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

D R A F T 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

November 13, 2017

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State Board of Auctioneer Examiners
November 13, 2017

BOARD MEMBERS:

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

BUREAU PERSONNEL:

Thomas Blackburn, Esquire, Senior Counsel in Charge
Ray Michalowski, Esquire, Board Prosecution Liaison
Julia Feld-Caralle, Esquire, Board Prosecutor
Steven A. Mimm, Esquire, Board Prosecutor
Terrie Kocher, Board Administrator

ALSO PRESENT:

George A. Michak, Esquire, PA Auctioneers Association

1 ***

2 State Board of Auctioneer Examiners

3 November 13, 2017

4 ***

5 The regularly scheduled meeting of the State
6 Board of Auctioneer Examiners was held on Monday,
7 November 13, 2017. Sherman E. Hostetter Jr.,
8 Chairman, called the meeting to order at 9:02 a.m.
9 Roll call was taken followed by a moment of silence.
10 A quorum was noted to be present.

11 ***

12 Approval of Minutes of the September 11, 2017 meeting

13 CHAIRMAN HOSTETTER:

14 There were some things on there that we
15 need to address. Anybody want to make
16 the motion, and we'll get a second and
17 then we'll discuss it.

18 MR. TRACE:

19 I'll make a motion to approve the
20 Minutes.

21 MR. RADER:

22 I will second.

23 [The Board discussed corrections to the Minutes.]

24 CHAIRMAN HOSTETTER:

25 We have a motion and a second. All

1 those in favor of the motion, signify by
2 saying aye. Those opposed, same sign.

3 [The motion carried unanimously.]

4 ***

5 Report of Board Counsel

6 [Thomas Blackburn, Esquire, Senior Counsel in Charge,

7 Report of Board Prosecution, noted a matter for oral
8 argument before the Board. He noted the withdrawal of
9 File No. 13-64-09313.]

10 ***

11 Report of Board Prosecution

12 [Julia Feld-Caralle, Esquire, Board Prosecutor,
13 presented Consent Agreements for File No. 15-64-02161
14 and File No. 11-64-09973.]

15 ***

16 Report of Board Counsel (Continued)

17 [Thomas Blackburn, Esquire, Senior Counsel in Charge,
18 announced that Kenneth Suter, Esquire, will be Board
19 Counsel for this meeting. Due to a prior commitment,
20 Mr. Suter was unable to attend this meeting.

21 Mr. Blackburn noted the Status of Cases report
22 for the Board's review and noted the impact of last
23 year's amendments to the Practice Act. Mr. Blackburn
24 will discuss possible amendments to regulations later
25 in the public session.]

1 ***

2 Introduction of Audience

3 {Chairman Hostetter requested the introduction of
4 audience in attendance.]

5 ***

6 Appointments

7 [George A. Michak, Esquire, Counsel for Respondent,
8 Louis A. Bimatre, and Steven A. Mimm, Esquire, Board
9 Prosecutor, presented for oral argument regarding File
10 No. 12-64-00147 from 9:15 a.m. until 10:05 a.m.]

11 ***

12 Report of Commissioner

13 [Ian J. Harlow, Commissioner of Professional and
14 Occupational Affairs, updated the Board regarding new
15 appointments and reappointments.]

16 Commissioner Harlow noted that the PALS project,
17 was "on time and on budget".

18 Commissioner Harlow discussed the Executive Order
19 relating to Pennsylvania's licensure requirements as
20 compared to the 49 other jurisdictions. He stated the
21 focus will be on the ten most populous states,
22 including northeastern states. Commissioner Harlow
23 stated a report would be completed within 180 days and
24 presented to the Board and the Governor for
25 recommendations or changes.]

1 ***

2 Report of Board Administrator

3 [Terrie Kocher, Board Administrator, informed the
4 Board that the meeting scheduled for November 12,
5 2018, was Veterans Day and would need to be changed.
6 November 5, 2018 and November 26, 2018 were discussed
7 as options to consider.

8 Ms. Kocher discussed the need for registration
9 forms from Board members planning to attend the
10 Pennsylvania Auctioneers Association Conference from
11 January 9, 2018, through January 12, 2018.

12 Ms. Kocher noted an Auctioneer Examination
13 Application for discussion during Executive Session.]

14 ***

15 Miscellaneous

16 Next Meeting Dates

17 [Board members discussed the 2018 Board meeting dates.
18 Ms. Kocher will check the availability of January 9,
19 2018, and January 12, 2018, as possible meeting
20 dates.]

21 ***

22 For the Board's Information - No Report

23 ***

24 New Business

25 2018 Election

1 [Nominations were accepted for Chairman and
2 Secretary.]

3 MR. TRACE:

4 I'll nominate Chairman Hostetter for
5 Chair.

6 MS. TROUTMAN:

7 I'll second.

8 CHAIRMAN HOSTETTER:

9 We need a nomination for Secretary.

10 MR. RENTZEL:

11 I'll nominate Gerry Rader.

12 MR. TRACE:

13 I'll second that.

14 MR. BLACKBURN:

15 We've had a nomination of Mr. Hostetter
16 to be Chairman again next year and also
17 an additional nomination of Mr. Rader to
18 be the Board Secretary next year. Are
19 there any other nominations?

