14, 2020 meeting

6 CHAIRMAN RENTZEL:

7 Do I hear a motion to accept the minutes  
8 as presented?

9 MR. HOSTETTER:

10 So moved.

11 MR. RADER:

12 Second.

13 CHAIRMAN RENTZEL:

14 All those in favor give their consent by  
15 saying aye.

16 [The motion carried unanimously.]

17 \*\*\*

18 Report of Board Counsel

19 [Kenneth J. Suter, Esquire, Board Counsel, noted the  
20 Board met in Executive Session prior to the meeting to  
21 discuss items 4 and 5 on the agenda.]

22 \*\*\*

23 MR. SUTER:

24 As a result of the Executive Session, I  
25 understand the Board will entertain a

1 motion to issue a provisional denial for  
2 the Apprentice Auctioneer Application of  
3 William Naugle.

4 MR. TRACE:

5 I make the motion.

6 CHAIRMAN RENTZEL:

7 The motion has been made. Do I hear a  
8 second?

9 MR. RADER:

10 Second.

11 CHAIRMAN RENTZEL:

12 Any further discussion? If there is no  
13 further discussion, all those in favor  
14 of accepting the provisional denial give  
15 their consent by saying aye.

16 [The motion carried unanimously.]

17 \*\*\*

18 MR. SUTER:

19 The motion I understand the Board will  
20 entertain is to adopt the Immediate  
21 Temporary Suspension Blanket Delegation  
22 Order at Item No. 5 on the agenda.

23 CHAIRMAN RENTZEL:

24 Do I hear a motion to that affect?

25 MR. RADER:

1 I make the motion.

2 CHAIRMAN RENTZEL:

3 Is there a second?

4 MR. TRACE:

5 Second.

6 CHAIRMAN RENTZEL:

7 Any discussion? All those in favor give  
8 their consent by saying aye.

9 [The motion carried unanimously.]

10 \*\*\*

11 Report of Board Chairman

12 [Nevin B. Rentzel, Chairman, Professional Member,  
13 addressed the prior request from Pearson VUE asking  
14 professional members to review questions for testing  
15 administrators. He noted completion of the review and  
16 suggested a meeting with the testing organization to  
17 recommend additional questions. He also noted very  
18 little about internet options and requested that  
19 testing was current to today's business climate.

20 Mr. Hostetter also mentioned the need for social  
21 media-type marketing.

22 Ms. Kocher will schedule a meeting with Pearson  
23 VUE the day before or after the next Board meeting to  
24 ensure everyone is available.

25 Chair Rentzel requested an update or summary of

1 cases at the next meeting.

2 Carolyn A. DeLaurentis, Esquire, Deputy Chief  
3 Counsel, Prosecution Division, agreed to provide  
4 updates at the January meeting.

5 Chairman Rentzel reminded everyone to renew their  
6 license in February.]

7 \*\*\*

8 Report of Commissioner - No Report

9 \*\*\*

10 Report of Board Administrator

11 [Terrie Kocher, Board Administrator, announced the  
12 2021 Pennsylvania Auctioneering Association Annual  
13 Conference will be held in May.]

14 \*\*\*

15 MR. RADER:

16 I make the motion to have Board members  
17 Dan Trace and Sherm Hostetter attend the  
18 PAA Conference and go as Board members.

19 CHAIR RENTZEL:

20 I'll second that motion. The motion was  
21 made and seconded.

22 [The motion carried unanimously.]

23 \*\*\*

24 Report of Board Administrator - Election of Officers

25 MR. SUTER:

1 I am opening it up for nominations for  
2 chairperson.

3 MR. HOSTETTER:

4 I nominate Nevin.

5 MR. TRACE:

6 Second.

7 MR. SUTER:

8 Are there any other nominations for  
9 chairperson?

10 Does somebody want to make a motion  
11 to close nominations?

12 MR. HOSTETTER:

13 I make that motion.

14 MS. TROUTMAN:

15 Second.

16 MR. SUTER:

17 All those in favor as Nevin Rentzel for  
18 chairperson signify by saying aye.

19 Nays? Abstentions?

20 [The motion carried unanimously.]

21 \*\*\*

22 CHAIR HOSTETTER:

23 Do I hear any nominations for secretary?

24 MR. RADER:

25 Dan Trace.



1 MR. HOSTETTER:

2                               Second.

3 CHAIR RENTZEL:

4                               Gerald Rader and seconded by Sherm  
5                               Hostetter. Are there any other  
6                               nominations for Board secretary?

7                                       Do I hear a motion to close the  
8                               nominations?

9 MR. HOSTETTER:

10                               So moved.

11 MR. RADER:

12                               Second.

13 CHAIR RENTZEL:

14                               All those in favor of Dan Trace being  
15                               elected to secretary of the Board give  
16                               their consent by saying aye.

17 [The motion carried unanimously.]

18   \*\*\*

19 Report of Board Administrator

20 [Terrie Kocher, Board Administrator, noted proposed  
21 2022 meeting dates for Board approval at the January  
22 meeting.]

