

MINUTES OF THE STATE AUCTIONEERS COMMISSION
OHIO DEPARTMENT OF AGRICULTURE Seminar Room B
8995 E. MAIN STREET, REYNOLDSBURG, OH 43068
January 13, 2012

PRESENT:

Chairman David Schnaidt	Katie Daniels, Legal Extern
Commissioner Steve Remias	James Patterson, Asst. Attorney General
Commissioner James Milleson	Bill Hopper, Chief Legal Counsel
Commissioner Lori Kiko	Donna Brinker Potter, Auctioneer Program Manager
Commissioner Gary Cain	

Members of the Public:

Maggie Beckmeyer, OAA	Peter Gehres, OAA Treasurer
Bill Stepp, President OAA	David Jones, OAA Legislative Committee
Jeff Harvey, President Elect OAA	Harry Grafton, Auctioneer

Meeting called to order @ 9:38am by Chairman David Schnaidt. All members of the commission are present.

Chairman Schnaidt asked the commission to take a moment to review the minutes from the last meeting. Commissioner Cain made a motion to approve the minutes as submitted. Commissioner Remias seconded. No further discussion noted. Motion carried by an affirmative vote of all members.

First item on the agenda is the education fund requests. The first request is a request from the OAA for \$2,450.00 to video tape the OAA Hall of Fame Members. This was a resubmittal based on the commission request at the last meeting. Chairman Schnaidt asked Ms. Beckmyer if she had anything to add to the request. She stated that the auction schools were supportive of the idea. Chairman Schnaidt asked if the money would cover two interviews and others. Ms. Beckmyer stated that a lot of the costs were initial and that there would be minimal costs for additional. Bill Stepp of the OAA stated that this information could be used by the auction schools to educate their students. Commissioner Kiko wanted to know if non-OAA members would have access to the information. Ms. Beckmyer indicated that they would be able to access it from the OAA web site. Chairman Schnaidt asked if they would be bid calling as well. Ms. Beckmyer indicated that it could be added. Chairman Schnaidt asked for any other discussion. Jim Patterson stated that the standard in the statute is that the monies have to be used for education. He stated that it was a call for the commission to determine whether this request meets that standard. Commissioner Cain moved to approve the request. Commissioner Remias seconded. No further discussion noted. Motion carried by an affirmative vote by all present.

The next request on the agenda was for HB 114 Support. The OAA resubmitted a request for \$10,000 to educate auctioneers on HB 114. Jim Patterson stated that he was going to recap from last meeting. The original request was unclear as to what was for education and what was for lobbying activities. He stated that the application before the commission today is different in that respect and that it clarifies for prospective services not after the fact. He stated from a legal standpoint, he had a concern that the request does not itemize services, dates, hours, hourly rate applied or any breakdown of services. Bill Hopper indicated that the amount requested remained the same.

Commissioner Remias asked if it met the educational requirement. Jim Patterson stated the general purpose meets but there was no way to evaluate the reasonableness of the request due to a lack of details. There was no evidence as to how they arrived at the dollar figure requested. Chairman Schnaidt stated that he had a similar concern with the request being generic. He questioned as to what they would be providing. As a good steward of the fund, he needs to be sure that the monies are being used appropriately and he cannot just sign off on a blank check. He felt that the request was vague as to how it was going to be educational. He felt that it was an improvement over the last request but that the details are still not there. Commissioner Cain stated that he was offended on how the bill got passed and that education is very important because a lot of auctioneers do not know anything about it. Bill Stepp stated that the OAA had footed the bill to educate auctioneers in Ohio regarding HB 114. In October, they had to cut the seminar short because there were so many questions out there regarding HB 114. He felt that it was not possible to give concise dates and times. He stated that he felt the Winter Convention was going to be consumed with this topic and John Oberle was the one to provide the answers. Peter Gehres stated that there would be an accounting of how the monies were spent and that it would not be a blank check.

