

MINUTES OF THE STATE AUCTIONEERS COMMISSION
OHIO DEPARTMENT OF AGRICULTURE Seminar Room B
8995 E. MAIN STREET, REYNOLDSBURG, OH 43068
April 17, 2009

PRESENT:

Commissioner Mike Baker
Commissioner Steve Remias
Commissioner David Schnaidt
Commissioner Jim Milleson

Donna Brinker Potter, Administrative Assistant III
Jim Patterson, Assistant Attorney General
Dave Gorman, General Staff Counsel, ODA

Members of the Public:

Chris Davis, President OAA
Maggie Beckmeyer, OAA
John Anglin

Meeting called to order 9:32am with the Pledge of Allegiance by Chairman Baker. All members of the commission are present except Gary Cain.

First item on the agenda is the status of the budget. Donna Potter advised that HB 1 was still in the House of Representatives. She stated that it was seeking a \$40,000 spending authority for the education fund. At this time, due to the bill not having been passed, she did not know if the spending authority would be \$40,000 or if it would remain at current levels. Donna Potter reminded the commission that they had expended their spending authority for the current fiscal year. Chairman Baker clarified that the end of the fiscal year is June 30th.

The next item on the agenda is the education fund requests and spring seminar. Chairman Baker stated that the commission had talked about doing a spring seminar late this year. He stated that he had been contacted by Chris Davis of the OAA to see if the Commission would be interested in combining the Spring Seminar with the OAA Summer Seminar in an effort to save educational funds. He asked Chris Davis to discuss this possibility. Mr. Davis indicated that in the past the Commission had done the Spring Seminar and the OAA a Summer Seminar, but because of the issue of no remaining spending authority, he thought maybe they could combine to save some money. He stated that the OAA is proposing to have the Summer Seminar on Mon. August 3 and then the Bid Calling Contest on the 4th. He felt that if the auctioneers came into town for the educational seminar, that they would be willing to stay for the bid calling contest the next day. He felt that it would be good to combine the efforts. Jim Patterson advised the commission that if the budget bill does not pass, there would be no spending authority. He stated that the commission, if it wanted, could approve the request pending spending authority approval. Commissioner Milleson stated that in the request for the Summer Seminar and the Bid Calling Contest, he felt that they could eliminate almost \$2,000.00 for postage and mailing if they combined the mailings. Chairman Baker stated that he was inclined to not approve the request for the National Auctioneers Foundation. He stated that they approved \$5,000.00 last time. He stated that it was his personal opinion that they did not have \$5,000.00 to give at this time. Chairman Baker made a motion to deny the NAF Request. Commissioner Remias seconded. Chairman Baker asked for further discussion. Chris Davis asked if it could be resubmitted later in the year once the budget issues had been resolved. Chairman Baker stated that it was something that could be revisited later. Commissioner Schnaidt stated that as the spending authority increases, these types of programs will be a no brainer. Chairman Baker stated he hated to see the commission not be able to do another program because of this request. Commissioner Schnaidt stated that first and foremost the commission needs to do programs for auctioneers in Ohio. No further discussion noted. Motion carried by an affirmative vote of all members present.

