

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

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

Monday, March 10, 2025

State Board of Auctioneer Examiners
March 10, 2025

BOARD MEMBERS:

Gerald A. Rader, Chairman
Arion R. Claggett, Acting Commissioner
Sherman E. Hostetter Jr., Professional Member
Daniel A. Trace, Secretary
Hayley Dull, Consumer Protection Agent
Thomas L. Abruzzese, Trading Assistant

BUREAU PERSONNEL:

Shawn Jayman, Esquire, Board Counsel
Jon Zurinskas, Esquire, Board Prosecution Liaison
Michael Merten, Esquire, Board Counsel
J. Carl Geschwindt, Esquire, Senior Board Counsel
Marc Farrell, Esquire, Regulatory Counsel,
Office of Chief Counsel, Department of State
Terrie Kocher, Board Administrator
Andrew LeFratte, MPA, Deputy Policy Director,
Department of State
Carlton Smith, Esquire, Deputy Chief Counsel,
Prosecution Division
Stephanie Dunkerley, Legal Analyst, Office of General
Counsel
Brooke Jones, Legal Extern
Deena Parmelee, Legal Office Administrator

ALSO PRESENT:

Ian J. Gilmore, Applicant
John E. Quinn, Esquire
Ronald Jackson, Esquire
Ryan T. Gonder, Esquire
Rachael Wilbur, Sargent's Court Reporting Service,
Inc.

State Board of Auctioneer Examiners

March 10, 2025

[Pursuant to Section 708(a)(5) of the Sunshine Act, at 9:00 a.m. the Board entered into Executive Session with Shawn J. Jayman, Esquire, Board Counsel, to have attorney-client consultations and for the purpose of conducting quasi-judicial deliberations. The Board returned to open session at 10:30 a.m.]

The regularly scheduled meeting of the State Board of Auctioneer Examiners was held on Monday, March 10, 2025. Gerald A. Rader, Chairman, called the meeting to order at 10:30 a.m.

Roll Call of Board Members

[Gerald A. Rader, Chairman, requested a roll call of Board members. A quorum was present.]

Introduction of Attendees

[Terrie Kocher, Board Administrator, provided an introduction of attendees.]

[Shawn J. Jayman, Esquire, Board Counsel, noted the

1 meeting was being recorded and continued
2 participation constituted consent to be recorded.

3 Mr. Jayman also noted the Board entered into
4 Executive Session for the purpose of conducting
5 quasi-judicial deliberations and to receive the
6 advice of counsel.]

7 ***

8 Approval of Minutes of November 18, 2024

9 CHAIRMAN RADER:

10 Next item on the agenda would be the
11 approval of the minutes of November 18th
12 of 2024.

13 Having a chance to review them, any
14 additions or suggestions? Motion to
15 accept?

16 MR. HOSTETTER:

17 So moved.

18 MR. TRACE:

19 Second.

20 MS. KOCHER:

21 Roll call.

22

23 Gerald Rader, aye; Arion Claggett, aye;
24 Sherman Hostetter, aye; Daniel Trace,
25 aye; Hayley Dull, aye; Thomas

1 Abruzzese, aye.

2 [The motion carried unanimously.]

3 ***

4 Report of Board Prosecution - Annual Prosecution
5 Report

6 [Carlton Smith, Deputy Chief Counsel for the
7 Prosecution Division, presented the annual report.

8 Mr. Smith stated, at the time the report was
9 printed for the Board, there were 2300 active
10 licensees. He also noted, in 2024, they opened 99
11 cases. In 2023, 85 cases were opened. For 2024, the
12 number of open cases totaled 138 and closed cases
13 totaled 91.

14 Mr. Smith notified the Board that it takes about
15 358 days for the prosecution to close a case. He
16 would like to see some improvement with closing the
17 case more quickly. He explained, once a complaint is
18 received by the prosecution, it is processed by an
19 administrator and then sent to the BEI (Bureau of
20 Enforcement and Investigation). The BEI conducts an
21 initial investigation. Once the results of the BEI
22 investigation are completed, the report is sent back
23 to the prosecution. Upon receiving the BEI report,
24 the prosecution will either request additional
25 information from the BEI or will determine, based on

1 the BEI's initial report, what charges, if any, are
2 to be considered in the case.

3 Mr. Smith then stated certain criteria must be
4 met in order for a prosecutorial investigation to
5 begin. Factors such as the validity of an allegation
6 and the ability of the prosecution to prove that the
7 allegation is true are both significant questions
8 that need to be answered prior to the start of an
9 investigation. Mr. Smith clarified to the Board that
10 other factors are involved as well.

11 He then conveyed, in 2024, 8 cases had fines
12 imposed. There were also 8 citations issued (Act
13 48), with one case having costs levied against the
14 licensee. Reinstatements also occur, usually after
15 some type of licensee suspension. There were 3
16 suspensions, a reprimand and a revocation in 2024.

