

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: 10:48 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, July 8, 2024

State Board of Auctioneer Examiners  
July 8, 2024

BOARD MEMBERS:

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  
Daniel A. Trace, AU, Secretary, Professional Member  
Hayley Dull, Consumer Protection Agent, Office of  
Attorney General  
Thomas L. Abruzzese, Trading Assistant

BUREAU PERSONNEL:

Dana M. Wucinski, Esquire, Acting Senior Board  
Counsel  
Shawn J. Jayman, Esquire, Board Counsel  
J. Karl Geschwindt, Esquire, Senior Board Prosecutor  
Terrie Kocher, Board Administrator  
Andrew LaFratte, MPA, Deputy Policy Director,  
Department of State  
Marc Farrell, Esquire, Regulatory Counsel,  
Office of Chief Counsel, Department of State  
Carlton Smith, Deputy Chief Counsel, Prosecution  
Division  
Stephanie Dunkerley, Legal Analyst, Office of General  
Counsel

ALSO PRESENT:

Jessica Kemmerer, Government Affairs, Pennsylvania  
Auctioneers Association  
George Michak, Esquire, Michak Legal  
Austin Wolfe, Esquire, McNees Wallace & Nurick LLC  
Derek Richmond, Sargent's Court Reporting Service,  
Inc.

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State Board of Auctioneer Examiners

July 8, 2024

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[Pursuant to Section 708(a)(5) of the Sunshine Act, at 9:30 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 10:45 a.m.]

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The regularly scheduled meeting of the State Board of Auctioneer Examiners was held on Monday, July 8, 2024. Gerald A. Rader, AU, Chairman, Professional Member, called the meeting to order at 10:48 a.m.

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Roll Call of Board Members

[Gerald A. Rader, AU, Chairman, Professional Member, requested a roll call of Board members.]

\*\*\*

Introduction of Attendees

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

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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 for the purpose of conducting  
6 quasi-judicial deliberations on a number of matters  
7 currently pending before the Board and to receive  
8 advice of counsel.]

9 \*\*\*

10 [Thomas L. Abruzzese, Trading Assistant, abstained  
11 from all voting matters due to not being present  
12 during Executive Session.]

13 \*\*\*

14 Approval of minutes of the May 13, 2024 meeting

15 MR. HOSTETTER:

16 I move to approve minutes from the May  
17 13, 2024 meeting.

18 CHAIRMAN RADER:

19 Do I hear a second?

20 MR. TRACE:

21 Second.

22 CHAIRMAN RADER:

23 Roll call vote.

24

25 Gerald Rader, aye; Arion Claggett, aye;

1                   Sherman Hostetter, aye; Daniel Trace,  
2                   aye; Hayley Dull, abstain; Thomas  
3                   Abruzzese, abstain.

4 [The motion carried. Hayley Dull and Thomas  
5 Abruzzese abstained from voting on the motion.]

6                                           \*\*\*

7 Report of Board Prosecution

8 [J. Karl Geschwindt, Esquire, Senior Board  
9 Prosecutor, on behalf of Jonathan Zurinskas, Esquire,  
10 Board Prosecution Liaison, withdrew the Consent  
11 Agreement for Case No. 23-64-006446 after discovering  
12 an error. He noted they will be contacting the  
13 respondent and present it at a future meeting.

14           Mr. Geschwindt provided numbers to Ms. Kocher  
15 that the Board requested in terms of prosecution  
16 cases. He informed Board members that the numbers  
17 will be provided to the Board in time for the agenda  
18 for future Board meetings.]

19                                           \*\*\*

20 Report of Board Counsel - Final Adjudication and  
21 Order

22 MR. JAYMAN:

23                   With regard to number 3 on the agenda,  
24                   based on Executive Session  
25                   deliberations, I believe the Chair

1 would entertain a motion to adopt the  
2 Final Adjudication and Order as drafted  
3 addressing exceptions in the Matter of  
4 Dale Alan Hamilton and Eagle Hall, Case  
5 Nos. 19-64-012099 & 22-64-015248.