Commissioner Milleson returned the discussion to the other two requests. He felt that there could be some cost savings by adjusting the requests and combining the printing and postage and mailing fees. Donna Potter stated that she did not believe that you could eliminate \$2,000.00 but that the costs could be reduced but that postage was increasing and the letters may cost more due to the heavier contents. Donna Potter stated that she would ask Lori at the OAA to combine the mailings to help with cost savings. Commissioner Milleson also asked about whether or not the bid calling contest could be done on the same day as the sale of champions. Chris Davis stated that they talked to the fair board about moving the contest closer to the sale of champions and or moving it to the evening rather than afternoon to help with attendance. This year, it is staying the same and he hopes to have it in the evening next year. Commissioner Milleson also asked if it was possible to email the auctioneers the information versus mailing. Donna Potter advised that she did not think it was feasible. She did not think that the server at ODA could handle a mass mailing and she also advised that a large number of licensees are not computer savvy. Chris Davis stated that the average age of the NAA member is 57/58 years. The dilemma is how you embrace the non-traditional. He agreed with Ms. Potter that there is a shift coming that the younger auctioneer is much more technically oriented. Commissioner Milleson stated that he has no problem approving the requests but would like to see a reduction in the mailing costs. Chairman Baker stated that the total for the two requests is approx. \$9,000.00. Commissioner Schnaidt stated that he felt that the bid calling contest is an important part of the heritage but his concern is the dollar value for the educational opportunity. Donna Potter stated that the attendance by both the public and the profession has grown considerably now that the contest is back at the Fair Grounds. She stated that when it was a part of the OAA Winter Convention, she too questioned the cost effectiveness and the benefit. However, she felt now that it was back at the State Fair, that it would continue to grow and promote the profession. Commissioner Remias asked what charity was the beneficiary this year. Chris Davis stated that there are two charities this year. H stated that they made some other changes for improvements this year as well. The time frame for the junior category is limited to a shorter number of years. They have also limited it to winning one time. He felt this will help to get people excited about the contest. Commissioner Schnaidt asked if the honorariums for the judges were necessary. He stated that he was sure that there were OAA/OAC members that were willing to donate their time. Chris Davis stated that they are trying to bring in outside judges and that they had reduced the number of judges to three this year. Chairman Baker asked if there was any action on the requests. Commissioner Remias made a motion to approve both requests pending the availability of the pending funds. Commissioner Milleson seconded. No further discussion noted. Motion carried by an affirmative vote of all members present. Donna Potter clarified that Commission did want her to ask the OAA to combine the mailing to save money.

Chairman Baker asked if everyone had a moment to review the minutes from the last meeting. He asked if there were any additions, discussion or comments. Commissioner Milleson moved to approve the minutes as submitted. Commissioner Remias seconded. Motion carried by an affirmative vote of all members present.

The next item on the agenda is the October meeting date. Chairman Baker stated that there was a conflict with the October meeting date of the 24th. He stated that he was getting married the next day and would need to have the date change. He also indicated that he would not be seeking reappointment. Discussion among the commission showed that October 7 or the 16th would be best. Donna Potter stated that she would check with the receptionist to see if there was room availability. Ms Potter also indicated that her assistant would be retiring and due to budget concerns would not be replaced. She indicated that the scheduling for the exams and meetings needed to be adjusted. She advised that she would need to be present for the written exam. She

felt the best schedule would be to have the written exam at 9:00, followed by the verbal exam at 11:30, and the commission meeting at 12:30pm. She stated that the commission meeting could be at 9:00, but that would put the written exam after the verbal and she felt that the examinees might be distracted. The commission agreed with the first schedule. The receptionist was not available to check the schedule for October; the matter was tabled until her return.

The next item on the agenda is the alternative to the apprentice license. Donna Potter stated that she had passed out a hand out of the changes from the last meeting and that she had not received any other changes or recommendations since the meeting. She did state that a question had occurred to her and that they would need to address. She stated that they needed to think about what would happen to those who currently hold an apprentice license and what happens to them if they eliminate the apprentice license. Chairman Baker asked Chris Davis if he was prepared to speak on the matter. Chris Davis stated that he had not had a chance to really look at it. He stated that the language was a compromise between the two schools of thought those who questioned why have the apprenticeship and those who supported the tradition. He felt at the end of the day, the language worked. Chris Davis asked what was expected of the OAA. Chairman Baker stated that it was not an OAA driven request or suggestion. Donna Potter stated that they will need to check with Adam Ward because she was not sure how he would want to proceed. Generically speaking, she stated that they would need to get all stakeholders on board and they would need to get the Director's and Governor's approval before proceeding. Donna Potter stated that if the commission and department moved forward with the proposed language, she felt that the department and commission would look for the OAA's support in the form of testimony. She did not think that it was expected for the OAA to hire a lobbyist like the last time. Chris Davis asked if it was the intent to have them serve a minimum of two years as an associate auctioneer. Donna Potter stated that the intent to serve two years then they become an auctioneer. It was not intended for someone to be able to be licensed as soon as they completed their education. Dave Gorman recommended that the language be tweaked to state that they shall serve as an associate auctioneer for x number of years. Chairman Baker stated that the conversation is good but that he was not sure that they were ready to move forward today. Commissioner Milleson felt that they needed to get something moving. Chris Davis stated that the OAA needed more time. Donna Potter asked if they wanted to keep it on the agenda for the July meeting and that she would make the changes and email it to all parties for review. Chairman Baker asked for further discussion. Commissioner Schnaidt stated that he felt that the more eyes that can look at the language the better. He felt that it could have a huge impact on the ideals behind it. He felt that everyone needed to look at it and pick it apart. Chairman Baker stated that they are not ready to move. He would like to hear what the OAA has to say about the language. Chris Davis stated that as soon as he gets the language, he will move forward with the membership.

