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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

**F I N A L M I N U T E S**

MEETING OF:

**STATE BOARD OF AUCTIONEER EXAMINERS**

TIME: 10:30 a.m.

Held at

**PENNSYLVANIA DEPARTMENT OF STATE**

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

**VIA MICROSOFT TEAMS**

Monday, January 9, 2023

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State Board of Auctioneer Examiners  
January 9, 2023

BOARD MEMBERS:

Nevin B. Rentzel, AU, Chairman, Professional  
Member - Absent  
Arion R. Claggett, Acting Commissioner, Bureau of  
Professional and Occupational Affairs  
Sherman E. Hostetter Jr., AU, Professional Member  
Gerald A. Rader, AU, Professional Member  
Daniel A. Trace, AU, Secretary, Professional Member  
Hayley Dull, Consumer Protection Agent, Office of  
Attorney General

BUREAU PERSONNEL:

Jason E. McMurry, Esquire, Board Counsel  
Carolyn DeLaurentis, Deputy Chief Counsel,  
Prosecution  
Division  
J. Karl Geschwindt, Esquire, Board Prosecution  
Liaison  
Terrie Kocher, Board Administrator  
Andrew LaFratte, MPA, Executive Policy Specialist,  
Department of State  
Deena Parmelee, Legal Office Administrator 1,  
Department of State

ALSO PRESENT:

George A. Michak, Esquire, Michak Legal

1 \*\*\*

2 State Board of Auctioneer Examiners

3 January 9, 2023

4 \*\*\*

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,  
6 at 10:00 a.m. the Board entered into Executive  
7 Session with Jason E. McMurry, Esquire, Board  
8 Counsel, for the purpose of conducting quasi-judicial  
9 deliberations and to receive legal advice on matters  
10 that are currently pending before the Board. The  
11 Board returned to open session at 10:30 a.m.]

12 \*\*\*

13 The regularly scheduled meeting of the State  
14 Board of Auctioneer Examiners was held on Monday,  
15 January 9, 2023. Daniel A. Trace, AU, Secretary,  
16 Professional Member, called the meeting to order at  
17 10:30 a.m. and asked for a moment of silence.

18 \*\*\*

19 Introduction of Board Members/Attendees  
20 [Secretary Trace requested an introduction of Board  
21 members and attendees.]

22 \*\*\*

23 Approval of minutes of the November 14, 2022 meeting  
24 SECRETARY TRACE:

25 We have the meeting minutes from the

1 previous session. Anybody have any  
2 questions?

3 We are looking for a motion to  
4 approve the minutes from the November  
5 meeting.

6 MR. HOSTETTER:

7 So moved.

8 MR. RADER:

9 Second.

10 SECRETARY TRACE:

11 Any discussion? Roll call vote.

12 MS. KOCHER:

13 Arion Claggett, abstain; Sherman  
14 Hostetter, aye; Gerald Rader, aye;  
15 Daniel Trace, aye; Hayley Dull,  
16 abstain.

17 [The motion carried. Arion Claggett and Hayley Dull  
18 abstained from voting on the motion.]

19 \*\*\*

20 Report of Prosecutorial Division

21 [J. Karl Geschwindt, Esquire, Board Prosecution  
22 Liaison, presented the Consent Agreement and Order  
23 for Case Nos. 19-64-001395, 19-64-001776, 19-64-  
24 003495, and 19-64-009885.]

25 MR. MCMURRY:



1 He stated the fee regulations have been approved and  
2 posted on the Board's website, which would be in  
3 effect for the upcoming renewal cycle.]

4 \*\*\*

5 Report of Board Counsel - Application

6 MR. MCMURRY:

7 The Board met in Executive Session. At  
8 this time, I would ask to see if there  
9 is a motion to approve the Application  
10 as listed on the agenda.

11 MR. HOSTETTER:

12 So moved.

13 MR. MCMURRY:

14 Is there a second?

15 MR. RADER:

16 Second.

17 MS. KOCHER:

18 Arion Claggett, aye; Sherman Hostetter,  
19 aye; Gerald Rader, aye; Daniel Trace,  
20 aye; Hayley Dull, aye.

21 [The motion carried unanimously. The Apprentice  
22 Auctioneer Applicant's name is Bradley Mummert.]

23 \*\*\*

24 Report of Acting Commissioner - No Report

25 \*\*\*

1 Report of Board Administrator

2 [Terrie Kocher, Board Administrator, reminded  
3 everyone that the Board is currently in a renewal  
4 period from December 28, 2022, until February 28,  
5 2023, when licenses expire. She mentioned there is  
6 no longer a 30-day grace period, and anyone who does  
7 not renew their license on time would have to go  
8 through the online reactivation process, along with  
9 paying a late fee of \$5 per month. She reported the  
10 system is working and renewals have been going  
11 smoothly.

