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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: 9:11 a.m.

BOARD ROOM B

One Penn Center

2601 North Third Street

Harrisburg, Pennsylvania 17110

Monday, March 12, 2018

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State Board of Auctioneer Examiners
March 12, 2018

BOARD MEMBERS:

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

BUREAU PERSONNEL:

Kenneth J. Suter, Esquire, Board Counsel
Ray Michalowski, Esquire, Board Prosecution Liaison
Terrie Kocher, Board Administrator

ALSO PRESENT:

George A. Michak, Esquire, PA Auctioneers Association

1 ***

2 State Board of Auctioneer Examiners

3 March 12, 2018

4 ***

5 The regularly scheduled meeting of the State
6 Board of Auctioneer Examiners was held on Monday,
7 March 12, 2018. Sherman E. Hostetter Jr., Chairman,
8 called the meeting to order at 9:11 a.m.

9 ***

10 Introduction of Audience

11 [Chairman Hostetter requested the introduction of the
12 audience in attendance.]

13 ***

14 Approval of Minutes of the January 3, 2018 meeting

15 CHAIRMAN HOSTETTER:

16 Let's get a motion to accept the
17 Minutes.

18 MR. RENTZEL:

19 So moved.

20 MR. TRACE:

21 Second.

22 CHAIRMAN HOSTETTER:

23 We have a motion and a second. Any
24 additions, changes, corrections,
25 deletions?

1 noted the Bauer litigation and the Richland Auction
2 Hall matter for discussion during Executive Session.]

3 ***

4 Report of Board Chair - No Report

5 ***

6 Report of Commissioner - No Report

7 ***

8 PALS Board Memo

9 [Terrie Kocher, Board Administrator, referred Board
10 members to a memo providing an update on the new PALS
11 system. There was further discussion regarding the
12 system.]

13 ***

14 Report of Board Administrator

15 [Terrie Kocher, Board Administrator, noted the
16 upcoming meeting dates for discussion. A Security
17 Awareness Training slide presentation will be
18 presented to the Board following adjournment of the
19 meeting.]

20 ***

21 For the Board's Information/Public Comment - No Report

22 ***

23 Old Business/New Business

24 [Annex A, Act 88 amendments were noted for discussion
25 later on in the meeting. Chairman Hostetter requested

1 a Status of Cases report for the next meeting.

2 Mr. Suter explained that while the report as
3 compiled by an administrative assistant in the
4 Professional Compliance Office provides information on
5 cases to be presented, it is not 100 percent accurate.
6 He reminded Board members that familiar names on the
7 report should bring to mind the recusal guidelines.

8 Mr. Suter commenced the drafting of the Citation
9 Schedule in terms of the Civil Penalties. He will
10 provide a comprehensive Act 48 Citation Schedule
11 Amendment separate and apart of the Act 88 amendments.

12 Chairman Hostetter requested a breakdown of
13 licensees and apprentice categories.

14 There was discussion regarding a licensing
15 increase in 2021. It was noted the Budget Office will
16 provide additional information. Mr. Suter suggested
17 the Board start discussions with regard to amending
18 the existing language regarding the matter.

19 George Michak commented on a provision added in
20 the Act in 2008 that stated that the fees for trading
21 assistants were controlled by statute. In 2016, that
22 provision was removed and now the Board has the
23 ability to set licensing fees for trading assistants.
24 The Board further discussed the matter.

25 Ms. Kocher agreed to contact the Budget Office

1 for a recommendation on an increase. It was suggested
2 the Budget Office provide a historical report to back
3 up its recommendations to the Board in the near
4 future.]

5 ***

6 Miscellaneous

7 [Remaining 2018 Meeting Dates include May 14, 2018;
8 July 9, 2018; September 10, 2018 and November 5,
9 2018.]

10 ***

11 [Pursuant to Section 708(a)(5) of the Sunshine Act,
12 the Board entered into executive session with Kenneth
13 J. Suter, Esquire, at 9:41 a.m. for the purpose of
14 conducting quasi-judicial deliberations on matters
15 that are currently pending before the Board. The
16 Board returned to open session at 11:54 a.m.]

17 ***

18 [The Board recessed from 11:54 a.m. until 11:58 a.m.]

19 ***

20 MOTIONS

21 MR. SUTER:

22 The Board was in Executive Session, and
23 the purpose of that Executive Session
24 was for legal advice and quasi-judicial
25 deliberations.

