1	COMMONWEALTH OF PENNSYLVANIA
2	DEPARTMENT OF STATE
3	BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
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5	FINAL MINUTES
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7	MEETING OF:
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9	STATE BOARD OF AUCTIONEER EXAMINERS
10	
11	TIME: 10:30 a.m.
12	
13	Held at
14	PENNSYLVANIA DEPARTMENT OF STATE
15	2525 North 7th Street
16	CoPA HUB, Eaton Conference Room
17	Harrisburg, Pennsylvania 17110
18	as well as
19	VIA MICROSOFT TEAMS
20	
21	Monday, January 8, 2024
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1 2 3	State Board of Auctioneer Examiners January 8, 2024	
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	Gerald A. Rader, AU, Chairman, Professional Member Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs Sherman E. Hostetter Jr., AU, Professional Member Nevin B. Rentzel, AU, Professional Member Daniel A. Trace, AU, Secretary, Professional Member Hayley Dull, Consumer Protection Agent, Office of Attorney General	
	BUREAU PERSONNEL:	
	<pre>Carole Clarke Smith, Esquire, Senior Board Counsel Shawn J. Jayman, Esquire, Board Counsel J. Karl Geschwindt, Esquire, Senior Prosecutor and Board Prosecution Liaison Terrie Kocher, Board Administrator Marc Farrell, Esquire, Regulatory Counsel, Office of Chief Counsel, Department of State Carolyn A. DeLaurentis, Esquire, Executive Deputy Chief Counsel, Department of State Carlton Smith, Deputy Chief Counsel, Prosecution Division Deena Parmelee, Legal Office Administrator 1, Department of State</pre>	
	<u>ALSO PRESENT:</u>	
	George A. Michak, Esquire Austin Wolfe, Esquire, McNees Wallace & Nurick LLC Jessica Kemmerer, Government Affairs, Pennsylvania Auctioneers Association Derek Richmond	

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* * * 1 2 State Board of Auctioneer Examiners 3 January 8, 2024 * * * 4 5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at 9:30 a.m. the Board entered into Executive Session 6 7 with Shawn J. Jayman, Esquire, Board Counsel, to have 8 attorney-client consultations and for the purpose of 9 conducting quasi-judicial deliberations. The Board 10 returned to open session at 10:30 a.m.] * * * 11 12 The regularly scheduled meeting of the State 13 Board of Auctioneer Examiners was held on Monday, 14 January 8, 2024. Gerald A. Rader, AU, Chairman, 15 Professional Member, called the meeting to order at 10:30 a.m. 16 * * * 17 18 Roll Call of Board Members 19 [Gerald A. Rader, AU, Chairman, Professional Member, 20 requested a roll call of Board members.] * * * 21 22 Introduction of Attendees 23 [Terrie Kocher, Board Administrator, provided an 24 introduction of attendees.] * * * 25

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1 [Shawn J. Jayman, Esquire, Board Counsel, noted the 2 meeting was being recorded and continued 3 participation constituted consent to be recorded. 4 Mr. Jayman also noted the Board entered into 5 Executive Session with Board Counsel to have 6 attorney-client consultations and for the purpose of 7 conducting guasi-judicial deliberations.] * * * 8 9 Approval of minutes of the November 13, 2023 meeting 10 CHAIRMAN RADER: The first item is the draft of the 11 12 November 13 minutes. Having reviewed 13 the minutes prior to our meeting today, 14 are there any corrections or additions? 15 MR. HOSTETTER: 16 I move to accept the minutes. 17 CHAIRMAN RADER: 18 Is there a second? MR. TRACE: 19 20 Second. 21 MS. KOCHER: 22 Gerald Rader, aye; Arion Claggett, aye; 23 Sherman Hostetter, aye; Nevin Rentzel, 24 aye; Daniel Trace, aye; Hayley Dull, 25 aye.

