

**MINUTES OF THE STATE AUCTIONEERS COMMISSION**  
**OHIO DEPARTMENT OF AGRICULTURE Room 308**  
**8995 E. MAIN STREET, REYNOLDSBURG, OH 43068**  
**October 26, 2007**

**PRESENT:**

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

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

**Members of the Public:**

Barry Baker, OAA

Meeting called to order 9:45am with the Pledge of Allegiance. Donna Potter called roll. All members of the commission present except Gary Cain.

The first item on the agenda was the election of the chair and setting of the calendar. David Schnaidt stated that they had not been notified of any reappointments to the commission. Bill Hopper recommended that the commission defer the election of a chair until January. Commissioner Lafkas moved to elect David Schnaidt as the interim chair. Commissioner Zielinski seconded. No additional discussion noted. Motion carried by an affirmative vote of the members present. It was determined that the 2008 meeting and auctioneer exam schedule will be as follows: January 18<sup>th</sup>, April 25<sup>th</sup>, July 25<sup>th</sup>, and October 24<sup>th</sup>. Interim Chair David Schnaidt asked for a motion to approve the calendar. Commissioner Baker so moved. Commissioner Lafkas seconded. No further discussion noted. Motion carried by an affirmative vote of the members present.

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

The next item on the agenda was the auction education fund requests. Commissioner Schnaidt wanted to discuss the turnout. He was unable to be present and would like some feed back. Commissioner Baker noted that it was great seminar. Donna Potter stated that it was well attended and the speaker, Kurt Backman, was able to relate the subject matter and point to specific sections of the ORC that was applicable. Discussion moved to the education fund request submitted by the OAA for the Winter Convention. Donna Potter noted that the OAA was asking for \$6,380.74. There is to be four speakers Dennis Kruse, Scott Musser, John Kramer, and John Niebel. Interim Schnaidt questioned some of the AV costs. Commissioner Baker noted that the costs are built in by the hotel and they are charged even if it is not used. Commissioner Baker moved to accept. Commissioner Zielinski seconded. No further discussion noted. Motion carried by an affirmative vote of the members present. Barry Baker of the OAA, asked to be recognized. He stated that he wanted to know if the commission would be interested in and the process for asking for education fund monies for NAA programs and for funds for the NAF. Barry Baker noted that he had spoken with Harlan Rimmerman with the NAA and he stated that the NAA could come to Ohio and offer a CAI course. He stated that Mr. Rimmerman stated that the course would be available to as many attendees for a flat fee. The courses are ordinarily held through out the country at great expense to the attendees which causes many people not to seek the courses. They are a three day course in which an attendee could obtain BAS or CES designation. Mr. Baker asked if the commission could increase the budget amount to pay for the course and if they could get monies for the NAF to help fund a study of the profession. Donna

Potter explained that if the education fund would increase the budget, the overall budget of ODA would be decreased elsewhere. She explained that although the education fund is a self funded program and is not apart of GRF, the budget for the education fund is tied to the overall agency budget. The budget is set at the biennium with the state budget. She also stated that the spending authority has been set at approximately \$24,000 each year. She stated that in the past, she had been advised by the fiscal department that if the commission has run out of spending authority or if there is a program that they wish to fund is greater than the remaining spending authority, that a controlling board request could be submitted. She explained that there is a specific process that must be followed and deadlines but that she believed that the controlling board met monthly. If the commission was interested in using the CES designation class as the spring seminar, they would need the request at the January meeting so that they could get a controlling board request in before the next Controlling Board meeting. Ms. Potter stated that she would need the assistance of Peggy and Lori at the OAA if this program was going to be given as the spring seminar that she did not have the staff/resources available for such a large endeavor. Interim Chair Schnaidt thanked Mr. Baker for coming and bringing this to the commission. He stated that the fund is there to educate and make the auctioneers better. Donna Potter indicated that if Mr. Baker was going to submit an education fund request for a CES designation class to be held in lieu of the spring seminar, she would check with Ruth Melrose to block out a three day period for the auditorium and let everyone know what dates would be available.

The next item on the agenda was the auction education subcommittee. Commissioner Lafkas reported that the on September 9, 2007 the subcommittee met. She felt that there was a good response and that they are using Indiana's law as a frame work. The next meeting will be held on November 2, 2007. They have a rough draft to finalize and a final proposal should be available for the January meeting. She stated that she hoped to be reappointed by in the absence of reappointment she felt that Donna Potter would be able to present the findings of the subcommittee. She stated that some of the items reviewed have been issues with multiple locations and qualifications for instructors with multiple options. The subcommittee is comprised of members of the OAA, schools, Commissioner Lafkas and Donna Potter. Interim Chair Schnaidt thanked Commissioner Lafkas for her involvement and for spearheading the subcommittee. Commissioner Lafkas pointed out that the recommendations would be presented in rule form which will aid the department. Donna Potter stated that the department was seeking the Commissions input regarding a policy regarding disciplinary action taken against an auctioneer who is also a school instructor. She cited a situation where an individual was recently suspended for 30 days and he happened to be an instructor at an auction school. She asked what the commission's position was regarding the notification of the auction school. The commission agreed that the department should send a copy of the report and recommendation and director's order to the director of the school. Bill Hopper asked if we needed a motion. Commissioner Zielinski so moved. Commissioner Baker so moved. Commissioner Lafkas felt that the school needed notified. Interim Chair Schnaidt moved to amend the motion that the school to be noticed when a civil penalty, reprimand, suspension, and if there is revocation against a licensee under R.C. 4707.15. Commissioner Lafkas seconded amending the motion. No further discussion noted. Amended motion carried by an affirmative vote of all members present.

15 minute break at 11:00am. Meeting resumed at 11:14am.

The next item on the agenda is the enforcement update. Donna Potter stated that there has been no further movement regarding the Spartan Stores and Paranzino matters. She stated that the appeals court dismissed the Verbus appeal due to a lack of prosecution on the part of Mr. Verbus.

Next item on the agenda is other business. Bill Hopper indicated that the controlling board met every Monday rather than monthly. Barry Baker stated that he was seeking the Commission help with a matter where a company is disciplined whenever one of its agents is disciplined. He stated that whenever one of his agents has been disciplined, there have been penalties assessed against his company. Bill Hopper stated that the Commission lacked jurisdiction over the matter.

With no other business before the commission, Commissioner Lfkas moved to adjourn. Commissioner Baker seconded. No further discussion. Motion carried. Meeting adjourned at 11:37 am.

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Approved Chairman