

**MINUTES OF THE STATE AUCTIONEERS COMMISSION**  
**OHIO DEPARTMENT OF AGRICULTURE Auditorium**  
**8995 E. MAIN STREET, REYNOLDSBURG, OH 43068**  
**July 24, 2009**

**PRESENT:**

Commissioner James Milleson  
Commissioner Gary Cain  
Commissioner Mike Baker  
Commissioner Steve Remias  
Commissioner David Schnaidt

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

**Members of the Public:**

Chris Davis, OAA

Meeting called to order @ 1:00pm. All members of the commission are present. Chairman Baker asked the commission if they had a moment to review the minutes of the last meeting. Commissioner Schnaidt moved to approve the minutes as written. Commissioner Milleson seconded. No further discussion noted. Motion carried by an affirmative vote of all members.

The next item on the agenda is the alternative to the apprentice license. Chairman Baker stated that after the last meeting he talked to Chris Davis at the OAA for fact finding. He asked questions where the percentages of membership that was for or against the changes was coming from. He suggested that the OAA survey the membership which is now in progress. Commissioner Cain stated that he received the survey. Chairman Baker stated that he did as well. He asked what the commission wanted to do. Commissioner Milleson asked why there was opposition to the change. Chairman Baker stated that his concern is that he did not want to get undermined and it is embarrassing to have your own people against you when you get to the statehouse. He stated that it was important to know whether or not they had the support. Bill Hopper asked when the OAA would have the results. Chairman Baker stated that he is not trying to ramrod the language through. He just wants to be sure of the numbers and whether or not the OAA will support. Commissioner Cain stated that he is anxious to hear the results. He has had some calls as to why and he explained his personal opinion. He stated that he felt they needed association support and that a divided front before the legislature is embarrassing. Chairman Baker stated that they needed to make the right decision as a whole not just representing a portion of the profession. He stated that he has yet to hear a good reason why someone is against it. Commissioner Schnaidt stated that the quality of the apprenticeship was a motivating factor toward change. Commissioner Cain felt that by injecting schooling they can insure that the new licensees are getting the needed information. Commissioner Schnaidt expressed concern over the accuracy of a survey. He felt that they can be written to obtain a specific result or people can answer the survey without being fully informed. He felt that it would be interesting to hear the leadership's comments. He also pointed out that if it was a real issue with opposition that people would have shown up to the meeting to express their concerns. He noted that no one from the public had shown up for the meeting. Chairman Baker reiterated that if and when they go downtown he did not want to get scooped when push came to shove. Commissioner Schnaidt asked if they were hurting themselves in waiting. Chris Davis, President of OAA arrived. Chairman Baker updated Chris Davis what had occurred prior to his arrival and asked what information he had to share. Mr. Davis stated that they sent out an email to their membership and that 100 responses came back. He stated that out of the 100 responses only 5 were in support of the change or were neutral. He stated that the bulk of the comments were passionately against changing. He stated that the bulk of the reasons were that many viewed it as a fast track for Real Estate who were not in it for traditional auction purposes. He stated that they wanted a level of qualification for those coming in. He stated that they felt that there maybe was a valid reason for

someone not being able to find a sponsor. He felt that there was a desire to control the competition and he felt that this was the biggest reason. Mr. Davis felt that with the change shift in the industry that it is changing so fast that the new people that are coming in are not interested in the traditional auction; he felt that the business is shifting to online and the changes in the apprentice license does not affect that portion of the business. He felt that there was a bigger issue of how to get the online people licensed. He stated that even if the OAA remained neutral, the members were passionately against changes to the apprenticeship program. Chairman Baker asked for clarification on the real estate issue. Chris Davis explained that there was belief that it would open the doors for a real estate person to quickly get their license and work with any auctioneer who may or may not be licensed in real estate to supervise them. He felt that this was a huge problem. Donna Brinker Potter stated that she believed that they would still have to work with a licensed auctioneer who was also licensed in real estate.