6 MR. TRACE:

7 So moved.

8 MR. HOSTETTER:

9 Second.

10 MS. KOCHER:

11 Gerald Rader, aye; Arion Claggett, aye;  
12 Sherman Hostetter, aye; Daniel Trace,  
13 aye; Hayley Dull, aye; Thomas  
14 Abruzzese, abstain.

15 [The motion carried. Thomas Abruzzese abstained from  
16 voting on the motion.]

17 \*\*\*

18 Report of Board Counsel - Regulations

19 [Marc Farrell, Esquire, Regulatory Counsel, Office of  
20 Chief Counsel, Department of State, addressed the  
21 restructuring of the counsel division. He noted the  
22 counsel division had only one attorney to work on  
23 regulations up until about a year ago when two  
24 additional regulatory counsel were added to keep the  
25 regulations moving as sufficiently as possible.]

1       Mr. Farrell stated the Board's open regulatory  
2 packages have decreased from two to one. He informed  
3 Board members that he and Mr. Jayman attended the  
4 Independent Regulatory Review Commission's public  
5 meeting on June 20, noting 16A-6412 regarding the Act  
6 41 licensure by endorsement rulemaking package was  
7 approved.

8       Mr. Farrell stated the licensure by endorsement  
9 rulemaking package is now with the Office of Attorney  
10 General and is in the final step in the process. He  
11 believed it would be published in the *Pennsylvania*  
12 *Bulletin* as the final regulation. He mentioned the  
13 Board has already been applying the Act 41 principles  
14 in the interim structure that they established.

15       Mr. Farrell referred to 16A-6410 regarding Act 88  
16 amendments. He explained that there are three main  
17 components to any rulemaking or regulatory package.  
18 He noted the annex is the actual language from the  
19 regulations into which they have interspersed the  
20 changes, additions, and deletions from the Board.

21       Mr. Farrell noted the preamble is the story of  
22 why the changes are being made and what is supporting  
23 the changes being made. He also noted the Regulatory  
24 Analysis Form (RAF) is a lengthy, technical document  
25 that the Independent Regulatory Review Commission

1 requires.

2 Mr. Farrell stated boards will typically approve  
3 the preamble and the annex but not so much the RAF.  
4 He reported that the annex and preamble are ready but  
5 that the Board has not voted on the annex and has  
6 never been presented with the preamble. He noted  
7 that he would be sending the preamble and annex to  
8 the Board administrator this week, so they have  
9 plenty of time to review the documents and prepare  
10 for a vote at the next meeting.

11 Mr. Farrell will continue to work on the RAF and  
12 then the next step would be to send the annex and and  
13 preamble to the Governor's Office on September 10,  
14 2024, if the Board approves the documents. He noted  
15 prior Board discussion in the minutes concerning the  
16 regulations and the importance of getting the  
17 regulations changed for Board members.

18 Mr. Hostetter asked whether Board members would  
19 be able to get back with Mr. Farrell if they have any  
20 questions or changes, so the final is ready for the  
21 next meeting.

22 Mr. Farrell offered to get back with the Board  
23 after he checks with Deputy Chief Counsel. He noted  
24 the Board could vote to approve after the changes  
25 were discussed at the next meeting.]

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Report of Board Counsel - Applications

MR. JAYMAN:

Number 6 on the agenda. Based on Executive Session deliberations, I believe the Chair would entertain a motion to disapprove the Auctioneer Reciprocity Application for Aaron Byler.

MR. TRACE:

So moved.

MR. HOSTETTER:

Second.

CHAIRMAN RADER:

Roll call vote.

Gerald Rader, aye; Arion Claggett, nay; Sherman Hostetter, aye; Daniel Trace, aye; Hayley Dull, aye; Thomas Abruzzese, abstain.

[The motion carried. Arion Claggett opposed the motion. Thomas Abruzzese abstained from voting on the motion. The reason for the denial was due to lack of experience.]

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1 MR. JAYMAN:

2                   Number 7 on the agenda. Based on  
3                   Executive Session deliberations, I  
4                   believe the Chair would entertain a  
5                   motion to disapprove the Auctioneer  
6                   Reciprocity Application for Christopher  
7                   Barber, Application No. AA0005379970,  
8                   based upon Massachusetts' law not being  
9                   substantially equivalent to  
10                  Pennsylvania.