23   \*\*\*

24 Appointment - Act 53 of 2020 List of Relevant Crimes  
25                               Presentation

1 [Cynthia K. Montgomery, Esquire, Deputy Chief Counsel,  
2 Department of State, presented to the Board to address  
3 the draft list of relevant offenses under Act 53 of  
4 2020. She described Act 53 as criminal history reform  
5 to how boards utilize criminal history in licensure  
6 determinations.

7 Ms. Montgomery referred to § 3117 of Act 53, where  
8 Commissioner Johnson has the duty and power to publish  
9 the lists of crimes that may constitute grounds to  
10 refuse to issue, suspend, or revoke a license after  
11 consultation with the licensing boards and  
12 representatives of the business community with  
13 knowledge of the profession.

14 Ms. Montgomery stated the list was curated by  
15 Board counsel working with the prosecution division to  
16 identify crimes directly related to the auctioneering  
17 profession and provided a definition of "directly  
18 related." She noted the goal of Board counsel and  
19 prosecution was to create a list of criminal  
20 convictions that would implicate public safety.

21 Ms. Montgomery addressed rebuttable presumption,  
22 where individuals convicted of crimes on the list of  
23 offenses directly related to the profession would pose  
24 a substantial risk to the health and safety of their  
25 clients or the public or a substantial risk of further

1 criminal convictions. She mentioned the applicant or  
2 licensee would have to demonstrate they do not pose  
3 such a risk.

4 Ms. Montgomery referred to criteria in § 3113 of  
5 Act 53 for the Board could use to evaluate whether the  
6 individual poses such a risk set forth in 3113(c)  
7 regarding the time lapses since the offense, maturity  
8 since the offense, and amount of offenses. She stated  
9 the lists are published and becomes part of a best  
10 practices guide to provide information concerning how  
11 the boards will consider criminal history record  
12 information and the effect of the crime.

13 Ms. Montgomery referred to § 3117 of Act 53, where  
14 the list is to be used for preparing a preliminary  
15 determination of an individual considering the  
16 auctioneering field and applying up front for a  
17 preliminary determination as to whether their criminal  
18 conviction may be an impediment to licensure.

19 Ms. Montgomery explained that a crime being on  
20 the list did not mean a bar to licensure, but the  
21 individual would need to demonstrate why they do not  
22 pose a significant risk to their clients, public, or  
23 further criminal convictions. She also noted crimes  
24 not on the list is not a free pass to get a license  
25 but means there is no rebuttable presumption, and the

1 duty would be on the Board through prosecution to  
2 demonstrate why the individual does pose a risk.

3 Ms. Montgomery referred to § 3113(e) regarding  
4 acts of violence, where an individual convicted of a  
5 crime of violence may be granted a license if at least  
6 3 years from incarceration or 3 years from imposition  
7 of the sentence have elapsed, the individual has  
8 remained conviction-free, and demonstrates significant  
9 rehabilitation.

10 Ms. Montgomery noted receiving a letter from the  
11 Pennsylvania Auctioneers Association (PAA) after the  
12 list was sent to interested parties and stakeholders.

13 Mr. Suter stated PAA had no comment other than to  
14 support the schedule as drafted.

15 Mr. Hostetter referred to § 39.27 concerning  
16 failure to make the required disposition, noting it to  
17 also be where funds are put and not comingling and  
18 questioned whether there should be something  
19 additional to address that or if the license law  
20 enough.

21 Ms. Montgomery explained that this is regarding  
22 criminal convictions, and all other violations of the  
23 statute or regulations are still on the table and could  
24 be charged and proved by the commonwealth, where the  
25 Board could refuse to issue a license.

1 Mr. Suter further explained that he looked at  
2 criminal convictions where adjudications and orders  
3 were issued. He noted what Mr. Hostetter was  
4 addressing is a violation of the Board act but not  
5 necessarily a criminal conviction.

6 Chair Rentzel questioned when the list will be  
7 submitted and recognized to be part of the law.

8 Ms. Montgomery stated Commissioner Johnson is  
9 required to promulgate the list as a regulation, and  
10 it will be available for use as of December 27 when  
11 Act 53 goes into effect. She noted the statute  
12 requires the list to be published as proposed within  
13 120 days of the effective date of Act 53 and then  
14 published as final rulemaking within 2 years.

15 Mr. Suter stated the Board will be using the list  
16 at the end of December, but the Board will be seeing  
17 the list again through the regulatory process.

18 Mr. Hostetter expressed concern of not seeing  
19 anything pertaining to real estate, which is an asset  
20 class handled by auctioneers, and questioned whether  
21 anything should be added to address the real estate  
22 aspect.

23 Ms. Montgomery commented that offenses involving  
24 real estate is usually something like financial  
25 institution crimes and are often the theft offenses.

1 She referred to the Real Estate Commission's list,  
2 noting basically the same list of crimes as the Board  
3 with noting specific to real estate.

