

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: 10:33 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, September 9, 2024

State Board of Auctioneer Examiners  
September 9, 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  
Paul D. Edger, Esquire, Senior Deputy Attorney  
General in Charge, Office of Attorney General, on  
behalf of Hayley Dull, Consumer Protection Agent  
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  
Riley Baker, Esquire, Board Prosecutor  
Ronald W. Jackson, Esquire, 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, Esquire, Deputy Chief Counsel,  
Prosecution Division

ALSO PRESENT:

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

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State Board of Auctioneer Examiners

September 9, 2024

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[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.]

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The regularly scheduled meeting of the State Board of Auctioneer Examiners was held on Monday, September 9, 2024. Gerald A. Rader, AU, Chairman, Professional Member, called the meeting to order at 10:33 a.m.

\*\*\*

Roll Call of Board Members

[Gerald A. Rader, AU, Chairman, Professional Member, 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 meeting was being recorded and continued participation constituted consent to be recorded.

Mr. Jayman also noted the Board entered into Executive Session for the purpose of conducting quasi-judicial deliberations on a number of matters currently pending before the Board and to receive advice of counsel.]

\*\*\*

Approval of minutes of the July 8, 2024 meeting

CHAIRMAN RADER:

Approval of minutes from the July 8, 2024 meeting. We all had a copy of it and had a chance to look at it. Any additions or corrections?

I'm looking for a motion to approve?

MR. TRACE:

So moved.

MR. HOSTETTER:

Second.

CHAIRMAN RADER:

Roll call vote on that.

1 Gerald Rader, aye; Arion Claggett, aye;  
2 Sherman Hostetter, aye; Daniel Trace,  
3 aye; Paul Edger, abstain; Thomas  
4 Abruzzese, aye.

5 [The motion carried. Paul Edger abstained from  
6 voting on the motion.]

7 \*\*\*

8 Report of Board Prosecution - Status of Cases

9 [J. Karl Geschwindt, Esquire, Senior Board  
10 Prosecutor, on behalf of Jonathan Zurinskas, Esquire,  
11 Board Prosecution Liaison, provided a Status of Cases  
12 Report for the Board's review. He reported 142 open  
13 cases, noting 16 of those cases were opened since the  
14 last Board meeting. He stated 136 of the 142 cases  
15 are with the Professional Compliance Office (PCO) or  
16 prosecution, including cases that are being  
17 investigated, three cases are with counsel, and three  
18 cases are with the prothonotary or a hearing  
19 examiner.

20 Mr. Geschwindt provided a breakdown of case  
21 categories with the highest being unprofessional  
22 conduct at 55, fraud in the practice of the  
23 profession at 23, unlicensed practice at 28, practice  
24 on the lapse or suspended license at 22, along with a  
25 variety of other categories.

1       Mr. Hostetter thanked Mr. Geschwindt for the  
2 report and asked that the report be provided  
3 periodically throughout the year. He also asked  
4 whether prosecution keeps track of how many cases are  
5 closed each year and how long it takes for the  
6 average case to work through until it is closed.

7       Mr. Geschwindt was unable to provide information  
8 regarding closed cases at this time but mentioned  
9 that it is in the yearly report Mr. Smith presents at  
10 the beginning of the year. He reported the overall  
11 time to close a case for the Bureau of Professional  
12 and Occupational Affairs (BPOA) is around one year  
13 but can be shorter or longer.

14       Mr. Geschwindt introduced two new attorneys,  
15 Riley Baker and Ron Jackson, and provided a summary  
16 of their professional background.]

17                               \*\*\*

18 Report of Board Prosecution

19 [J. Karl Geschwindt, Esquire, Senior Board  
20 Prosecutor, on behalf of Jonathan Zurinskas, Esquire,  
21 Board Prosecution Liaison, presented the Consent  
22 Agreement for Case No. 23-64-006446.]

23 MR. JAYMAN:

24                               Based on Executive Session  
25                               deliberations, I believe the Chair



1                   Reciprocity Application of Jesse  
2                   Garber, Application No. AA0005289031.

3 MR. HOSTETTER:

4                   So moved.

5 CHAIRMAN RADER:

6                   Do I hear a second?

7 MR. TRACE:

8                   Second.

9 MS. KOCHER:

10                  Gerald Rader, aye; Arion Claggett, aye;  
11                  Sherman Hostetter, aye; Daniel Trace,  
12                  aye; Paul Edger, aye; Thomas Abruzzese,  
13                  aye.

14 [The motion carried unanimously.]

15   \*\*\*

16 MR. JAYMAN:

17                  Number 6 on the agenda. Based on  
18                  Executive Session deliberations, I  
19                  believe the Chair would entertain a  
20                  motion to approve the Auctioneer  
21                  Reciprocity Application of Samantha  
22                  Corbat, Application No. AA0005536179.