11 MR. HOSTETTER:

12                   So moved.

13 MR. TRACE:

14                   Second.

15 MS. KOCHER:

16                   Gerald Rader, aye; Arion Claggett, nay;  
17                   Sherman Hostetter, aye; Daniel Trace,  
18                   aye; Hayley Dull, aye; Thomas  
19                   Abruzzese, abstain.

20  
21 [The motion carried. Arion Claggett opposed the  
22 motion. Thomas Abruzzese abstained from voting on  
23 the motion.]

24                                           \*\*\*

25 MR. JAYMAN:

1                   Number 8 on the agenda. Based on  
2                   Executive Session deliberations, I  
3                   believe the Chair would entertain a  
4                   motion to approve the Application for a  
5                   Course of Study Group A Auction School  
6                   for the Commonwealth University.

7 MR. HOSTETTER:

8                   So moved.

9 MR. TRACE:

10                  Second.

11 MS. KOCHER:

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

16 [The motion carried. Thomas Abruzzese abstained from  
17 voting on the motion.]

18                                           \*\*\*

19 MR. JAYMAN:

20                  Number 9 on the agenda. Based on  
21                  Executive Session deliberations, I  
22                  believe the Chair would entertain a  
23                  motion to disapprove the Reactivation  
24                  Eligibility Application for Stacy Kirk.

25 MR. TRACE:

1 So moved.

2 MR. HOSTETTER:

3 Second.

4 MS. KOCHER:

5 Gerald Rader, aye; Arion Claggett, aye;  
6 Sherman Hostetter, aye; Daniel Trace,  
7 aye; Hayley Dull, aye; Thomas  
8 Abruzzese, abstain.

9 [The motion carried. Thomas Abruzzese abstained from  
10 voting on the motion.]

11 \*\*\*

12 MR. JAYMAN:

13 Number 10 on the agenda. Based on  
14 Executive Session deliberations, I  
15 believe the Chair would entertain a  
16 motion to table the Trading Assistant  
17 Application for Michael Wojtalik in  
18 order to gain more information.

19 MR. TRACE:

20 So moved.

21 MR. HOSTETTER:

22 Second.

23 MS. KOCHER:

24 Gerald Rader, aye; Arion Claggett, aye;  
25 Sherman Hostetter, aye; Daniel Trace,

1                   aye; Hayley Dull, aye; Thomas  
2                   Abruzzese, abstain.

3 [The motion carried. Thomas Abruzzese abstained from  
4 voting on the motion.]

5                                   \*\*\*

6 Report of Board Counsel - Miscellaneous - Status of  
7 Cases

8 [Terrie Kocher, Board Administrator, noted Carlton  
9 Smith would be presenting the Status of Cases Report  
10 at future Board meetings.]

11                                   \*\*\*

12 Report of Acting Commissioner - No Report

13                                   \*\*\*

14 Report of Board Chair

15 [Gerald A. Rader, AU, Chairman, Professional Member,  
16 announced that the 2024 National Auctioneers  
17 Association Conference and Trade Show is in  
18 Pittsburgh, July 23-27.

19       Mr. Hostetter mentioned the International  
20 Auctioneer Championship (IAC), and there will be a  
21 couple of events, including a Pirates game. He also  
22 noted there would be a lot of education and quite a  
23 few seminars on artificial intelligence (AI).]

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25 Report of Board Administrator - No Report

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Adjournment

CHAIRMAN RADER:

Do I have a motion for adjournment?

MR. TRACE:

So moved.

MR. HOSTETTER:

Second.

CHAIRMAN RADER:

That concludes the meeting of the Board  
of Auctioneer Examiners for July 8,  
2024.

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[There being no further business, the State Board of  
Auctioneer Examiners Meeting adjourned at 11:04 a.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.



Derek Richmond,

Minute Clerk

Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF AUCTIONEER EXAMINERS  
REFERENCE INDEX

July 8, 2024

TIME

AGENDA

9:30	Executive Session
10:45	Return to Open Session
10:48	Official Call to Order
10:49	Roll Call of Board Members
10:49	Introduction of Attendees
10:50	Approval of Minutes
10:50	Report of Board Prosecution
10:51	Report of Board Counsel
11:03	Report of Board Chair
11:04	Adjournment