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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 VIDEOCONFERENCE**

TIME: 10:31 a.m.

Monday, January 10, 2022

State Board of Auctioneer Examiners
January 10, 2022

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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:

Ariel O'Malley, Esquire, Board Counsel
J. Karl Geschwindt, Esquire, Board Prosecution
Liaison
Terrie Kocher, Board Administrator
Michelle Witmer, Bureau of Finance and Operations,
Department of State
Amanda Richards, Chief of Fiscal Management, Bureau of
Finance and Operations, Department of State
Danie Bendesky, Director of Intergovernmental Affairs,
Department of State

1 ***

2 State Board of Auctioneer Examiners

3 January 10, 2022

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 the Board entered into executive Session with Ariel E.
7 O'Malley, Esquire, Board Counsel, on behalf of Jason
8 E. McMurry, Esquire, Board Counsel, for the purpose of
9 conducting quasi-judicial deliberations and to receive
10 legal advice on matters that are currently pending
11 before the Board. The Board returned to open session
12 at 10:30 a.m.]

13 ***

14 The regularly scheduled meeting of the State
15 Board of Auctioneer Examiners was held on Monday,
16 January 10, 2022. Nevin B. Rentzel, Chairman,
17 Professional Member, called the meeting to order at
18 10:31 a.m.

19 ***

20 Meeting Instructions

21 [Terrie Kocher, Board Administrator, reminded everyone
22 that the meeting was being recorded, and voluntary
23 participation constitutes consent to be recorded.]

24 ***

25 Introduction of Board Members

1 [Chairman Rentzel requested an introduction of Board
2 members.]

3 ***

4 Approval of minutes of the November 8, 2021 meeting

5 CHAIRMAN RENTZEL:

6 First on our agenda is approval of
7 minutes. You have all been given a
8 draft of our November 8, 2021 meeting.

9 Do I hear any questions?

10 [The Board discussed corrections to the minutes.]

11 CHAIRMAN RENTZEL:

12 Do I hear a motion to accept the minutes
13 as presented with the one correction?

14 MR. TRACE:

15 I make a motion we accept the minutes
16 with the correction.

17 MR. HOSTETTER:

18 Second.

19 CHAIRMAN RENTZEL:

20 Any further discussion? All those in
21 favor of accepting our minutes, give
22 their consent by saying aye. Opposed,
23 nay?

24 [The motion carried unanimously.]

25 ***

1 Appointment - Bureau of Finance and Operations Annual
2 Budget Presentation

3 [Michelle Witmer, Bureau of Finance and Operations,
4 Department of State, addressed licensee population
5 from a revenue standpoint. She noted numbers are
6 looked at biennially to incorporate renewal and
7 nonrenewal years. She noted 2,226 licensees when the
8 report was prepared with an increase currently to
9 2,231.

10 Ms. Witmer addressed revenue by category for a
11 biennial total, noting 98% of revenue is coming from
12 renewals and applications. She noted the other 2%
13 cannot be counted on as a consistent revenue source.

14 Ms. Witmer mentioned that a fee increase was
15 approved in September 2019 and will begin with the
16 February 2023 renewal.

17 Ms. Witmer provided a categorical breakdown of
18 expenses. She noted expenses incur through direct
19 cost, timesheet-based cost, and licensee-based fees.
20 She reported a budget for FY21-22 and expenses as of
21 December 27, 2021. She noted the expenses recently
22 increased.

23 Ms. Witmer reviewed revenues and expenses for
24 FY21-22, noting an anticipated negative ending
25 balance. She noted the renewal fee and application

1 increase in February 2023 is starting to pull the
2 projected balance for FY24-25 into a positive. She
3 stated the Bureau of Finance and Operations (BFO) will
4 continue to watch that going forward to make sure it
5 continues to grow and expenses do not start exceeding
6 revenue again.

7 Mr. Hostetter asked Ms. Witmer to provide more
8 information regarding how investigations are tracked
9 as far as generated revenue for the Board, noting
10 investigations have brought in zero but there are
11 quite a few expenses.

12 Ms. Witmer stated BFO provides information
13 concerning restitution to the Board but the numbers
14 are not consistent because individuals may not pay the
15 fees from the fines. She noted that the revenue
16 department submits reports to BFO each month with the
17 amounts that are paid, and BFO prepares a yearly
18 report that is presented to the Board. She explained
19 that the zero investigations would be what the state
20 was reimbursed for an investigation.