23 MR. HOSTETTER:

24                  So moved.

25 CHAIRMAN RADER:



1 Second?

2 MR. TRACE:

3 Second.

4 MS. KOCHER:

5 Gerald Rader, aye; Arion Claggett, aye;  
6 Sherman Hostetter, aye; Daniel Trace,  
7 aye; Paul Edger, aye; Thomas Abruzzese,  
8 aye.

9 [The motion carried unanimously.]

10 \*\*\*

11 MR. JAYMAN:

12 Number 7 on the agenda. Based on  
13 Executive Session deliberations, I  
14 believe the Chair would entertain a  
15 motion to approve the Trading Assistant  
16 Application based on references  
17 received following the last meeting in  
18 the case of Michael Wojtalik,  
19 Application No. AA0005507462.

20 CHAIRMAN RADER:

21 Do I have a motion?

22 ACTING COMMISSIONER CLAGGETT:

23 So moved.

24 CHAIRMAN RADER:

25 Second?

1 MR. TRACE:

2 Second.

3 MS. KOCHER:

4 Gerald Rader, aye; Arion Claggett, aye;  
5 Sherman Hostetter, aye; Daniel Trace,  
6 aye; Paul Edger, aye; Thomas Abruzzese,  
7 aye.

8 [The motion carried unanimously.]

9 \*\*\*

10 Report of Board Counsel - Proposed Adjudication and  
11 Order

12 MR. JAYMAN:

13 Number 8 on the agenda. Based on  
14 Executive Session deliberations, I  
15 believe the Chair would entertain a  
16 motion to adopt the Proposed  
17 Adjudication and Order in the matter of  
18 Eric Francis Doolittle, Case No. 24-64-  
19 002014.

20 CHAIRMAN RADER:

21 Is there a motion?

22 ACTING COMMISSIONER CLAGGETT:

23 So moved.

24 CHAIRMAN RADER:

25 Second?

1 MR. TRACE:

2 Second.

3 CHAIRMAN RADER:

4 Roll call vote.

5

6 Gerald Rader, aye; Arion Claggett, aye;  
7 Sherman Hostetter, aye; Daniel Trace,  
8 aye; Paul Edger, aye; Thomas Abruzzese,  
9 aye.

10 [The motion carried unanimously.]

11 \*\*\*

12 Appointment

13 [A Formal Hearing was held from 10:48 a.m. until  
14 11:05 a.m. in the Matter of the Application for  
15 Licensure as an Auctioneer by Reciprocity of  
16 Christopher Barber, Case No. 24-64-011641.]

17 \*\*\*

18 Report of Regulatory Counsel

19 [Marc Farrell, Esquire, Regulatory Counsel, Office of  
20 Chief Counsel, Department of State, addressed  
21 Regulation 16A-6410 General Revisions/Act 88  
22 Amendments. He provided a draft preamble and draft  
23 annex, noting the annex shows the proposed text  
24 changes, deletions, and additions, while the preamble  
25 tells the story of what the changes mean and why they

1 are occurring.

2 Chairman Rader commented that the regulation has  
3 been seen by stakeholders, and everyone had input but  
4 requested information concerning the next steps.

5 Mr. Farrell explained, once it is approved by the  
6 Board, he would prepare a Regulatory Analysis Form,  
7 send it for review and approval by the Governor's  
8 Office, and ultimately to the Independent Regulatory  
9 Review Commission for review.

10 Mr. Farrell hoped to have the regulation  
11 published as proposed in the *Pennsylvania Bulletin* by  
12 the end of this calendar year, 2024, and then go  
13 through final rulemaking at the beginning of next  
14 year, 2025. He mentioned the Board has never gotten  
15 this close before and requested the Board adopt the  
16 two documents for it to move forward. He explained  
17 that there will also be additional chances for the  
18 public and stakeholders to provide input at the  
19 proposed and final stages.

20 Mr. Hostetter referred to the first paragraph on  
21 the second page of the preamble, where it has 1 year  
22 in the employ of a qualified sponsor and show  
23 participation for compensation in at least 15  
24 auctions and then compensation in at least 15  
25 auctions and then 2 years in 15 auctions. He noted

1 the second one that has 2 years in 15 auctions should  
2 be changed to 2 years in 30 auctions.

3 Mr. Hostetter referred to the bottom of the first  
4 page of the annex and asked what 20 credit hours  
5 means, because they are talking about Group A. He  
6 also referred to the top of page 2, noting it says  
7 Group B and 20 credit hours. He explained that it  
8 should be 80 hours when talking about Group B.

9 Mr. Hostetter referred § 1.11, approved course of  
10 study, noting 80 standard hours is correct, so Group  
11 B should not be 20 and should be 80 hours, not 20  
12 credit hours.