Commissioner Kiko reminded the OAA that the request needs to be for future education not after the fact reimbursement. Bill Stepp asked the commission trust the OAA that the money will be spent properly. Bill Hopper stated that the key is that the commission has to know that the monies will be spent for educational purposes and for no other. They have to make sure that the application is a clear record that is the case and how the monies are being spent so that the public record is clear. Jim Patterson stated that the critical issue is the hour rate and whether or not it is a reasonable expense. For example is it for 50 hours of work or 20 hours; without knowing the hourly rate, the commission cannot determine whether it is reasonable or not. Commissioner Cain stated that it affects the public as well as the profession and that it is an important issue that needs to be addressed. Chairman Schnaidt stated that he personally believes that the money will be spent wisely but, as a commissioner, he needs to be able to show how the money is being used. He stated that they are responsible for the educational fund and its accounting. He stated that it is not that they are saying it is not a worthy request, but they need more evidence of how the money would be spent. Commissioner Milleson stated what is missing is an itemization of expenses, speaker fees for the spring, summer and fall seminars. Bill Stepp indicated that it was not possible to do all of the meetings and time spent preparing for the meetings. Commissioner Cain said their expenses will be more than the \$10,000 they are requesting; that they can itemize for the meetings. Bill Hopper stated that it has to be directed at educating the public and auctioneers; that it is critical that they need to have appropriate clarity.

The commission took a break at 10:20am. The meeting resumed at 10:49.

Chairman Schnaidt stated that legal counsel was trying to see if there was anything they could do to move forward, to make something happen today. Unfortunately, it is out of our scope and it is not feasible. He stated that it was not due to the commission not wanting to it to work, the commission all feel that it is important. He recommended that they come back a third time with the requested information. For the commissioners, they need to see that the numbers work in conjunction with honorariums paid for other seminars. The request needs to make sense so they can justify it. Their

hands are tied until there is documentation. He asked that they please resubmit with the requested information.

The next item on the agenda is the verbal exam guidelines. Chairman Schnaidt stated that he and Donna Potter talked after the last meeting. He had concerns with the criteria with the grading of the verbal exam. He wanted to make sure that everyone was on the same page. He felt that the new score sheets were a step in the right direction, but that maybe they had not spent enough time discussing how to evaluate the candidates. He felt that the commission had a charge to give them something that they can use to work on; a lot of their education comes down to seeing them in action. However, at the end of the day, they should be able to sell an item to their peers. He asked Donna Potter to provide copies of some of the score sheets so they could see how they are scoring people. Commissioner Remias expressed concerns over the scoring being too subjective. Chairman Schnaidt stated that he understood his perspective, but as an expert, he needed to try to determine where the examinees fall. Chairman Schnaidt expressed that he is looking for consistency in scoring.

The next item on the agenda is the Enforcement Update. Jim Patterson advised the commission that Director Zehringer and Assistant Director Shimp had been moved to the Department of Natural Resources. Dr. Tony Forshey is the Interim Director and Howard Wise is the Assistant Director. He stated that there had not been an official announcement in regard to the permanent appointment. Donna Potter stated that the renewals would be going out the next month.

Chairman Schnaidt asked for any other business. Bill Stepp asked about the deadline for the auctioneer licensing exam. He stated that he had been contacted by a couple of apprentices that were upset over the deadline. Donna Potter explained that in order to make application for the auctioneer license exam, the apprentice must have completed twelve full months as apprentices. The deadline for applying for the auctioneer license is fourteen days in advance of the exam. She stated that there were several apprentices that attempted to apply for their auctioneer license prior to having completed twelve full months. They unfortunately would have their twelve full months in prior to the exam but not prior to the application deadline. They were not happy about having to wait for the next exam when they met the qualifications for application. David Jones asked whose term was up on the commission. Lori Kiko said that her term was up but that she would not be seeking reappointment. Gary Cain indicated that he would be seeking reappointment.

With no other business before the commission meeting adjourned at 11:41am.

Approved Chairman