20 Seeing none, then we should go ahead
21 and vote for those. All those in favor?

22 Any opposed?

23 [The motion carried unanimously for Mr. Hostetter as
24 Chairman and Mr. Rader as Secretary for 2018.]

25

1 Report of Board Chair

2 [Chairman Hostetter has discussion with regard to
3 information received from the World Wide College of
4 Auctioneering and Reppert School of Auctioning.]

5 ***

6 [The Board recessed from 10:34 a.m. until 10:39 a.m.]

7 ***

8 [Pursuant to Section 708(a)(5) of the Sunshine Act,
9 the Board entered into Executive Session with Thomas
10 Blackburn, Esquire, at 10:39 a.m. for the purpose of
11 conducting quasi-judicial deliberations on matters
12 about which the Board is about to vote. The Board
13 returned to open session at 11:53 a.m.]

14 ***

15 MOTIONS

16 MR. BLACKBURN:

17 The Board's now back in Public Session.
18 While in Executive Session, we conducted
19 quasi-judicial deliberations in the
20 following matters: The Consent
21 Agreements presented this morning at
22 File Nos. 15-64-02161 and 11-64-09973;
23 the Citation issued to Louis Anthony
24 Bimatre, File No. 12-64-00147; the
25 matter currently on appeal to

1 Commonwealth Court, Erin Groff n/k/a
2 Erin McClellan vs. the Commonwealth of
3 Pennsylvania Bureau of Professional and
4 Occupational Affairs; and also the
5 application listed in the agenda of Mr.
6 Schwartz to Sit for the Auctioneer
7 Examination.

8 Of note, the Board directed the
9 Administrator to get in contact with Mr.
10 Schwartz for additional information,
11 directed Counsel to pursue mediation in
12 the appellant matter, and directed
13 Counsel to Draft an Adjudication in the
14 Louis Anthony Bimatre Act 48 matter.

15 The only matters that require
16 action at this time are the two Consent
17 Agreements.

18 Based upon discussions in Executive
19 Session, I recommend motions to accept
20 those two Consent Agreements negotiated
21 between the Commonwealth's prosecutor
22 and the Respondents as presented this
23 morning.

24 CHAIRMAN HOSTETTER:

25 I need a motion.

1 MR. RADER:

2 So moved.

3 CHAIRMAN HOSTETTER:

4 I have a motion. Second?

5 MR. TRACE:

6 Second.

7 CHAIRMAN HOSTETTER:

8 Any discussion on the motion? Hearing
9 none. All those in favor, signify by
10 saying aye. Those opposed, same sign.

11 [The motion carried unanimously.]

12 ***

13 Report of Board Counsel (Continued)

14 Group B School Curriculum

15 [Thomas Blackburn, Esquire, Senior Counsel in Charge,
16 addressed the development of standards for Group B
17 Schools. Mr. Blackburn requested feedback from the
18 Board at the next meeting in January.

19 Mr. Blackburn addressed language changes with
20 regard to auction companies and clarified that a
21 licensed auctioneer does not need an auction company
22 license to operate as a sole proprietor, but if the
23 company is incorporated or is an LLC, an auction
24 company license would be necessary.

25 It was noted there would be further discussion at

1 the January 2018 meeting.]

2 ***

3 (Terrie Kocher, Board Administrator, announced that
4 the new January meeting date would be January 9, 2018,
5 at 2:00 p.m.)

6 ***

7 [Ian Harlow, Commissioner of Professional and
8 Occupational Affairs, exited the meeting at 12:00
9 p.m.]

10 ***

11 Adjournment

12 CHAIRMAN HOSTETTER:

13 Anybody have anything else for the good
14 of the order? Hearing none, we'll
15 entertain a motion to adjourn.

16 MR. TRACE:

17 So moved.

18 CHAIRMAN HOSTETTER:

19 We have a motion.

20 MR. RENTZEL:

21 Second.

22 CHAIRMAN HOSTETTER:

23 All those in favor, signify by saying
24 aye. Anybody opposed, same sign.

25 [The motion carried unanimously.]

[There being no further business, the State Board of Auctioneer Examiners meeting adjourned at 12:04 p.m.]

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 Auctioneer Examiners meeting.



Seth Baier,

Minute Clerk

Sargent's Court Reporting Service, Inc.

STATE BOARD OF AUCTIONEER EXAMINERS
REFERENCE INDEX
November 13, 2017

	TIME	AGENDA
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7	9:02	Official Call to Order
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9	9:03	Roll Call
10		
11	9:04	Approval of Minutes
12		
13	9:08	Report of Board Counsel
14		
15	9:11	Report of Board Prosecution
16		
17	9:13	Report of Board Counsel (cont.)
18		
19	9:15	Appointment - Oral Argument
20		
21	10:05	Report of Commissioner
22		
23	10:21	Report of Board Administrator
24		
25	10:25	Miscellaneous
26		
27	10:29	New Business - 2018 Election
28		
29	10:32	Report of Board Chairman
30		
31	10:34	Recess
32	10:39	Return to Open Session
33		
34	10:39	Executive Session
35	11:53	Return to Open Session
36		
37	11:54	Motions
38		
39	11:59	Report of Board Counsel (cont.)
40		
41	12:04	Adjournment
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