1 As a result of the Executive
2 Session, I recommend a motion to approve
3 the Motion to Deem Facts Admitted and
4 issue an Adjudication and Order for File
5 No. 16-64-08258, Daniel Kenneth
6 Pletcher.

7 MR. RENTZEL:

8 So move.

9 CHAIRMAN HOSTETTER:

10 Second?

11 MR. TRACE:

12 Second.

13 CHAIRMAN HOSTETTER:

14 Any discussion on the motion? Hearing
15 none, all those in favor of the motion,
16 signify by saying aye? Those opposed,
17 same sign?

18 [The motion carried unanimously.]

19 ***

20 [Board Counsel further noted legal discussions
21 regarding the Bauer litigation and quasi-judicial
22 discussions on Item 7 on the agenda, Richland Auction
23 Hall as well during Executive Session.]

24 ***

25 Regulations

1 16A-6410 Act 88 Amendments Annex Proposed
2 [Kenneth J. Suter, Esquire, Board Counsel, referred
3 Board members to the enclosed proposed regulations
4 redrafted by Thomas Blackburn, Esquire, Senior Board
5 Counsel, for further discussion.

6 Mr. Suter explained that the Group A Auction
7 School program in the existing regulation was defined
8 but reworded. He noted new language with regard to
9 the Group B Auction Schools. He asked for the Board's
10 input the language regarding course credits. Chairman
11 Hostetter suggested a breakdown of class categories in
12 terms of hours. There was further discussion
13 concerning types of additional categories and the
14 minimum number of hours for each category.

15 Chairman Hostetter suggested six categories,
16 including law, marketing, bid calling/public speaking,
17 internet/technology, general business and real
18 estate/personal property. There was further
19 discussion regarding each category.

20 Mr. Michak suggested the Board address in the
21 regulations the difference between the Group A and
22 Group B Schools, which is that Group B Schools still
23 have a one-year apprenticeship requirement and the
24 Group A Schools have a practicum requirement.

25 Chairman Hostetter suggested placing the

1 categories into different sections and emailing the
2 information to Board members for their review. There
3 was further discussion with regard to types of
4 categories.

5 Chairman Hostetter will provide a recommendation
6 under each of his categories and send that information
7 to Mr. Suter for review, after which the Board can
8 further review and amend as needed.

9 Mr. Suter referred members to the underlined
10 portion of Act 88 amendments for discussion with
11 regard to the issuance of a license to a sole
12 proprietor who is an auctioneer to continue to
13 function as an auction company. There was further
14 discussion regarding the licensure amendments as
15 stated in Act 88.

16 Mr. Suter will provide a revised draft of Act 48
17 at the next meeting.]

18 ***

19 Adjournment

20 CHAIRMAN HOSTETTER:

21 Motion to adjourn.

22 MR. TRACE:

23 Second.

24 CHAIRMAN HOSTETTER:

25 Second. All those in favor, signify by

1 saying aye? Those opposed, same sign.

2 [The motion carried unanimously.]

3 ***

4 [There being no further business, the State Board of
5 Auctioneer Examiners Meeting adjourned at 12:45 p.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

Amy L. Warehime

18

Amy L. Warehime,

19

Minute Clerk

20

Sargent's Court Reporting

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Service, Inc.

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STATE BOARD OF AUCTIONEER EXAMINERS
REFERENCE INDEX
March 12, 2018

| | TIME | AGENDA |
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| 1 | | |
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| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | 9:11 | Official Call to Order |
| 8 | | |
| 9 | 9:11 | Introduction of Audience |
| 10 | | |
| 11 | 9:11 | Approval of Minutes |
| 12 | | |
| 13 | 9:14 | Report of Board Prosecution |
| 14 | | |
| 15 | 9:15 | Report of Board Counsel |
| 16 | | |
| 17 | 9:19 | PALS Board Memo |
| 18 | | |
| 19 | 9:21 | Report of Board Administrator |
| 20 | | |
| 21 | 9:21 | Old Business/New Business |
| 22 | | |
| 23 | 9:40 | Miscellaneous |
| 24 | | |
| 25 | 9:41 | Executive Session |
| 26 | 11:54 | Recess |
| 27 | 11:58 | Return to Open Session |
| 28 | | |
| 29 | 12:00 | Regulations |
| 30 | | |
| 31 | 12:45 | Adjournment |
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