Chairman Baker asked Mr. Davis if he felt that was the bulk of the opposition. Chris Davis responded that he believed it was. He felt that they had an industry that wanted to control incoming flow. Commissioner Schnaidt stated that the other alternative was to put more weight on what sponsoring auctioneer has to do. If trying to achieve higher quality coming in, the more restrictions on sponsorship, the less people are going to be willing to sponsor an individual. Commissioner Cain stated that they are trying to upgrade the quality of the instruction and more education. Chris Davis stated that issue becomes that they are basically receiving no training and trying to get better education coupled with trying to get in the door and get them educated. Commissioner Cain stated that the worse thing that could happen would be to move forward and have huge opposition. Commissioner Milleson asked when they sent out the email and got 100 responses, how many were sent out. Chris Davis responded approximately 500. Commissioner Milleson asked of those responding are they people willing to come down and testify or are they blowing off steam? Commissioner Schnaidt stated that he was not at a comfort level to move forward. He stated that there are things that they are missing before they just throw something up there. He would like to see people come to the next meeting to work through it. Commissioner Cain stated that the original goal was still proper. He felt that the membership of the OAA would agree that something needed to be done. Chairman Baker asked in what form the OAA would support the bill. Mr. Baker stated that he did not understand why someone would try to legislate or limit people out of the business. He stated that the apprenticeship is antiquated other states are getting rid of it for a reason. Mike Baker stated that if they choose to do nothing, they are not elevating the profession. He stated that there is no other way to do it without regulating what is being learned. Chairman Baker asked in what form the OAA would support the changes. Gary Cain stated that the last thing they wanted would be to go to the statehouse and not have the profession on board. He stated that they would need some help. Donna Potter asked if they wanted to put this on the next meeting's agenda. Mike Baker stated yes and asked Chris Davis to see what information that he could bring back from the membership.

The next item on the agenda was the enforcement update. Bill Hopper advised the commission that the enforcement division had completed an investigation of the Central Ohio Auction School. The department found areas of possible violation. He asked the commission how they wanted to proceed. The commission decided to issue a notice of opportunity for hearing and if the school asked for a hearing, the commission would use a hearing officer from the hearing officer pool on contract with the department. Commissioner Cain so moved. Commissioner Remias seconded.

Commissioner Schnaidt had to leave the meeting at 2:20pm.

Donna Potter gave an update of the budget. She stated that the spending authority for the auction education fund had been increased to 41,000 per year as the commission had requested.

However, the program had been notified that \$300,000 of the recovery fund had been transferred out by OBM as a result of the budget crisis. Commissioner Milleson stated that he felt that a letter should be written requesting the return of the monies transferred out of the recovery fund. Chairman Baker stated that the money was there for public protection but if they asked for the return of the monies, it could backfire. Commissioner Milleson felt that they needed to say something. Commissioner Cain moved that they should draft a letter for the Chairman's signature requesting the return of the funds. Commissioner Milleson seconded the motion. No further discussion. The motion carried.

The next item on the agenda is Education Fund Requests. Donna Potter stated that there was a request from the OAA for the Fall Seminar. Chairman Baker asked when the mailing would go out and could the commission include a survey regarding the apprenticeship. Commissioner Milleson stated that he felt that was a good idea. Chairman Baker felt that it would save monies to combine the mailings and that they could refer people to the web pages to see the text of the language. Commissioner Milleson moved to approve the educational fund request plus an additional amount not to exceed \$500.00 to cover the additional cost of including the survey. Commissioner Cain seconded. Motion carried.

The next item on the agenda was the scheduling of the triennial review of the auction schools. The commission decided to review the schools in October prior to the current approval expiring in case additional information would be needed.

The next item on the agenda was the approval of auction school applications. Donna Potter stated that they submitted an application which showed that they met the minimum requirements for approval. There was discussion over a concern over the lack of experience by the principals. Commissioner Cain moved to approve the school since they demonstrated that they met the minimum requirements for approval. Commissioner Remias seconded. Motion carried after no further discussion.

The next item on the agenda was the application for World Wide College of Auctioneering. Chairman Baker asked to table the application to the next meeting and to send a reminder to the school that the commission was waiting for requested information. The application was tabled to the October meeting.

Chairman Baker asked for any other business. With no other business before the commission, Commissioner Remias moved to adjourn. Commissioner Cain seconded. No further discussion. Motion carried. Meeting adjourned at 3:00pm.

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Approved Chairman