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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: 9:01 a.m.

BOARD ROOM B

One Penn Center

2601 North Third Street

Harrisburg, Pennsylvania 17110

Monday, November 4, 2019

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State Board of Auctioneer Examiners
November 4, 2019

BOARD MEMBERS:

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

Andrew LaFratte, MPA, Policy Office, Department of
State

ALSO PRESENT:

Sara Simon, Spotlight PA

1 ***

2 State Board of Auctioneer Examiners

3 November 4, 2019

4 ***

5 The regularly scheduled meeting of the State
6 Board of Auctioneer Examiners was held on Monday,
7 November 4, 2019. Nevin B. Rentzel, Chairman,
8 Professional Member, called the meeting to order at
9 9:00 a.m. Roll call was taken.

10 ***

11 Moment of Silence

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

13 ***

14 Approval of minutes of the September 9, 2019 meeting

15 CHAIRMAN RENTZEL:

16 You all have the minutes of our last
17 meeting before you.

18 Do I have a motion to accept them?

19 MR. RADER:

20 So moved.

21 MR. HOSTETTER:

22 Second.

23 CHAIRMAN RENTZEL:

24 Any discussion? No corrections. All
25 those in favor of accepting the minutes,

1 say aye. Opposed?

2 [The motion carried unanimously.]

3 ***

4 Report of Prosecutorial Division - No Report

5 ***

6 Report of Board Counsel

7 [Kenneth J. Suter, Esquire, Board Counsel, noted two
8 applications, an Adjudication and Order, a Notice of
9 Intent, and an update on the Bauer litigation for
10 discussion in Executive Session.]

11 ***

12 Report of Board Chairman - No Report

13 ***

14 Report of Acting Commissioner

15 [Theodore Stauffer, Executive Assistant, on behalf of
16 K. Kalonji Johnson, Acting Commissioner, outlined the
17 new security and hours for the Penn Center Complex.]

18 ***

19 Report of Board Administrator

20 [Terrie Kocher, Board Administrator, discussed Board
21 member attendance at the PAA conference scheduled for
22 January 7 - 10, 2020.

23 Chairman Rentzel discussed changing the Board's
24 January meeting date. Ms. Kocher will check the
25 calendar for available dates.]

1 CHAIRMAN RENTZEL:

2 I make a motion for the approval of the
3 registration and rooms for Board members
4 Hostetter and Trace to attend the 2020
5 PAA conference.

6 MR. TRACE:

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 Introduction of Audience

14 [Chairman Rentzel requested the introduction of
15 audience members in attendance.]

16 ***

17 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
18 9:11 a.m. the Board entered into Executive Session
19 with Kenneth J. Suter, Esquire, Board Counsel, for the
20 purpose of conducting quasi-judicial deliberations on
21 matters that are currently pending before the Board.
22 The Board returned to open session at 11:21 a.m.]

23 ***

24 MOTIONS

25 MR. SUTER:

1 The Board was in Executive Session. The
2 purpose of the Executive Session was to
3 discuss Items 2, 3, 4, 5, and 7 on the
4 Board agenda. As a result of the
5 Executive Session, I understand the
6 Board will entertain some motions.

7 The first motion is for Item No. 2
8 on the agenda. This is an application
9 for an auctioneer license by Tumblelekis.
10 I understand that the motion that the
11 Board will entertain is for a
12 provisional denial of this application.

13 CHAIRMAN RENTZEL:

14 Do I hear a motion to that effect?

15 MR. RADER:

16 So moved.

17 CHAIRMAN RENTZEL:

18 Second?

19 MR. TRACE:

20 Second.

21 CHAIRMAN RENTZEL:

22 Any discussion? All those in favor of a
23 provisional denial, give their consent
24 by saying aye. Opposed?

25 [The motion carried unanimously.]

1 ***

2 MR. SUTER:

3 The next item is Item No. 3 on the
4 agenda. This is also an application for
5 an auctioneer license by Newsom. I
6 understand the Board will be
7 entertaining a motion to direct their
8 Board Administrator to obtain additional
9 information regarding this application.

10 CHAIRMAN RENTZEL:

11 Do I hear a motion to that effect?

12 MR. HOSTETTER:

13 So moved.

14 CHAIRMAN RENTZEL:

15 Second?

16 MS. TROUTMAN:

17 Second.

18 CHAIRMAN RENTZEL:

19 Any discussion? All those in favor,
20 give their consent by saying aye.

21 Opposed?

22 [The motion carried unanimously.]

23 ***

24 MR. SUTER:

25 The next item for consideration by a

1 motion is Item No. 4. It is a final
2 Adjudication and Order for the Weiss
3 case, File No. 19-64-002945. I
4 understand the Board will entertain a
5 motion directing your Board Counsel to
6 issue the final Adjudication and Order
7 in this case.