17 He also noted that cases with lesser charges did
18 not require official discipline from the prosecution.
19 Cases that are disposed of without official
20 discipline fall into two categories: One being the
21 category of prosecution, not warranted and the other
22 being the practice of sending a warning letter to the
23 violator. In 2024, there were 30 cases that were in
24 the category of prosecution not warranted, and 21
25 warning letters that were issued.

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1 Report of Board Counsel - The Sunshine Act and
2 Recusal Presentation

3 [Shawn Jayman, Esquire, Board Counsel reported on The
4 Sunshine Act and Recusal report.

5 Mr. Jayman first stated the purpose of the Act is
6 to allow for the public to attend any and all agency
7 meetings in order to witness the deliberation policy
8 formulation and decision-making process. The Act
9 guarantees the public the right to observe proper
10 functioning of the democratic process at work.

11 Mr. Jayman continued by explaining the factors
12 that the criteria required in order to uphold the
13 Act. Anytime an agency meeting includes
14 deliberations or official action the public has a
15 right to be present. An agency is defined as the
16 board and all committees thereof authorized to take
17 official action. Official action is a term
18 considered to be any agency recommendations made
19 pursuant to a statute, establishment of a policy, or
20 a vote taken amongst agency members, along with other
21 board actions that would allow for the public to be
22 present.

23 For the public, the notice of an agency meeting
24 must be given no later than 24 hours prior to the
25 start of the meeting. Public notice is to be

1 published in the newspaper with the agency name,
2 place and time of the meeting. A notice of same must
3 be displayed in the building of the agency itself.
4 Mr. Jayman advised of the additional requirements
5 needed as well.

6 All agency meetings where official action takes
7 place must create a record or recording of meeting
8 activity. The meeting activity, or minutes, must
9 include the names of each member, a roll call, the
10 names of the citizens present and other information
11 as well, noted by Mr. Jayman.

12 The Sunshine Act, allowing for the presence of
13 public citizens, does not apply to agency
14 conferences, executive sessions or any gathering
15 organized for the sole purpose of providing
16 information to its members about their official
17 duties within the agency. Executive sessions are
18 used for discussing personnel issues or consulting
19 with attorneys and thereby not open to the public.
20 Executive sessions may be held either before, during
21 or subsequent to an open public agency meeting, etc.

22 Mr. Jayman further advised the Board as to the
23 consequences of a violation against the Act.
24 Criminal violations, criminal sanctions, fines levied
25 and meeting minutes deemed null and void were some of

1 the examples he gave. He also stated that board
2 members should not speak about agency matters outside
3 of an official board meeting. Any and all business
4 deliberations and/or official action by an agency
5 must be conducted in open meetings.

6 Recusals, Mr. Jayman continued, occurs if and
7 when a prosecuting member of a board feels unable to
8 be impartial about the case at hand. The
9 circumstances in which a voting member should recuse
10 themselves from the case include, but are not limited
11 to, a member's personal interest in benefiting from
12 the outcome of a case, a member's personal interest
13 in a party to the case, et cetera.

14 Mr. Jayman made clear that any voting member
15 uncertain about taking part in an agency vote, due to
16 their potential inability to be impartial, should
17 seek agency counsel's advice on the matter. The
18 difference between a recusal and an absentee vote
19 with regards to a quorum lies in the following: If a
20 voting member has recused themselves from a vote, it
21 could affect the number needed in a quorum to affirm
22 or deny a motion. If a voting member abstains from
23 voting on a motion, it will generally not affect the
24 quorum number needed to affirm or deny the motion.

25 Mr. Jayman next spoke on the qualifications an

1 individual must adhere to if considering board
2 membership. The individual may not have any other
3 family member on another board, nor can they be a
4 part of any occupation or organization licensed by
5 the board they are seeking membership for. These
6 types of situations are deemed to be conflicts of
7 interest, and therefore would disqualify a public
8 citizen from becoming a board member. Other examples
9 of this were noted at well by Mr. Jayman.]

10 ***

11 [A Formal Hearing was held from 11:08 a.m. until
12 11:47 a.m. in the matter of the Commonwealth of
13 Pennsylvania Bureau of Professional and Occupational
14 Affairs vs. Ian J. Gilmore, Case No. 17-64-12494.]

15 ***

16 Report of Regulatory Counsel - Regulatory Status
17 Report

18 [Marc Farrell, Esquire, notified the Board that there
19 was one open regulatory matter in the general
20 revisions package, (16A 6410). He stated the changes
21 the Board made to the proposed preamble and annex
22 were revised and ready for the Board to review.

23 Mr. Farrell stated the bulk of the yellow
24 highlighting in the documents represented only a re-
25 wording or clarification of the language used.

1 Additional changes to the documents included a
2 deletion of some subsections, language from some
3 subsections that were incorporated into other
4 sections. There were also changes in the annex that
5 were written out in the narrative form in the
6 preamble.