21 Ms. O'Malley also explained that the zero on the
22 chart might not be necessarily that the Board's final
23 decisions did not affect those costs but that the
24 individual still had not paid that civil penalty or
25 cost of investigation, which would not show up on the

1 revenue source unless it was paid.

2 Ms. Witmer reviewed Board member expenses for the
3 past two fiscal years. She reported on the expenses
4 as of December 27, 2021. She noted the budget set at
5 \$10,000 is sufficient to cover any expenses the Board
6 has moving forward.

7 Ms. Witmer stated any money not used goes back
8 into the Board's restricted account for further use.

9 Mr. Hostetter requested a further explanation of
10 the restricted funds.

11 Ms. Witmer explained that any money in the budget
12 that was not used will not be lost and goes back into
13 the restricted fund to be absorbed by some of the
14 other costs if necessary.

15 Mr. Hostetter noted prosecution, counsel, and
16 hearing costs are pretty high for a Board and asked
17 how that expense is justified.

18 Ms. Witmer explained that the costs are based on
19 timesheets. She mentioned that she does reach out to
20 prosecution, counsel, and hearing examiners and also
21 to the Bureau of Enforcement and Investigation (BEI)
22 if BPO notices a trend that something seems off or
23 high.

24 Ms. Witmer reported prosecution is basically
25 staying about where it was for the past two years,

1 Board counsel is working on general revisions, and a
2 citation that took up a lot of the hearing examiner's
3 time.

4 Mr. Hostetter asked whether the Board could
5 receive a breakdown of where time is spent and what is
6 being paid per hour.

7 Amanda Richards, Fiscal Chief, Bureau of Finance
8 and Operations, Department of State, offered to get
9 back with the Board on that matter.

10 Mr. Hostetter mentioned the importance of being
11 able to see where attorneys and counsel are spending
12 time looking at problems and how many hours are spent
13 on a particular aspect or particular type and also
14 what is being charged.

15 Ms. Witmer stated BEI provides BFO with the
16 number of investigations and the number of hours they
17 worked. She noted in FY21, BEI had 149 investigations
18 at 1,422 hours, FY20 had 280 investigations at 2,342
19 hours, and FY19 had 310 investigations at 3,437 hours.

20 Mr. Hostetter requested being able to receive BEI
21 investigation and number of hours information as well.

22 Ms. Witmer stated BFO would check and get back to
23 Ms. Kocher with any information before the next Board
24 meeting.]

25

1 Appointment - Prosecution Division Annual Report
2 Presentation

3 [Carolyn A. DeLaurentis, Esquire, Deputy Chief
4 Counsel, Prosecution Division, provided a summary of
5 the prosecution division's caseload during 2021.

6 Ms. DeLaurentis referred to the fiscal
7 presentation and informed the Board that she is unable
8 to provide specific information on cases but would
9 answer any questions regarding aggregate information.

10 Ms. DeLaurentis informed the Board that 119 cases
11 were opened in 2021 for the State Board of Auctioneer
12 Examiners and is an increase from 84 cases in 2020.
13 She noted closing 129 cases in 2021, which is also an
14 increase from 2020 at 65. She mentioned that more
15 cases were closed, which meant more work was spent on
16 them in 2021.

17 Mr. Hostetter asked Ms. DeLaurentis whether the
18 prosecution division could provide the sheet that
19 showed a breakdown of the complaint.

20 Ms. DeLaurentis stated the annual report
21 reflecting a breakdown of case types was being
22 prepared for the General Assembly and the Board would
23 have access to that once it is finalized.

24 Mr. Hostetter requested Ms. DeLaurentis provide
25 the Board with the past few years of reports that have

1 already been prepared.

2 Ms. DeLaurentis informed Ms. Kocher that Molly
3 Smith might have those reports over the last five
4 years.

5 Ms. DeLaurentis reported 114 open cases for the
6 Board as of January 1, 2022. She addressed
7 enforcement actions, noting 5 cases resulted in
8 discipline. She reported 53 warning letters in 2021
9 and 24 in 2020. She also reported 0 Act 48 citations
10 in 2020 and 2 in 2021.

11 Ms. DeLaurentis noted the prosecution division
12 opened 1,223 COVID cases with 6 of those cases for the
13 State Board of Auctioneer Examiners in 2020. She
14 reported 543 COVID-19-related cases in 2021 with 2 of
15 those cases for the Board.