4 Mr. Hostetter asked Mr. Suter to research real  
5 estate and environmental issues. He stated there are  
6 all kinds of things pertaining to environmental  
7 situations that would be some type of a criminal  
8 aspect if it was not properly handled.

9 Ms. Montgomery explained that the absence of  
10 anything from the list did not mean it would not come  
11 before the Board but offered to consider the issue.  
12 She emphasized that the list is really for  
13 transparency purposes to inform the public of crimes  
14 the Board considers directly related to their  
15 profession.

16 Mr. Geschwindt commented that the prosecution  
17 division reviewed the law and requested crimes of  
18 violence also be put on the offenses directly related  
19 to the profession.

20 Mr. Suter was unsure whether counsel had the same  
21 perspective as the prosecution division.

22 Ms. Montgomery referred to § 3113(e), where an  
23 individual convicted of a crime of violence may be  
24 granted a license by a licensing board if all of the  
25 following apply and believed the prosecution division

1 raises concern that it applied only to applicants that  
2 are seeking licensure. She believed the Act is a  
3 procedural act telling the boards how to evaluate  
4 criminal history record information.

5 Ms. Montgomery referred to § 3117, where the lists  
6 are to be used in making preliminary determinations  
7 and determining which convictions may result in  
8 discipline and determining whether a conviction may  
9 result in refusing to issue a license, certificate,  
10 registration, or permit. She commented that  
11 prosecution could still bring a case against an  
12 individual convicted of a crime of violence as defined  
13 in this act.

14 Mr. Suter further explained that not all crimes  
15 of violence are necessarily directly related to the  
16 profession of auctioneering and did not prohibit the  
17 prosecution from bringing a crime and relating it to  
18 the profession, but if it was on the list and all  
19 crimes of violence were directly related to the  
20 profession, there would be a presumption that it was  
21 related without having to prove that the crime of  
22 violence was related to the profession of  
23 auctioneering.

24 Chair Rentzel congratulated Mr. Suter and  
25 prosecution for the comprehensive list to inform those

1 convicted of these crimes to not apply unless they  
2 have grounds to defend their conviction.

3 Ms. Montgomery requested the Board approve the  
4 list as drafted for publication at the end of the year  
5 and then to be promulgated as proposed rulemaking.]

6 \*\*\*

7 CHAIR RENTZEL:

8 Would anyone like to make a motion to  
9 adopt the list as presented?

10 MR. RADER:

11 I make that motion.

12 CHAIR RENTZEL:

13 Motion made by Gerald Rader.

14 MR. TRACE:

15 I'll second it.

16 CHAIRMAN RENTZEL:

17 Seconded by Dan Trace. Any discussion?

18 All in favor give their consent by

19 saying aye. Opposed?

20 [The motion carried unanimously.]

21 \*\*\*

22 [Nevin B. Rentzel, Chairman, Professional Member,  
23 addressed the appointment on the agenda for Steve  
24 Latanishen, Director of Intergovernmental Affairs, at  
25 11:35 a.m., noting Mr. Latanishen did not appear for



1 the meeting again. He suggested Mr. Latanishen  
2 present an update regarding Board member  
3 vacancies/appointments via email.

4 Ms. Kocher will contact Mr. Latanishen and  
5 request a report for the Board via email since he has  
6 been unable to attend the meetings.

7 Mr. Suter requested Mr. Latanishen be made aware  
8 of the Board's plan to read his letter at the next  
9 Board meeting.]

10 \*\*\*

11 Miscellaneous

12 [Terrie Kocher, Board Administrator, noted 2021 Board  
13 meeting dates.]

14 \*\*\*

15 Adjournment

16 CHAIRMAN RENTZEL:

17 Would anyone like to make the motion to  
18 adjourn?

19 MR. TRACE:

20 So moved.

21 MR. RADER:

22 Second.

23 CHAIRMAN RENTZEL:

24 Seconded by Gerald. All those in favor  
25 of adjournment give their consent by

1 saying aye.

2 [The motion carried unanimously.]

3 \*\*\*

4 [There being no further business, the State Board of  
5 Auctioneer Examiners Meeting adjourned at 11:33 a.m.]

6 \*\*\*

7

8 CERTIFICATE

9

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 Auctioneers  
15 meeting.

16

17

18



19

Evan Bingaman,

20

Minute Clerk

21

Sargent's Court Reporting

22

Service, Inc.

23

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25

26

STATE BOARD OF AUCTIONEER EXAMINERS  
REFERENCE INDEX

November 9, 2020

## TIME

## AGENDA

10:00	Executive Session
10:30	Return to Open Session
10:31	Official Call to Order
10:32	Roll Call
10:32	Approval of Minutes
10:34	Report of Board Counsel
10:42	Report of Board Administrator
10:50	Appointment - Act 53 of 2020 List of Relevant Crimes Presentation
11:32	Miscellaneous
11:33	Adjournment