

**MINUTES OF THE STATE AUCTIONEERS COMMISSION**  
**OHIO DEPARTMENT OF AGRICULTURE Seminar Room B**  
**8995 E. MAIN STREET, REYNOLDSBURG, OH 43068**  
**April 22, 2016**

**PRESENT:**

Commissioner Sherri Orr

Commissioner Bart Sheridan

Commissioner Richard Kruse

Commissioner Brad Hess

Commissioner Larry Woods

Hannah Smith-Carr, Staff Legal Counsel

Donna Brinker Potter, Auctioneer Program Manager

**Members of the Public:**

Kathy Baber, OAA

Peter Gehres OAA

Bart Sheridan called the meeting to order at 9:31 am with the pledge of allegiance. All members of the Commission were present, with a quorum present. Chairman Sheridan welcomed the new commissioners. Chairman Sheridan requested the Commissioners review the minutes for the January 15, 2016 Commission Meeting. Commissioner Orr moved to approve the minutes as submitted. Commissioner Kruse seconded. No further discussion. Motion carried by an affirmative vote of all members.

The first item on the agenda was an overview of the Commission for the new members. Donna Potter reviewed the statutory duties of the Commission, educational fund, the per diem and travel, and required ethics education. Hannah Smith-Carr reviewed the open meetings act and public records. Chairman Sheridan reviewed the verbal exam score sheet.

The next item on the agenda was the multi-par absolute auction issue. Chairman Sheridan received a few calls regarding this issue. The question raised was whether an auctioneer may conduct a multi-parcel auction as an absolute auction. Hannah Smith-Carr stated that the Department had asked for an informal attorney general's opinion and hopefully the opinion would be available at the next meeting.

The next item on the agenda was the required police background check for auction school instructors. Ms. Potter stated that she had received a phone call from Mendenhall stating that they were not seeking re-approval as an approved auction school due to the required police background checks. They stated that it was not cost effective for them. Ms. Potter indicated that after discussing the issue with Chairman Sheridan, she contacted a couple of auction schools to find out if any other states currently require police background checks. The feedback received indicated that Ohio is the only state currently requesting the information. Ms. Potter indicated that it is a discretionary requirement and asked if the Commission wished to continue to require them. Chairman Sheridan asked for a motion to no longer require the criminal background checks for instructors. Commissioner Orr so moved. Commissioner Hess seconded. Chairman Sheridan asked for further discussion. Motion carried by an affirmative vote of all members. Chairman Sheridan asked Ms. Potter to notify the auction schools that the requirement has been dropped.

The next item on the agenda was the enforcement update. Donna Potter stated that the fund balances were as follows: education fund = \$229,685.61; operating fund = \$299,974.07; and recovery fund = \$1,258,999.38. Ms. Potter stated all renewal applications had been mailed by the end of February and bond renewal notices were mailed by the end of March. Licensees have until June 30<sup>th</sup> to pay and

avoid the late fee. After July 1<sup>st</sup> there is a \$100.00 late fee. She indicated that there had been several hearings but that the director's orders were pending. Ms. Potter stated that the new laws and rules books had been mailed to all licensees at the end of March. She further stated that the Department is in the process of drafting new rules to clarify the changes to 4707.02(B)(8) and the Department will present them to the Commission to review prior to submittal to JCARR.

The next item on the agenda was new business. Commissioner Kruse updated the Commission regarding HB 463. Commissioner Orr asked for an update from the OAA regarding the educational seminars at the Winter Conference. Ms. Baber indicated that the Conference was well received and that there were approximately 200 attendees. Peter Gehres stated that Hall of Fame Auctioneer Owen Hall had passed away. He gave an overview of the OAA's intention to request educational funds for the coming fiscal year. He also gave an overview of the OAA's initiatives for the next two years which includes continuing education. Commissioner Kruse asked if Mr. Gehres felt that there would be any fund requests from the NAA for the Conference and Show held in Ohio in 2017. Mr. Gehres did not feel that they would be requesting monies due to the NAA being self-contained. Kathy Baber indicated that the OAA would be marketing Ohio auctioneers to the NAA membership at the Conference and Show in Grand Rapids, MI this year.

Chairman Sheridan asked for any further business/comments. Hearing and seeing none, Chairman Sheridan asked for a motion to adjourn. Commissioner Kruse moved to adjourn the meeting and Commissioner Orr seconded. No further discussion noted. Motion carried by an affirmative vote of all members present. Meeting adjourned at 10:34 am.

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Approved Vice-Chairman