7 Mr. Farrell noted that the regulations were being
8 changed to match the recent statutory changes.

9 He notified the Board of the three components
10 that were needed to put the package together, the
11 preamble, the annex and the regulatory analysis form.
12 Additionally, the Board needed to vote on only two
13 out of the three components in order to ultimately
14 get the regulations updated.

15 A brief discussion amongst the Board ensued
16 regarding the topics of the A schools, the B schools
17 and credit hours verses standard hours needed for
18 training and education. Act 88, The Pennsylvania
19 Auctioneer and Licensing and Trading Assistant
20 Registration Act, was also commented on.

21 Chair Rader stated the Board would review the
22 updated revisions and offer recommendations for Mr.
23 Farrell at the next meeting.

24 It was also noted that the regulatory analysis
25 form would continue to be worked on. Questions,

1 after review of the revisions made, will be asked at
2 the next meeting.]

3 ***

4 Report of the Acting Commissioner - No report

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6 Report of Board Chairperson - No report

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8 Report of Board Administrator - Licensee

9 Renewals/Reactivations

10 [Terrie Kocher, Board Administrator presented on the
11 auctioneer licensee renewal percentages.

12 Ms. Kocher began by stating, as of the deadline
13 to renew licenses, February 28, 2025, Apprentice
14 Auctioneers did so at the rate of 72.34 percent.
15 Auctioneers renewed at 85.49 percent with Auction
16 Companies renewing at 86.12 percent, Trading
17 Assistant Registration at 54.72 percent, and Trading
18 Assistant Company Registration renewing at 58.33
19 percent.

20 She notified the Board, after February 28, 2025,
21 renewals would no longer be accepted, and
22 reactivation applications would need to be completed
23 by those with expired licenses. Additionally, if
24 renewals were filed on or prior to the deadline date
25 with pending information still needed, the renewal

1 will not occur and the license is still considered
2 expired until the process of resolving the
3 discrepancy is completed. Licensees who did not
4 renew by the deadline date would now be required to
5 complete reactivation applications in order to
6 receive updated licenses.

7 The Board then entered into discussion regarding
8 their concerns about the lower renewal percentages
9 and how those percentage rates would affect their
10 financial viability. It was suggested that the Board
11 assess their financial status in May of 2025 to
12 determine how the renewal rates and the updated fee
13 schedule have impacted their budget. It was noted
14 and reiterated that some confusion existed regarding
15 the significant change in numbers coming in from BFP
16 (Bureau of Finance and Procurement), from two years
17 ago until the current date. It was mentioned that
18 their current budget needed to last for the next two
19 years.

20 Ms. Kocher was asked if she could request some
21 analysis from the Bureau of Finance and Procurement
22 on what the increase in fees may have done to their
23 budget. She replied that she would be able to obtain
24 the information but also informed the Board that she
25 believed the Bureau of Finance and Procurement would

1 be meeting with the Board later in the year.

2 However, she also stated that the Bureau of Finance
3 and Procurement may want to wait until after to give
4 the Board an update on the numbers because they just
5 went through a renewal revolution.

6 Discussion continued amongst the Board about the
7 last fee increase and the time frame for the three-
8 tiered process of same. The next fee increase is
9 July 2025, but for applications only.

10 The Board then discussed the demographics of
11 their licensee population. One member did suggest
12 that membership in the National Auctioneers
13 Association dropped off sharply after the age of 65
14 years. It was decided that the in-house demographics
15 for the licensee population of auctioneers would be
16 pulled for further observation.

17 Conversation within the Board then turned to a
18 review of the test questions that are typically set
19 for examinations. New test questions were being
20 designed incorporating more internet technology and
21 artificial intelligence. Currently, PearsonVUE is
22 the company that develops and markets the test
23 questions for the Board. It was suggested that the
24 review of the test questions was not a common
25 occurrence for the Board and wanted to speak to

1 counsel about it. Due to the wide variety of asset
2 classes in the occupation of auctioneer, test
3 questions should be reviewed and tweaked accordingly
4 for each asset class of the occupation.]

5 ***

6 Public Comments - None

7 ***

8 Adjournment

9 CHAIRMAN RADER:

10 Motion for adjournment.

11 MR. TRACE:

12 So moved.

13 MR. HOSTETTER:

14 Second.

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16 [There being no further business, the State Board of
17 Auctioneer Examiners Meeting adjourned at 12:16 p.m.]

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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.



Rachael Wilbur-Adams,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF AUCTIONEER EXAMINERS
REFERENCE INDEX

March 10, 2025

TIME

AGENDA

9:00	Executive Session
10:30	Return to Open Session
10:30	Official Call to Order
10:31	Roll Call of Board Members
10:31	Introduction of Attendees
10:34	Approval of Minutes
10:35	Appointment-Annual Prosecution Report
10:45	Report of Board Prosecution
10:48	Report of Board Counsel
11:08	Appointment - Ian J. Gilmore
11:49	Report of Regulatory Counsel
12:01	Report of Board Administrator
12:16	Public Comments
12:16	Adjournment