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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: 9:00 a.m.

BOARD ROOM B

One Penn Center

2601 North Third Street

Harrisburg, Pennsylvania 17110

Monday, July 10, 2017

State Board of Auctioneer Examiners
July 10, 2017

BOARD MEMBERS:

Sherman E. Hostetter Jr., Chairman
Kathryn L. Waters, Deputy 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:

Maria Battista, Esquire, Board Counsel
Ray Michalowski, Esquire, Board Prosecution Liaison
Thomas Blackburn, Esquire, Senior Counsel in Charge
Terrie Kocher, Board Administrator

ALSO PRESENT:

George A. Michak, Esquire, PA Auctioneers Association
and Counsel for Respondents

1 ***

2 State Board of Auctioneer Examiners

3 July 10, 2017

4 ***

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

11 Kathryn L. Waters, Deputy Commissioner of
12 Professional and Occupational Affairs, was not present
13 at the commencement of the meeting.

14 ***

15 Introduction of Audience

16 [Chairman Hostetter requested the introduction of
17 audience members in attendance.]

18 ***

19 Approval of Minutes of the March 13, 2017 meeting

20 CHAIRMAN HOSTETTER:

21 We need approval.

22 MR. TRACE:

23 So moved.

24 CHAIRMAN HOSTETTER:

25 We have a motion. Second?

1 MR. RENTZEL:

2 Second.

3 CHAIRMAN HOSTETTER:

4 Any discussion on the Minutes? Any
5 additions or deletions? Hearing none,
6 all those in favor of the Minutes,
7 signify by saying aye. Those opposed,
8 same sign.

9 [The motion carried unanimously.]

10 ***

11 Report of Board Counsel

12 [Maria Battista, Esquire, Board Counsel, introduced
13 herself to the Board. She provided a brief summary of
14 her professional background.

15 Ms. Battista presented an Adjudication and Order
16 for File No. 12-64-07005, Docket No. 0682-61-14, and
17 two Citations for File No. 13-64-09313 and File No.
18 12-64-00147. She noted matters to be discussed during
19 Executive Session.]

20 ***

21 Report of Board Chairman

22 [Chairman Hostetter updated the Board members on
23 reappointments.

24 Terri Kocher, Board Administrator, had not yet
25 received information on any new members. She also

1 addressed the importance of Board member renewals
2 before their expiration in order to satisfy the
3 requirement for a quorum.]

4 ***

5 Report of Board Chair

6 [Sherman E. Hostetter, Jr., Board Chair, will be
7 attending the National Auctioneer Association
8 Convention in Columbus, Ohio.

9 Chairman Hostetter explained that the National
10 Auctioneer License Law Officials Association (NALLOA)
11 is a forum of licensing board members and associate
12 members who share problems, situations and solutions.
13 He will gather information to report back to the
14 Board.]

15 ***

16 For Board's Information

17 [Chairman Hostetter referred to the Case Status Report
18 for further discussion regarding cases for the Board's
19 review at its next meeting and cases not ready for the
20 Board's review.]

21 ***

22 [Ms. Kocher reviewed the remaining 2017 Board meeting
23 dates and will provide Board members with the approved
24 2018 dates.]

25 ***

1 Miscellaneous

2 [George A. Michak, Esquire, Counsel for the two
3 Citation Respondents, noted his request for oral
4 argument for both and the request for a briefing
5 schedule on the Mowry matter. He stated both
6 Respondents were denied the opportunity to file a
7 brief prior to Adjudication.

8 Mr. Michak noted that oral argument raises
9 significant issues. He stated the application for
10 review references errors of law made by the hearing
11 examiner in the Mowry matter and an application for
12 review and a brief addresses errors of law in the
13 Bimatre matter.

14 Mr. Michak explained that both cases address due
15 process issues and the right of the parties to present
16 Proposed Findings of Fact, Proposed Conclusions of Law
17 and legal argument to the adjudicator prior to an
18 adjudication, which did not occur.]

19 ***

20 [Kathryn L. Waters, Deputy Commissioner, entered the
21 meeting at 9:16 a.m. and exited the meeting at 9:17
22 a.m.]

23 ***

24 [Pursuant to Section 708(a)(5) of the Sunshine Act,
25 the Board entered into executive session with Maria

1 Battista, Esquire, at 9:28 a.m. for the purpose of
2 conducting quasi-judicial deliberations on matters
3 that are currently pending before the Board. The
4 Board returned to open session at 10:52 a.m.]

5

6 MOTIONS

7 MS. BATTISTA:

8 Based on the discussions in Executive
9 Session, I recommend a motion to grant
10 the Application for the Concierge
11 Auctions, LLC.

12 CHAIRMAN HOSTETTER:

13 Do I hear a motion?

14 MR. RENTZEL:

15 Motion.

16 CHAIRMAN HOSTETTER:

17 Do I hear a second?

18 MR. RADER:

19 Second.

20 CHAIRMAN HOSTETTER:

21 Second. Any discussion on the motion?
22 All those in favor of the motion,
23 signify by saying aye. Those opposed,
24 same sign.

