

**MINUTES OF THE STATE AUCTIONEERS COMMISSION**  
**OHIO DEPARTMENT OF AGRICULTURE Room 308**  
**8995 E. MAIN STREET, REYNOLDSBURG, OH 43068**  
**July 27, 2007**

**PRESENT:**

Commissioner David Schnaidt  
Commissioner Shannon Lafkas  
Commissioner Mike Baker  
Commissioner Gary Cain  
Commissioner Joseph Zielinski

William Hopper, Chief, Legal Counsel  
Donna Brinker Potter, Administrative Assistant III

**Members of the Public:**

Doug Walton, OAA  
David Jones, OAA

Meeting called to order 9:27am with the Pledge of Allegiance. Donna Potter called roll. All members of the commission present.

The first item on the agenda was the Auction Education Fund. Donna Potter reminded the commission that they had decided in the last meeting to work in conjunction with the OAA for a “beefed” up fall seminar due to the fact that there was not a spring seminar. Ms. Potter stated that the speaker for the seminar was Kurt Bachman and he was asking for \$7,930.00. She also mentioned that Mr. Bachman had asked for additional speaking topics because he was concerned that he did not have enough to discuss on Agency to last an hour. Commissioner Baker stated that he felt that the speaker would be surprised. He and Bill Hopper felt that the topics that he would be speaking on would generate enough questions to fill the “open” time. Chairman Schnaidt recommended adding a Q & A session at the end of each topic. A concern was raised as to whether or not there would be sufficient amount of space available for all of those who might want to attend. Doug Walton stated that the State Fair Grounds might be an option. Chairman Schnaidt thought it might be wise to check into different options. Bill Hopper suggested that the commission approve supplemental funding for an alternate site. He stated that he could have his secretary call the Expo Center to check pricing. Chairman Schnaidt recommended tabling the discussion and moving on to the next topic while the information was being researched.

Chairman Schnaidt asked the commission to review the minutes from last meeting. He asked for any corrections or additions to the minutes. Commissioner Baker moved to accept the minutes as written. Commissioner Cain seconded. No additional discussion noted. Motion carried by an affirmative vote of all members.

The next item on the agenda was the Auction Schools. Donna Potter stated that she had received letters of interest from several individuals and passed them around for the commissioners to review. She also stated that there was a request from an existing approved school to open a second location. She stated based on conversation with the commission, that she did not believe that there was an objection to such an action. Commissioner Lafkas made a motion that the commission set a policy on approving secondary locations as long as the school was previously approved and the second location using approved curriculum. Commissioner Zielinski seconded the motion. No discussion noted. Motion carried by an affirmative vote of all commissioners.

Chairman Schnaidt recommended that the auction education subcommittee be comprised of 2 Commissioners, 2 Members of the OAA, 2 Schools and Ms. Potter. Commissioner Baker asked if it were possible to put all members of the auction schools who expressed an interest on the subcommittee. Donna Potter asked if the commission was going to approve travel expenses

under R.C. 4707.04; she reminded the commission that there were several people who expressed an interest in serving from out of state. Commissioner Lafkas stated that the commission could not choose to reimburse and there may be those who then choose not to serve based on the non-reimbursement. Bill Hopper advised that the commission may choose to not reimburse for expenses under the statute. Commissioner Lafkas stated that she would like to meet the day before the fall seminar. Commissioner Baker felt that it was a good idea to meet prior to the next commission meeting. Chairman Schnaidt stated that the subcommittee could set its meeting schedule at the first meeting. Commissioner Lafkas asked Commissioner Cain what would work best for him. He stated that September 15 was not good for him. Commissioner Lafkas recommended September 7 and the subcommittee would schedule its meetings at the first session. Commissioner Cain verified that it would be at ODA. Bill Hopper asked if Donna Potter would take care of the public notice. Ms. Potter asked for what time the meeting would occur. Bill Hopper indicated that a later time would accommodate those traveling in from out of state. Commissioner Lafkas stated that the meeting would be held from 1-4:00pm and that she would work on the agenda. Commissioner Lafkas moved to have letters sent to those interested parties regarding the meeting date and time and that there would be no reimbursement of costs. Commissioner Baker seconded the motion. No further discussion. Motion carried by an affirmative vote of all members.

Discussion returned to the fall seminar. Bill Hopper indicated that the expo center would not be available on Oct. 11 due to the Quarter Horse Congress. He indicated that his secretary was trying to get information about the facility at the state liquor control. Discussion was tabled until further info made available.