13 Chairman Rader commented that 1 credit hour is 4  
14 hours.

15 Mr. Hostetter mentioned that college classes  
16 could go 6, 8, or 12 weeks and is not the same as  
17 something 2 weeks.

18 Mr. Farrell stated some of the definitions for  
19 Group A and Group B comes straight from Act 88.

20 Mr. Hostetter referred to (b), where a credit  
21 hour of instructions is defined as 15 standard hours,  
22 noting that means 20 credit hours times 15 is 300.

23 Mr. Hostetter referred to 6(c.1), where a  
24 prescribed course of study in auctioneering for a  
25 Group B auction school consists of 80 standard hours

1 is correct.

2 Mr. Hostetter stated everything on pages three  
3 and four is correct, because they are all standard  
4 hours for each unit.

5 Mr. Hostetter noted § 1.24(d) has 2 years and not  
6 less than 15 auctions, which should also be changed  
7 to 30 auctions.

8 Chair Rader explained that the apprentice program  
9 is for 2 years with 30 auctions, and a Group B school  
10 is 1 year of apprenticing also with 15 auctions.

11 Mr. Hostetter referred to § 1.26(b) on page 7 and  
12 asked whether there were no more company licenses  
13 effective September 18, 2016. He also noted that it  
14 states that the Board will not issue a new auction  
15 company license.

16 Chair Rader explained that they still have  
17 auction company licenses but not for a sole  
18 proprietor because a sole proprietor will just go  
19 under their own license.

20 Mr. Hostetter asked whether they need a company  
21 entity to get a company license.

22 Ms. Kocher stated there is a definition for  
23 auction companies under the law for an LLC or  
24 corporation, which is anything outside of being a  
25 sole proprietor. She noted they would have to

1 register with the Bureau of Corporations and  
2 Charitable Organizations and need to apply for an  
3 auction company license.

4 Mr. Hostetter asked whether it is correct that he  
5 would have to get a company license if he went under  
6 Heritage Auctions.

7 Mr. Jayman was unable to provide an answer but  
8 offered to get back with him.

9 Chair Rader commented that it defines it later in  
10 the paragraph, where the Board will not issue a new  
11 auction company license to a sole proprietor. An  
12 existing auction company license issued to a sole  
13 proprietor before this date may continue to be  
14 renewed as an auction company license issued to a  
15 legally recognized entity. He mentioned than an LLC  
16 can still get that.

17 Chair Rader noted it also stated a licensed  
18 auctioneer may operate an auction company as a sole  
19 proprietor without holding an auction company  
20 license. He noted it gives permission to do one  
21 thing and not the other.

22 Mr. Hostetter stated the concern a long time ago  
23 was that, for example, Dan Trace used Heritage  
24 instead of Dan Trace Auctions, if it is not a  
25 company, they have no way of tracking that he owns

1 Heritage and Heritage goes back to him, where the  
2 public could not find him and know who Heritage is if  
3 he is doing bad business. He mentioned being good  
4 with whatever the law says but asked how they handle  
5 it if Mr. Trace just went in business 3 years ago, so  
6 he is new since 2016.

7 Chair Rader commented that a sole proprietor or a  
8 company can do either, but if they were a company as  
9 a sole proprietor prior to this, they can still be an  
10 auction company.

11 Mr. Hostetter noted that to be correct, but this  
12 is talking about anything newer than 2016, where it  
13 would happen at some point that somebody instead of  
14 under their name there would be a company name, but  
15 they do not require them to have a company license  
16 and asked how they hook the two together.

17 Ms. Kocher described how it reads in the law as  
18 far as legally recognized entity, where it says a  
19 partnership, association, corporation, limited  
20 liability company, or other entity recognized under  
21 the laws of this Commonwealth or any other state,  
22 where they would then apply for an auction company  
23 license.

24 Ms. Kocher stated they still have to register a  
25 fictitious name with the Department of State Bureau



1 of Corporations and Charitable Organizations. She  
2 mentioned that an individual auctioneer who is not  
3 one of those things that falls under the definition  
4 of a legal entity would not have to apply for an  
5 auction company license but would have to register  
6 using a fictitious name with the Bureau of  
7 Corporations and Charitable Organizations.

8 Acting Commissioner Claggett informed Board  
9 members that approving the regulation is just moving  
10 it along because it is not final at this point. He  
11 noted Mr. Jayman could do some research and bring  
12 that information back to the Board.

13 Mr. Farrell explained that the Board could adopt  
14 the regulation as per the discussion, including the  
15 changes regarding 15 versus 30.

16 Chair Rader noted that it was reregulated, where  
17 anyone who had some school would do 15 hours but  
18 would do 30 hours if they had no school and just a  
19 straight apprenticeship.