8 CHAIRMAN RENTZEL:

9 Do I hear a motion to that effect?

10 MR. RADER:

11 So moved.

12 CHAIRMAN RENTZEL:

13 Second?

14 MR. HOSTETTER:

15 Second.

16 CHAIRMAN RENTZEL:

17 Any discussion? All those in favor,
18 give their consent by saying aye.

19 Opposed?

20 [The motion carried unanimously.]

21 ***

22 MR. SUTER:

23 The next item is Item No. 5. It is
24 Goepfert, File No. 18-64-007473. I
25 understand the Board will entertain a

1 motion directing your Board Counsel to
2 redraft this proposed Adjudication and
3 Order.

4 CHAIRMAN RENTZEL:

5 Do I hear a motion to that effect?

6 MR. TRACE:

7 So moved.

8 CHAIRMAN RENTZEL:

9 Second?

10 MS. TROUTMAN:

11 Second.

12 CHAIRMAN RENTZEL:

13 Any discussion? All those in favor,
14 give their consent by saying aye.

15 Opposed?

16 [The motion carried unanimously.]

17 ***

18 Report of Board Counsel (Continued)

19 [Kenneth J. Suter, Esquire, Board Counsel, discussed
20 reciprocity and the difficulties with comparing one
21 jurisdiction's provisions for auctioneers with
22 another. He specifically cited the three provisions
23 for reciprocity in Section 12 of the Act.

24 Mr. Suter noted an increased frequency of
25 applications for reciprocity being received by the

1 Board. He stressed the importance of the Board being
2 consistent in its determinations on these
3 applications.

4 Chairman Rentzel stated the Board follows the
5 standards as in Section 12 (a) (3) in its
6 determinations on reciprocity, specifically with
7 regard to time, experience, a license, and an
8 examination comparable to Pennsylvania. Mr. Hostetter
9 reiterated the need to confirm the four areas as
10 outlined by the Chairman.

11 Mr. Suter noted an amendment to the Act in 2016.
12 He recognized prior reciprocal agreements with other
13 states. The current Act requires the Board to analyze
14 the applications prior to its determination. Mr.
15 Suter stated the Board needed to set guidelines by
16 which it will make its determinations in the future.

17 Mr. Rader noted that since 2016 the Board has
18 discussed each application as a group in order to make
19 its determination.]

20

21 [Mr. Suter stated Item No. 7 on the agenda, Bauer
22 Litigation Update, was discussed in Executive
23 Session.]

24

25 Miscellaneous

1 [Nevin B. Rentzel, Chairman, Professional Member,
2 noted the next Board meeting date on Monday, January
3 6, 2020, at 9:00 a.m.]

4 ***

5 New Business

6 [Terrie Kocher, Board Administrator, discussed the
7 receipt of emails regarding an application to
8 reschedule the examination for a third time and a
9 reciprocal application. Mr. Hostetter inquired as to
10 the policy regarding such emails.

11 Ms. Kocher stated such requests would go before
12 the committee for decision. She provided additional
13 information regarding the request to retake the
14 examination. Chairman Rentzel outlined the practice
15 and recommendations of the Board to allow for the
16 retaking of the examination. The Board further
17 discussed the request by Daniel F. King to retake the
18 auctioneer examination.]

19 MR. HOSTETTER:

20 I'll make the motion to approve the
21 request.

22 CHAIRMAN RENTZEL:

23 The motion before us is that he be
24 allowed to sit for the exam a third
25 time.

1 Do we have a second to that?

2 MR. TRACE:

3 I'll second it.

4 CHAIRMAN RENTZEL:

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

7 [The motion carried unanimously.]

8 ***

9 [Ms. Kocher noted the reciprocal application for
10 further discussion and decision by the Board at a
11 later time.]

12 ***

13 Adjournment

14 CHAIRMAN RENTZEL:

15 Do I hear a motion to adjourn?

16 MR. HOSTETTER:

17 So moved.

18 MR. TRACE:

19 Second.

20 CHAIRMAN RENTZEL:

21 All those in favor, give their consent
22 by saying aye.

23 [The motion carried unanimously.]

24 ***

25 [There being no further business, the State Board of

1 Auctioneer Examiners Meeting adjourned at 2:15 p.m.]

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CERTIFICATE

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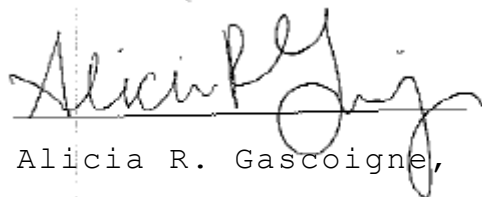
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Alicia R. Gascoigne,
Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF AUCTIONEER EXAMINERS
REFERENCE INDEX

November 4, 2019

TIME	AGENDA
9:00	Official Call to Order
9:01	Roll Call
9:02	Approval of Minutes
9:03	Report of Board Counsel
9:04	Report of Board Chair
9:04	Report of Commissioner
9:05	Report of Board Administrator
9:11	Executive Session
11:21	Return to Open Session
11:21	Motions
11:25	Report of Board Counsel (Continued)
11:32	Miscellaneous
11:34	New Business
11:39	Adjournment