Next item on the agenda was the enforcement update. Ms. Potter indicated that the appeal filed by Jerry Rogers in Hamilton County had been dismissed. She stated that there is a recovery fund claim associated with the case. She stated that the Paranzino matter is before the hearing officer for decision. The case regarding the Spartan Stores recovery fund claim was still in the Lucas County Court and that the department had filed a motion for summary judgment and we were waiting for a ruling from the court. Ms. Potter indicated that she had just returned from the Summer Convention/NALLOA conference in San Diego. She indicated that NALLO is working toward a national licensing exam and that she was on the compact committee. Ms. Potter indicated the fund balances were as follows: Education fund: \$196,426.98 with a spending authority of \$24,601.00; Operating fund: \$631,799.96 and the Recovery Fund balance of \$1,069,094.16. Ms. Potter asked if the commission had any ideas for the Buckeye article that she writes. She indicated that there had been no movement on HB 48 and asked the commission to review the draft of the new laws and rules books. Commissioner Zielinski asked if the pages could be numbered. Donna Potter stated that the department had recently met with ATF regarding referral of cases. And the final item on the enforcement update was that the renewal season was underway. The deadline to renew without a penalty ended June 30, 2007. She indicated that there had been 3,205 licensees who renewed without penalty and a remaining 190 still could renew prior to September 1.

Discussion resumed on the Fall Seminar. Bill Hopper indicated that initial information showed the Liquor Control facility was not able to hold as many people as the ODA. Ms. Potter asked if the commission was interested in video taping the seminar like in the past. That cost would be approximately \$2,000 based on previous experience. Chairman Schnaidt felt that the best option was to approve the request as submitted. He stated that he had a hard time approving \$2,000 for an additional 40 people. He felt that in the situation the money would be better spent to set additional monies aside for facilities. Commissioner Lafkas stated that to provide a video tape and replay would need speaker approval to replay and that it may be a copyright issue. Chairman

Schnaidt indicated that he had another thought—he asked if it was possible to get Mr. Bachman to come back for a half day session at another seminar. He felt it would be a better cost savings if they brought him back for another seminar if he was well received. Bill Hopper stated that we could put on the seminar notice that the seating is limited to the first 220 and that walk in seating may not be available. Chairman Schnaidt said that they could encourage early registration. Bill Hopper stated that the department or OAA could post on their web page whether or not seating is available. Chairman Schnaidt asked for other comments. Commissioner Baker indicated that he felt that there would be a quick indicator for the demand for seats. Chairman Schnaidt stated that he felt that if the seminar was taped that it would lose its impact. Commissioner Lafkas stated that if there is a good response, we could bring him back. Chairman Schnaidt asked for a motion. He stated what he was hearing was that they forgo additional funds for video or satellite but do they approve additional monies for additional space. Commissioner Zielinski moved to go forward with the given space and that they approve \$7,930 for the seminar. Commissioner Baker seconded the motion. No further discussion noted. Motion carried by all members of the commission.

The commission took a 5 minute break. Meeting resumed at 11:05.

The next item on the agenda was other business. Chairman Schnaidt wanted to bring up another issue regarding his concern over the way the law is written and in the contract the pro-rating of the percent of proceeds. He expressed a concern over what appears to be a sliding scale which includes expenses and the consumers not truly understanding the expenses they face at an auction. For example some people will charge 10% commission and labor and advertising expenses but they do not fully explain to the client how much that can cost. He states as a practice they charge a flat commission which includes all expenses and the client knows exactly how much they will pay. Commissioner Lafkas stated that maybe it could be clarified in rule. Commissioner Schnaidt stated that he just felt that there should be a way to nail down further for a consumer protection piece. Bill Hopper stated that he would think that a consumer would want to know what they will be paying. Chairman Schnaidt stated that he did not know if this was a topic for the seminar under agency/disclosure. Ms. Potter stated that she would pass this request on. David Jones stated that WV was one of the first states for CE and they are going from 3 hours to 6 hours per year. And they are increasing their bonding requirements to \$25,000. He also wanted to make sure that he stayed on top of the recommendations for the commission appointments. It was indicated that Shannon Lafkas and David Schnaidt were both seeking reappointment. Mr. Jones also inquired as to whether or not a WV estate being advertised in Ohio had to comply with Ohio or WV law. Ms. Potter indicated that if the estate was being sold in Ohio, it would need to comply with Ohio law. Doug Walton indicated that the OAA has hired Andy Bowers to address titled vehicle motor sales. He indicated that the OAA is working toward getting some sort of exemption for auctioneers and the sale of titled vehicles. Ms. Potter indicated that she needed ideas from the commission for a brochure that she would like to put together for the state fair or farm science review.

Commissioner Lafkas moved to adjourn. Commissioner Zielinski seconded. No further discussion. Motion carried. Meeting adjourned at 11:55am.

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Approved Chairman