12 Acting Commissioner Claggett commented that other  
13 boards still send out notifications when the renewal  
14 period opens to all applicants.]

15 \*\*\*

16 Report of Board Chairperson

17 [Daniel A. Trace, AU, Secretary, Professional Member,  
18 informed Board members that the 2023 Pennsylvania  
19 Auctioneers Association's Annual Conference and Trade  
20 Show starts January 10, 2023. He noted the Auction  
21 Competition Farm Show would be on Wednesday, Annual  
22 Fun Auction on Thursday, and Annual President's  
23 Banquet on Friday.

24 Mr. Trace reported that no one has to be a member  
25 of the Pennsylvania Auctioneers Association (PAA) to

1 take action this year but is required to be an  
2 auctioneer.]

3

\*\*\*

4 Appointment - Prosecution Division Annual Report  
5 Presentation

6 [Carolyn A. DeLaurentis, Esquire, Deputy Chief  
7 Counsel, Prosecution Division, presented to the Board  
8 to provide a summary of the prosecution division's  
9 annual numbers during 2022. She informed Board  
10 members that the Bureau of Professional and  
11 Occupational Affairs provides administrative and  
12 legal support to all 29 boards and commissions, along  
13 with the counsel division, hearing examiners, and  
14 Bureau of Enforcement and Investigation (BEI).

15 Ms. DeLaurentis noted there is also a  
16 Professional Compliance Office that reviews the  
17 complaints to make sure they have jurisdiction. She  
18 stated the professional licensing aspect protects the  
19 health and safety of the public as well as the  
20 integrity of the profession, and the prosecution  
21 division is tasked with making sure people are  
22 following laws related to their specific license.

23 Ms. DeLaurentis explained that the Office of  
24 Chief Counsel is under the Governor's Office of  
25 General Counsel and is broken into several divisions.



1 She noted the prosecution division has about 33  
2 attorneys and over 60 staff members who work on  
3 complaints with the Bureau of Enforcement and  
4 Investigation and the Professional Compliance Office.  
5 She announced Karl Geschwindt would be serving as an  
6 acting senior prosecutor as of today.

7 Ms. DeLaurentis addressed the complaint process  
8 and how a complaint is received, noting every single  
9 case is reviewed by an administrative assistant to  
10 determine jurisdiction. She noted receiving  
11 Pennsylvania Justice Network (JNET) alerts through  
12 the Office of Administration. She stated they have  
13 investigative authority with over 70 investigators  
14 and 30 inspectors who interview witnesses and gather  
15 the facts so a lawyer can review the information.

16 Ms. DeLaurentis discussed levels of review,  
17 including whether the case is under their  
18 jurisdiction and other reviews to make sure time and  
19 money should be spent on the case. She noted cases  
20 can be closed if no violation is found, but they may  
21 file an order to show cause (OSC) or issue citations  
22 if violations are found.

23 Ms. DeLaurentis stated the respondent is entitled  
24 to a hearing if charged and provided a summary of the  
25 hearing process, noting the hearing examiner's

1 decision is a proposed decision and then the Board  
2 makes a final decision. She mentioned that the  
3 consent agreement process is where both sides are  
4 negotiating toward a resolution.

5 Ms. DeLaurentis explained that BEI conducts  
6 interviews, inspections, and obtains evidence but  
7 also serve documents and testify. She addressed  
8 document authority, noting boards are supposed to  
9 comply based upon their governing regulations and  
10 statutes if BEI asks to see their records, but there  
11 are limitations if they do not have the authority to  
12 be there.

13 Ms. DeLaurentis stated BEI gives the information  
14 to the attorneys after the investigation to decide  
15 whether to close the case or issue a warning letter.

16 She noted that disciplinary actions include  
17 immediate temporary suspension if someone is an  
18 immediate danger to the health and safety of the  
19 public. She stated automatic suspensions usually  
20 concern drug act violations or 302 commitments, and a  
21 petition for appropriate relief is when someone has  
22 violated a board order.

23 Ms. DeLaurentis referred to § 3109, where  
24 investigations by their office are confidential and  
25 privileged under confidentiality statutes. She

1 informed Board members that prosecution cannot  
2 disclose something within their files if it is not  
3 contained within the document presented to the Board.  
4 She explained that investigations are defined as  
5 noncriminal investigations under the Right-to-Know  
6 Law and are exempt from requests under that law. She  
7 reported that only their final action can be shared  
8 publicly.