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1 [The motion carried unanimously.] * * * 2 3 Appointment - Annual Prosecution Division 4 Presentation 5 [Carlton Smith, Esquire, Deputy Chief Counsel, Prosecution Division, informed Board members that he 6 7 assumed his role in March 2023 when Carolyn 8 DeLaurentis was promoted to the executive deputy 9 chief counsel position and provided a brief history 10 of his professional background. Mr. Smith presented the 2023 Prosecution 11 12 Division's Annual Report for the State Board of 13 Auctioneer Examiners. He reported just under 2,200 14 active licensees and 85 opened cases, which is 15 slightly down from 2022 at 91. He noted 130 open 16 cases that includes cases opened during this year and 17 carryovers from previous years. He stated 50 cases 18 were closed with an average of 369 days to close a 19 case from the time the complaint is received until 20 disposition. He also reported 12 Act 48 fines, 4 21 voluntary surrenders, 18 cases where prosecution was 22 not warranted, and 14 administrative closings. 23 Mr. Smith provided a detailed breakdown of the 24 top three types of opened cases and include 23 25 unprofessional conduct cases, 22 for practicing on a

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lapsed license, and 19 for unlicensed practice 1 2 activity. He explained that one case could show up 3 as two or three different categories and is why the 4 number of opened cases does not always add up. 5 Mr. Smith stated priority cases go to the top of 6 the list for investigators to obtain evidence and 7 interview witnesses, noting the main category is 8 sexual misconduct-type cases. He reported opening 1 9 case for the Board in 2023. 10 Mr. Hostetter requested a case update for every 11 Board meeting. 12 Mr. Smith offered to generate a report through 13 the (Pennsylvania Licensing System (PALS) for every 14 Board meeting. He asked whether Board members had 15 anything they would like prosecution to pay 16 particular attention to in terms of opening up cases 17 or in terms of investigating cases, and the Board had 18 nothing at this time. 19 Mr. Smith also reported a decrease in the number 20 of Bureau of Professional and Occupational Affairs 21 (BPOA) complaints for all boards and commissions from 22 22,000 in 2022 to 19,000 in 2023. 23 Mr. Hostetter asked for Mr. Smith's opinion of 24 the Board's efficiency and where they fall within all 25 of the boards.

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Mr. Smith did not believe the number of cases and complaints are large when comparing their Board to other boards. He mentioned that he is looking into some of the costs associated or billed to the Board because of the Board's previous request and is currently working on fully staffing Mr. Geschwindt's team.

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8 Mr. Hostetter also requested information 9 regarding the cost of each complaint.

10 Mr. Smith stated he could provide that information but further explained that some of it 11 12 relates to the current structure of Mr. Geschwindt's 13 team being down attorneys. He noted Mr. Geschwindt 14 is currently looking at more cases and timesheets are 15 billing at a higher rate than a newer attorney. Не 16 believed the Board would see a reduction in terms of 17 costs after the team is fully staffed.

18 Mr. Geschwindt explained that his team has about 19 six boards and he works directly on cases and 20 oversees some of those boards. He mentioned that he 21 was the only person working on auction cases in 22 January but has been training three other attorneys 23 to hopefully bring costs down.] * * * 24 25 Report of Board Prosecution

[J. Karl Geschwindt, Esquire, Senior Prosecutor and 1 2 Board Prosecution Liaison, presented the Consent 3 Agreement for Case No. 20-64-005978.] 4 MR. JAYMAN: 5 Based on Executive Session deliberation, I believe the Chairperson 6 7 would entertain a motion to approve the 8 Consent Agreement at Case No. 20-64-9 005978. 10 CHAIRMAN RADER: 11 Do I hear a motion? MR. TRACE: 12 13 I make the motion. 14 MR. RENTZEL: 15 Second. MS. KOCHER: 16 17 Gerald Rader, aye; Arion Claggett, aye; 18 Sherman Hostetter, aye; Nevin Rentzel, 19 aye; Daniel Trace, aye; Hayley Dull, 20 aye. 21 [The motion carried unanimously. The Respondent's 22 name is Indiana Farmers Livestock Auction, Inc.] 23 * * * 24 Report of Board Counsel - Final Adjudication and 25 Order