20 George Michak, Esquire, Michak Legal, reported  
21 having experience with the 2016 amendments to the  
22 act. He referred to Mr. Hostetter's question  
23 regarding the provision in the regulation that after  
24 a date that there would be no further company  
25 licenses issued to individuals.

1       Mr. Michak believed what happened prior to the  
2 2016 amendments was that individuals would acquire a  
3 company license using a fictitious name, use an  
4 auctioneer of record, and then have an individual who  
5 was acting in that capacity but was not licensed as  
6 an auctioneer. He noted that it was a way to  
7 circumvent the requirements of doing an  
8 apprenticeship or, prior to 2016, do the Group A  
9 school, which was all available.

10       Mr. Michak stated clarity was added after 2016  
11 that only a legal entity like a corporation or a  
12 limited liability company or some other legally  
13 recognized entity could acquire a company license  
14 going forward. He noted that even individuals  
15 operating under a fictitious name were required to  
16 obtain the AU license.

17       Mr. Michak referred to what Ms. Kocher indicated,  
18 where someone operating as an individual and under a  
19 fictitious name would register that fictitious name  
20 with the Department of State Bureau of Corporations  
21 and Charitable Organizations and is a way to track  
22 back to somebody. He mentioned that the State Board  
23 of Dentistry requires notice when someone is  
24 operating under a doing business as (DBA) entity,  
25 noting their act does not provide that specifically.

1       Mr. Michak addressed Mr. Hostetter's concern  
2 about tracking someone down. He explained that it is  
3 a two-part process by checking the licensing and DBA  
4 on the corporation side. He believed the regulation  
5 language of no longer issuing company licenses to  
6 individuals is consistent with the statute and  
7 basically stops individuals from doing a runaround  
8 with the licensing requirement.

9       Mr. Geschwindt pointed out that an individual  
10 operating under a trade name would still be required  
11 to include their license number on advertisements and  
12 contracts.

13       Chair Rader thanked Mr. Farrell for his hard  
14 work.]

15 MR. JAYMAN:

16               Based on everything, I believe the  
17               Chair would entertain a motion to adopt  
18               the proposed preamble and annex as  
19               discussed today for Regulation 16A-  
20               6410.

21 MR. HOSTETTER:

22               So moved.

23 CHAIRMAN RADER:

24               Do I hear a second?

25 MR. TRACE:

1 Second.

2 MS. KOCHER:

3 Gerald Rader, aye; Arion Claggett, aye;  
4 Sherman Hostetter, aye; Daniel Trace,  
5 aye; Paul Edger, aye; Thomas Abruzzese,  
6 aye.

7 [The motion carried unanimously.]

8 \*\*\*

9 Report of Acting Commissioner - No Report

10 \*\*\*

11 Report of Board Chair

12 [Gerald A. Rader, AU, Chairman, Professional Member,  
13 had nothing to report but asked Mr. Hostetter to  
14 address the National Auction Association (NAA)  
15 Conference & Show.

16 Mr. Hostetter informed Board members that the  
17 conference was well received with a lot of education  
18 and information on artificial intelligence (AI). He  
19 reported many changes are coming, including how they  
20 do business. He mentioned that some of it is like  
21 the old eBay when they thought it would take their  
22 business, and it is unbelievable what AI can do.]

23 \*\*\*

24 Report of Board Administrator

25 [Terrie Kocher, Board Administrator, reminded

1 everyone that the renewal period starts February 28,  
2 2025, noting renewals will be generated  
3 electronically probably around December 2024.

4 Chair Rader mentioned that January 13, 2025, does  
5 not work with the Pennsylvania Auctioneer Association  
6 Convention and requested adjusting that date to  
7 January 6, 2025.

8 Ms. Kocher offered to check into the meeting date  
9 being changed to January 6, 2025.]

10 \*\*\*

11 Adjournment

12 CHAIRMAN RADER:

13 Do we hear a motion for adjournment?

14 MR. HOSTETTER:

15 So moved.

16 ACTING COMMISSIONER CLAGGETT:

17 Second.

18 \*\*\*

19 [There being no further business, the State Board of  
20 Auctioneer Examiners Meeting adjourned at 11:29 a.m.]

21 \*\*\*

22

23

24

25

## 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

September 9, 2024

TIME

AGENDA

9:00	Executive Session
10:30	Return to Open Session
10:33	Official Call to Order
10:33	Roll Call of Board Members
10:33	Introduction of Attendees
10:37	Approval of Minutes
10:38	Report of Board Prosecution
10:43	Report of Board Counsel
10:48	Appointment - Hearing - Christopher
11:05	Barber
11:05	Report of Regulatory Counsel
11:27	Report of Board Chair
11:29	Report of Board Administrator
11:29	Adjournment