25 [The motion carried unanimously.]

1 ***

2 MS. BATTISTA:

3 I now recommend a motion to approve the
4 Adjudication and Order drafted in the
5 matter of the Commonwealth of
6 Pennsylvania Bureau of Professional and
7 Occupational Affairs vs. Erin Groff,
8 File No. 12-64-07005, Docket No. 0682-
9 64-14.

10 I noted that the final Order now
11 issues a Civil Penalty of \$500 and a
12 reprimand against the auctioneer license
13 of Respondent, Erin Groff, License No.
14 AU005555.

15 MR. TRACE:

16 So moved.

17 CHAIRMAN HOSTETTER:

18 Motion. Do I hear a second?

19 MR. RADER:

20 Second.

21 CHAIRMAN HOSTETTER:

22 Second. Any discussion on the motion?
23 Hearing none. All those in favor of the
24 motion, signify by saying aye. Those
25 opposed, same sign.

1 [The motion carried unanimously.]

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3 MS. BATTISTA:

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20 MR. TRACE:

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For the next matter, which is in the matter of the Citation of Charles Preston Mowry at Citation No. 59313, File No. 13-64-09313, I recommend a motion to grant the request for a briefing schedule and to allow Mr. Mowry through his Counsel, Mr. Michak --- I will be issuing an Order this week, but preferably tomorrow, that will give Mr. Mowry 20 days to file a brief, and I'll allow the same amount of time for the Commonwealth to file a brief.

I will not have reply briefs in this particular matter. And we will schedule oral argument for the next scheduled meeting on September 11, 2017.

So moved.

CHAIRMAN HOSTETTER:

We have a motion. Second?

MS. TROUTMAN:

Second.

1 CHAIRMAN HOSTETTER:

2 A motion and a second. Any discussion?
3 All those in favor of the motion,
4 signify by saying aye. Those opposed,
5 same sign.

6 [The motion carried unanimously.]

7 ***

8 MS. BATTISTA:

9 In the matter of Louis Anthony Bimatre,
10 Citation No. 50147, File No.
11 12-64-00147, I first recommend a motion
12 to vacate the Order denying the request
13 for oral argument which was issued on
14 October 12, 2016, by this Board.

15 MR. TRACE:

16 So moved.

17 CHAIRMAN HOSTETTER:

18 Motion. Second?

19 MR. RENTZEL:

20 Second.

21 CHAIRMAN HOSTETTER:

22 Second. Any discussion on the motion?
23 Hearing none. All those in favor of the
24 motion, signify by saying aye. Those
25 opposed, same sign.

1 [The motion carried unanimously.]

2 ***

3 MS. BATTISTA:

4 The second part in the matter of the
5 Citation issued to Louis Anthony
6 Bimatre, Respondent, at Citation No.
7 50147, File No. 12-64-00147, is that I
8 recommend a motion to permit a briefing
9 schedule for Mr. Bimatre to have 20 days
10 from the issuance of the Order with 20
11 days for the Commonwealth to file a
12 brief as well with oral arguments to
13 also be scheduled at the next meeting of
14 September 11, 2017.

15 CHAIRMAN HOSTETTER:

16 Do I hear a motion?

17 MR. RADER:

18 So moved.

19 CHAIRMAN HOSTETTER:

20 Motion. Second?

21 MR. TRACE:

22 Second.

23 CHAIRMAN HOSTETTER:

24 Any discussion on the motion? Hearing
25 none. All those in favor of the motion,

1 signify by saying aye. Those opposed?

2 [The motion carried unanimously.]

3 ***

4 Adjournment

5 CHAIRMAN HOSTETTER:

6 I call for a motion to adjourn?

7 MR. TRACE:

8 So moved.

9 MR. RADER:

10 Second.

11 CHAIRMAN HOSTETTER:

12 All those in favor of the motion,
13 signify by saying aye. Those opposed,
14 same sign?

15 [The motion carried unanimously.]

16 ***

17 [The State Board of Auctioneer Examiners meeting
18 adjourned at 10:58 p.m.]

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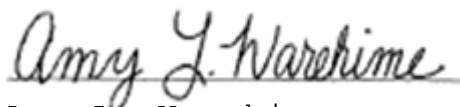
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CERTIFICATE

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 Auctioneer Examiners meeting.



Amy L. Warehime,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF AUCTIONEER EXAMINERS
REFERENCE INDEX
July 10, 2017

	TIME	AGENDA
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7	9:02	Official Call to Order
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9	9:02	Roll Call
10		
11	9:03	Introduction of Audience
12		
13	9:04	Approval of Minutes
14		
15	9:05	Report of Board Counsel
16		
17	9:09	Report of Chairman
18		
19	9:10	For Board's Information
20		
21	9:12	Miscellaneous
22		
23	9:28	Executive Session
24	10:52	Return to Open Session
25		
26	10:53	Motions
27		
28	10:58	Adjournment
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