The next item on the agenda is the Enforcement Update.

Donna Potter stated that the renewal season had started. She stated that she had received about 1/3 of the renewals back and they had been processed. She stated that the verbal exam rule was going before JCARR the following Monday and if approved should be in place for the July meeting. She stated that the investigation of Central Ohio Auction School was on-going. Jim Patterson stated that it was an unusual situation because the authority sits with the board and not the director. Most not all are conducted with a hearing officer but there are a few boards where the board actually conducts the hearings. He stated that it will be up to the commission to decide with advice from Counsel. He stated that it is a bit early to decide at this time. Once the investigation is complete, if there are violations or concerns then they will need to decide how to progress. Jim Patterson stated that there were a couple of cases that were still on appeal to the

court of common pleas. The first is the Paranzino Brothers revocation. The matter has been fully briefed to the courts for some time. He stated that there is an oral argument later this month and it should be the last hoop before the court order is issued. The magistrate in the matter issued a decision recommending the Director's Order be upheld and that revocation was appropriate. The Paranzino's filed an objection and the oral argument is as to whether or not the Magistrate's decision should be approved. The other appeal is the William Moodispaugh case. It is on appeal in Athens County. The department refused to renew the auctioneer license of Mr. Moodispaugh based on a shoplifting conviction in WV. The department is waiting on the court decision. He stated that there are also several cases where the department is in the process of getting injunctions against unlicensed persons. He further stated that if someone is licensed we have the administrative procedure but that there is not anything we can do administratively if they are not licensed. The department is limited to an injunction or criminal prosecution.

Mr. Patterson stated that there are two bills pending in the House and Senate that are proposing to change provisions for a number of professional licenses based on prior criminal convictions. The basic idea is to limit to criminal offenses that are related to the profession. For example, misdemeanor theft not related to auctioning would not be grounds for the denial of a license.

The final issue from Mr. Patterson is that the department has been working on the issue of internet auction company advertisements that could lead someone to believe that they are licensed when they are not. The department suggests name change or a prominent disclaimer that they are not licensed.

Donna Potter stated that both October 7 and 16th are available for the October meeting. The commission discussed the issue and settled on October 7th and the July meeting will start the new exam and meeting times.

Other business is the next item on the agenda.

The commission received an application for approval from the World Wide College of Auctioneering. Ms. Potter stated based on her review of the application, it appeared that the school failed to demonstrate that they met the minimum curriculum requirements. Chairman Baker recommended sending a letter to ask them to correct for the next meeting.

John Anglin asked that the commission consider creating a directory of auctioneers and laws similar to what is done in Kentucky. He would like the commission to use education fund monies to fund such an endeavor. Chairman Baker stated that it is something to look at.

Commissioner Milleson asked who watches the auction ads. He stated that there is a lot of movement of vacant land and there are differing ad techniques regarding minerals and the transfer of mineral rights. Jim Patterson stated that under 4707.15 a continued course of misrepresentation is grounds for disciplinary action. He stated that an auctioneer has the responsibility to make sure they are advertising truthful information.

With no other business before the commission, Commissioner Remias moved to adjourn. Commissioner Schnaidt seconded. No further discussion. Motion carried. Meeting adjourned at 11:20am.

Approved Chairman