16 Ms. DeLaurentis reported 18,363 cases were opened
17 in 2021, which is up from 2020 with 13,394. She also
18 reported closing 15,994 cases in 2021 and 13,274 in
19 2020.

20 Ms. DeLaurentis noted the total number of current
21 open cases as of January 1, 2022, is 12,250. She
22 commented that she will make sure the Board receives
23 the annual reports of the last five years that were
24 provided to the General Assembly.]

25

1 Report of Prosecutorial Division
2 [J. Karl Geschwindt, Esquire, Board Prosecution
3 Liaison, had nothing to report from the prosecutorial
4 division.]

5 ***

6 Report of Board Counsel
7 [Ariel E. O'Malley, Esquire, Board Counsel, on behalf
8 of Jason E. McMurry, Esquire, Board Counsel, noted Mr.
9 McMurry did not provide anything specific to discuss
10 but offered to relay any Board concerns to Mr.
11 McMurry.]

12 MS. O'MALLEY:

13 I believe the Board would entertain a
14 motion to approve the Final Adjudication
15 in the case of R.A. Arner Auctioneer,
16 LLC and Karen E. Arner-Moyer, Case Nos.
17 17-64-011068, 17-64-011150, 17-64-
18 011454, and 17-64-012346.

19 CHAIRMAN RENTZEL:

20 Do I hear a motion to accept the
21 Adjudication and Order?

22 MR. RADER:

23 So moved.

24 CHAIRMAN RENTZEL:

25 Do I hear a second to that?

1 MR. TRACE:

2 Second.

3 CHAIRMAN RENTZEL:

4 Any discussion? If not, all give their
5 consent by saying aye. Opposed, nay?

6 [The motion carried unanimously.]

7 ***

8 Report of Board Chairman

9 [Nevin B. Rentzel, Chairman, Professional Member,
10 looked forward to being able to meet with everyone as
11 soon as possible to take care of business of the
12 Commonwealth of Pennsylvania as far as auctioneers are
13 concerned. He mentioned that the order to continue
14 virtual meetings extends through the March meeting.]

15 ***

16 Report of Commissioner - No Report

17 ***

18 Report of Board Administrator

19 [Terrie Kocher, Board Administrator, announced
20 Commissioner Johnson will be leaving the bureau and
21 has taken a new post with the legislative branch. She
22 thanked Commission Johnson for all of his hard work
23 over the years and being such an asset to the Bureau
24 of Professional and Occupational Affairs and the
25 Board. She informed everyone that Deputy Commissioner

1 Arion Claggett will be joining the Board as Acting
2 Commissioner in the future.

3 Ms. Kocher noted Board meeting dates for the rest
4 of 2022.

5 Mr. Hostetter noted attending the Ohio
6 Auctioneers Association Convention and meeting Bradley
7 Stoecker, who was curious as to the status of him
8 receiving a Pennsylvania license and asked Ms. Kocher
9 to check on that.

10 Danie Bendesky, Director of Intergovernmental
11 Affairs, Department of State, provided her email
12 address at dbendesky@pa.gov to Ms. Kocher and offered
13 to look into the status of Mr. Stoecker.]

14 ***

15 Adjournment

16 CHAIRMAN RENTZEL:

17 Do I hear a motion to adjourn and meet
18 again on March 14?

19 MR. TRACE:

20 I make a motion for adjournment.

21 MR. HOSTETTER:

22 Second.

23 CHAIRMAN RENTZEL:

24 Any discussion? All in favor of
25 adjournment, give their consent by

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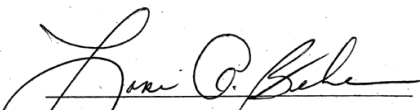
saying aye. Opposed, nay?

[The motion carried unanimously.]

[There being no further business, the State Board of Auctioneer Examiners Meeting adjourned at 11:13 a.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 Auctioneers meeting.



Lori A. Behe,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF AUCTIONEER EXAMINERS
REFERENCE INDEX

January 10, 2022

TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:31	Official Call to Order
10:31	Meeting Instructions
10:31	Introduction of Board Members
10:32	Approval of Minutes
10:37	Appointment - Bureau of Finance and Operations Annual Budget Presentation
10:56	Appointment - Carolyn A. DeLaurentis, Esquire, Deputy Chief Counsel, Prosecution Division Annual Report Presentation
11:07	Report of Board Counsel
11:09	Report of Board Chair
11:10	Report of Board Administrator
11:13	Adjournment