9 Ms. DeLaurentis provided data as of January 3,  
10 2023, noting the number of current open cases for the  
11 whole division is 13,154. She stated 16,084 cases  
12 were opened in 2022 and is down from 2021 at 18,363  
13 cases. She reported closing 17,826 files in 2022 and  
14 is up from 2021, where 15,994 cases were closed. She  
15 thanked the prosecution and counsel divisions for  
16 their hard work in 2022.

17 Ms. DeLaurentis addressed specific information  
18 for the State Board of Auctioneer Examiners, noting  
19 91 cases were opened in 2022, which is down from 2021  
20 at 119. She reported 112 cases were closed in 2022  
21 and 129 in 2021 with 95 cases that are currently open  
22 for the Board. She stated 13 cases resulted in  
23 fines, 5 Act 48 citations, 1 cost, and 4 suspensions.

24 Ms. DeLaurentis mentioned that non-disciplinary  
25 actions are called Z codes, and the Board had 38

1 cases that were Z02s, where prosecution was not  
2 warranted. She reported 35 warning letters in 2022,  
3 which is down from 2021 at 53. She mentioned that de  
4 minimis violations may be a reason the Board would  
5 have more warning letters in a renewal year.

6 Mr. Hostetter asked whether the Board could  
7 receive the report showing a breakdown of categories  
8 of complaints.

9 Ms. DeLaurentis stated the information would be  
10 available to the boards when their annual report is  
11 finalized and goes to the General Assembly. She  
12 mentioned that Board Counsel could request specific  
13 aggregate information that is available for all of  
14 the boards and offered to have her assistant provide  
15 that information to Mr. McMurry today.

16 Mr. Rader commented that other professionals have  
17 bonds similar to auctioneers and asked if it ever  
18 gets to a point where a bond would actually be in  
19 jeopardy.

20 Mr. McMurry explained that the commonwealth does  
21 not go after the bond and only ensures that they are  
22 bonded to protect the public, where someone injured  
23 by the actions of the licensee could take legal  
24 action.

25 Ms. DeLaurentis stated individuals are asked to

1 speak to their own counsel when they are facing  
2 discipline because they do not know what insurance  
3 companies will and will not do based on their  
4 disciplinary actions and may be analogous to the  
5 bonding situation.

6 Mr. McMurry further explained that someone may  
7 have other insurance covering them running a business  
8 but that it is not required as part of a licensure  
9 aspect. He stated auctioneers in the commonwealth  
10 are required to be bonded, and that bond is issued in  
11 favor of their license.

12 Mr. Rader asked Ms. DeLaurentis how the internet  
13 influenced prosecution.

14 Ms. DeLaurentis stated the Pennsylvania Licensing  
15 System (PALS) is beneficial because it makes filing a  
16 complaint online with their office easy. She  
17 mentioned the internet to also be helpful as an  
18 investigative tool to look at what licensees are  
19 putting out to the public on social media.]

20

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21 [Daniel A. Trace, AU, Secretary, Professional Member,  
22 noted the remaining 2023 meeting dates are March 13,  
23 May 8, July 10, September 11, and November 13.]

24

\*\*\*

25 Adjournment

1 SECRETARY TRACE:

2 We look for a motion for adjournment.

3 MR. HOSTETTER:

4 So moved.

5 SECRETARY TRACE:

6 Second?

7 MR. RADER:

8 Second.

9 SECRETARY TRACE:

10 All those in favor? Any opposed?

11 \*\*\*

12 [There being no further business, the State Board of  
13 Auctioneer Examiners Meeting adjourned at 11:14 a.m.]

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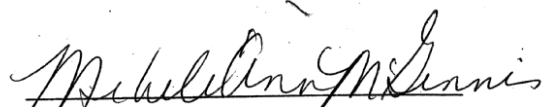
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CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Auctioneer Examiners meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Auctioneers meeting.



Michele Ann McGinnis,

Minute Clerk

Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF AUCTIONEER EXAMINERS  
REFERENCE INDEX

January 9, 2023

TIME	AGENDA
10:00	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:31	Introduction of Board Members/Attendees
10:31	Approval of Minutes
10:32	Report of Board Prosecution
10:37	Report of Board Counsel
10:39	Report of Board Administrator
10:42	Report of Board Chairperson
10:44	Appointment - Carolyn A. DeLaurentis, Esquire, Deputy Chief Counsel, Prosecution Division, Annual Report Presentation
11:14	Adjournment