

**MINUTES OF THE STATE AUCTIONEERS COMMISSION**  
**OHIO DEPARTMENT OF AGRICULTURE Seminar Room B**  
**8995 E. MAIN STREET, REYNOLDSBURG, OH 43068**  
**October 21, 2011**

**PRESENT:**

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 David Schnaidt	

**Members of the Public:**

Maggie Beckmeyer, OAA  
Bill Stepp, President OAA  
Jeff Harvey, President Elect OAA

Meeting called to order @ 9:37am by David Schnaidt. All members of the commission are present except Commissioner Cain. A quorum is present.

The first item on the agenda is the election of the chairperson. Commissioner Remias made a motion to nominate David Schnaidt. Commissioner Kiko seconded. No further discussion noted; motion carried with an affirmative vote of all members present.

The next item on the agenda is the 2012 Calendar. The dates for the 2012 Commission meetings were set for January 13, 2012, April 27, 2012, July 27, 2012, and October 26, 2012. Chairman Schnaidt asked for a motion to approve the dates. Commissioner Kiko so moved. Commissioner Remias seconded. No further discussion noted. Motion carried by an affirmative vote of all members present.

Chairman Schnaidt asked the commission to take a moment to review the minutes from the last meeting. Commissioner Kiko 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 present.

Next item on the agenda is the education fund requests. Donna Potter stated that the OAA had submitted three education fund requests. The first request is the OAA Winter Convention Educational Seminars. The OAA requested \$16,000 for educational seminars to be held January 14-16. Commissioner Kiko moved to approve the request for the \$16,000. Commissioner Remias seconded. No further discussion. Motion carried by an affirmative vote of all members present. The next request on the agenda is a request from the OAA for \$3,500.00 to video tape the OAA Hall of Fame Members. Maggie Beckmeyer stated that the Hall of Fame members have an incredible amount of knowledge and she has been video taping the members and the dvd's are available in the OAA office. Commissioner Remias asked how many members are in the Hall of Fame. Ms. Beckmeyer responded that there are 40 members and they were planning on interviewing members of the deceased Hall of Famer's families. Assistant Attorney General Jim Patterson took a moment to remind the commission that R.C. 4707.171 provides statutorily what the educational funds can be used for and reminded the commission that they need to make sure that any request adheres to the

statutory requirement. He stated from a legal standpoint, he had a concern for the information contained at a private organization. Commissioner Kiko stated that it was a great idea, but that she felt that it didn't meet the statutory requirements. Maggie Beckmeyer stated that the knowledge that these people bring is amazing. She stated that there is nothing available for new licensees. Jeff Harvey stated that as far as being educational, that it is great. He felt that the question is how to distribute and make it accessible to the public. Chairman Schnaidt asked if there was a standard bank of questions that are asked during the interviews. Commissioner Remias stated that he sees experience as educational whether in a classroom or not, but is concerned with what the Attorney has suggested. Jim Patterson stated that it was a factual call for the commission based on the evidence presented to the commission. He stated that he just wanted to remind the commission of the standard. Commissioner Milleson asked whether the interviews already done were available on the OAA website. Maggie Beckmeyer stated that all new members will be available and eventually all members will be available. Commissioner Milleson felt that this information should be made available to the auction schools on the web so that they could access it at any time. He also wanted to know if this was going to be a yearly request. Maggie Beckmeyer stated that she did not know if it would need to be yearly. Commissioner Remias asked how someone became a Hall of Fame member. Ms. Beckmeyer stated that they are nominated by their peers and they remain in the hopper for 5 years with two people being named yearly. Donna Potter stated from OBM state requirements she was concerned that the request contained travel reimbursement and that it failed to list specifics that it was just a blanket request for \$3,500.00. Chairman Schnaidt stated that he also had a concern for the blanket request with out specific information. He stated that the interviews being available to the public on the web page would be more accessible than DVDs being housed at the OAA office. He asked that the request be resubmitted with more detail of the breakdown as to how the money is being used and clarity on the accessibility for the public and non-OAA members. Commissioner Kiko stated that she agreed and that they should come back with a cost break down of cost per member. Chairman Schnaidt stated that it would give the commission a better idea going forward as to costs. He felt the more exposure to the public and profession the easier it would be for the commission. Chairman Schnaidt asked for further discussion. Commissioner Milleson agreed that they needed more detail and asked if by not acting by the next meeting, if it would cause a problem. Ms. Beckmeyer stated that they would continue to conduct interviews regardless of whether or not the funds were approved. Chairman Schnaidt stated that he appreciated her time that she has put in and he felt that what she was doing had validity. He asked that she resubmit with a cost break down.

The next request on the agenda was for HB 114 Support. Jim Patterson stated that the request describes the objective to educate all auctioneers of Ohio however; the rest of the application is a description of services and calculation of expenses for Schottenstein, Zox and Dunn. He stated that his legal concern is whether there is any evidence that the monies are actually going to education rather than lobbying expenses. On the face, the monies seem to be based on the lobbying rather than the education of licensees or the public. He stated that there is a question as to whether or not this would be an appropriate use of the funds and that the way the request is currently drafted it would not meet the definition of education. Chairman Schnaidt asked Bill Stepp to educate the commission where the whole process is in regard to HB 114. Bill Stepp advised that they have been told that HB 153 corrected HB 114 and that the law has been returned to the status quo. However, it

still gives Ritchie Brothers a right to sell what no other auctioneer has the right to sell. He stated right now they are trying to build a coalition to give all auctioneers the same rights in some form. They have been meeting with legislators. He stated that the biggest obstacle is the Auto Dealers Association. He stated that they are doing a lot of behind the scenes work, but not much publicly. Bill Stepp stated that the request is not to pursue the lobbying, but that the OAA has spent a lot of money trying to educate the public and the auctioneers in Ohio. Jim Patterson stated that the application showed a detailed description of the professional and public education by John Oberle with dates and times and line item costs, it would give the commission the ability to see what it is being used for etc. Bill Stepp asked if it was to be for future expenses or for what has all ready occurred. Commissioner Kiko stated that they could not request for what has already occurred. Donna Potter stated that they were unable to do after the fact reimbursements. Commissioner Milleson asked if auctioneers could seek recovery under the recovery fund for loss of business as a result of this. Donna Potter stated that licensees are specifically barred from recovery under the recovery fund. Jim Patterson stated that a loss must be a result of a direct loss as a result of a law violation by a licensed auctioneer. Chairman Schnaidt stated that it is obvious that the OAA has had a huge impact on what has been done and he commended the OAA for their efforts. He stated that from their standpoint in terms of future education, they have parameters that they have to be able to work under and he was concerned that they did not have the authority to approve the request as submitted. He encouraged them to resubmit for future educational seminars.

The next item on the agenda is the Enforcement Update. Donna Potter stated that the renewal season had completed and there were 3,321 licensees under Chapter 4707 with approximately 200 people who failed to renew. She stated that she had caught up with everything from while she was out on maternity leave. She reminded everyone to get their ethics class in and she read from a memo from the Governor's Office regarding the mandatory attendance rate of 60% or higher.

Chairman Schnaidt asked for any other business. Commissioner Milleson advised that the Department of Commerce was looking into making changes regarding Oil and Gas leases and creating a land broker license. He stated that with the new interest in oil and gas in Ohio, there have been some problems created when the leases are not properly recorded. He stated that there was a strong need to educate buyers and sellers on what they truly have and their rights.

With no other business before the commission, David Schnaidt asked for a motion to adjourn; Commissioner Kiko so moved. Commissioner Remias seconded. No further discussion. Motion carried. Meeting adjourned at 11:19am.

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Approved Chairman