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9 1 MR. JAYMAN: 2 Item 4 on the agenda. Based on 3 Executive Session deliberations, I believe the Chairperson would entertain 4 a motion to issue the Final 5 Adjudication and Order in the Matter of 6 7 Collectors Auction Company, LLC, Case No. 23-64-010542. 8 9 CHAIRMAN RADER: 10 Do I have a motion? MR. TRACE: 11 I make the motion. 12 13 MR. HOSTETTER: 14 Second. 15 MS. KOCHER: 16 Gerald Rader, aye; Arion Claggett, aye; 17 Sherman Hostetter, aye; Nevin Rentzel, 18 aye; Daniel Trace, aye; Hayley Dull, 19 aye. 20 [The motion carried unanimously.] * * * 21 MR. JAYMAN: 22 23 Item 5 on the agenda. Based on 24 Executive Session deliberations, I 25 believe the Chairperson would entertain

10 a motion to issue the Final 1 2 Adjudication and Order in the Matter of 3 Kenneth L. Rivenburg Jr., Case Nos. 20-4 64-008246 & 20-64-009971. 5 MR. HOSTETTER: 6 So moved. 7 MR. TRACE: 8 Second. MS. KOCHER: 9 10 Gerald Rader, aye; Arion Claggett, aye; 11 Sherman Hostetter, aye; Nevin Rentzel, 12 aye; Daniel Trace, aye; Hayley Dull, 13 aye. 14 [The motion carried unanimously.] 15 * * * 16 Report of Board Counsel - Miscellaneous 17 [Shawn J. Jayman, Esquire, Board Counsel, noted 10 18 current open cases before the Board.] * * * 19 20 Report of Acting Commissioner - No Report 21 * * * 22 Report of Board Chairperson 23 [Gerald A. Rader, AU, Chairman, Professional Member, 24 addressed the Pennsylvania Auctioneers Association's 25 Conference and Trade Show January 9-12 at the

1 Sheraton Harrisburg-Hershey in Harrisburg. Нe 2 mentioned there would be a fun auction on Thursday 3 and a bid calling contest on Wednesday.] * * * 4 5 Report of Board Administrator - No Report * * * 6 7 [Sherman E. Hostetter Jr., AU, Professional Member, 8 thanked Mr. Rentzel, on behalf of the Board, for his 9 years of service as Chairman. He also welcomed and 10 thanked Chairman Rader.] 11 * * * 12 Adjournment 13 CHAIRMAN RADER: 14 Is there a motion for adjournment? 15 MR. HOSTETTER: 16 So moved. 17 MR. RENTZEL: 18 Second. 19 CHAIRMAN RADER: 20 Thank you. * * * 21 22 [There being no further business, the State Board of 23 Auctioneer Examiners Meeting adjourned at 10:54 a.m.] * * * 24 25

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2	CERTIFICATE			
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4	I hereby certify that the foregoing summary			
5	minutes of the State Board of Auctioneer Examiners			
6	meeting, was reduced to writing by me or under my			
7	supervision, and that the minutes accurately			
8	summarize the substance of the State Board of			
9	Auctioneers meeting.			
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11	DA B.			
12	Val Man			
13	Derek Richmond,			
14	Minute Clerk			
15	Sargent's Court Reporting			
16	Service, Inc.			
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1 2 3 4 5 6 7		STATE BOARD OF AUCTIONEER EXAMINERS REFERENCE INDEX	
5 4 5		January 8, 2024	
6 7	TIME	AGENDA	
8 9 10	9:30 10:30	Executive Session Return to Open Session	
10 11 12	10:30	Official Call to Order	
13 14	10:30	Roll Call of Board Members	
15 16	10:31	Introduction of Attendees	
17 18	10 : 33	Approval of Minutes	
19 20 21 22	10:33	Appointment - Carlton Smith, Deputy Chief Counsel, Prosecution Division, Annual Prosecution Division Report	,
23 24	10 : 47	Report of Board Prosecution	
25 26	10 : 50	Report of Board Counsel	
27 28	10 : 53	Report of Board Chair	
29 30	10 : 54	Adjournment	
31 32			
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