

- Identify sources of patient referrals.
- Establish and maintain quality assurance procedures.
- Adopt and follow a professional code of ethics.
- Maintain adequate professional liability protection.
- Design, implement and monitor hearing care/conservation programs.
- Know governmental laws and guidelines affecting the dispensing profession.
- Update clinical/professional knowledge and skills.
- Attend professional seminars, conferences and association conventions.
- Maintain patient records in accordance with governmental regulations including HIPAA privacy standards.
- Develop and maintain effective patient/business information systems.
- Maintain and adhere to all HIPAA standards when billing electronically.
- Formulate short- and long-range business plans.
- Upgrade office computer systems (hardware and software).



**Testimony before the Commerce and Labor Committee
Regarding Opposition to A.B. 115**

February 16, 2015

On behalf of the International Hearing Society, I would like to thank the Chair, Vice Chair and the Committee members for the opportunity to testify and submit comments on this important issue.

The International Hearing Society, founded in 1951, is a professional membership organization representing hearing aid dispensing professionals worldwide. IHS' membership and leadership include both hearing aid specialists and audiologists. IHS is also the author of the International Licensing Examination for Hearing Healthcare professionals—the licensing exam used in Nevada as well as 38 other states and 4 Canadian provinces.

IHS is interested in ensuring a legislative and regulatory framework that allows our members to do what they do best—care for the individuals in their community with hearing loss. We believe that the profession plays an important role in the hearing health continuum of care and are always working towards promoting the highest professional standards. Above all our society and our members are focused on ensuring public safety and consumer protections. As a result, we must oppose the legislation before the committee today as we feel that it could lead to diminished standards and jeopardize consumer protections.

A Distinct Profession

The practice of dispensing hearing aids constitutes a distinct and separate profession—a reality recognized under current Nevada law by the establishment of an independent board of Hearing Aid Specialists. It is a profession that requires specific training and education in order to be performed safely and effectively. If examination procedures are incorrectly performed, or if individuals are fitted with an inappropriate or mis-programmed device, harm to the patient may result. Without proper education and training, a provider may miss the signs of a serious medical condition that requires referral to a physician—a situation which could result in delayed diagnosis and treatment for the affected individual. As a distinct profession, it is important that it be regulated as such and that can only be accomplished by maintaining an independent board.

Consumer Safety

An independent board focusing on the practice of dispensing hearing aids is the best way to ensure the highest standards of consumer protection and public safety are maintained. Merging boards of disparate professions inevitably weakens the ability of the board to concentrate on any one issue and results in less attention being paid to all of the issues before the board. As I've mentioned, the practice of fitting and dispensing hearing aids is not without risk and requires specific training and the oversight of a board that is extremely knowledgeable of the specific issues of the profession. Without that knowledge, oversight becomes less competent.

For instance, merging the boards in question here would result in Hearing Aid Specialists providing oversight for Speech Language Pathologists and Speech Language Pathologists responsible for determining what is appropriate or inappropriate in dispensing hearing aids. Neither of these professions are trained or have expertise in the other profession's field, nor should they, but with a merged board they would be responsible not only for licensing, but oversight and discipline of a profession with which they are unfamiliar. And the ultimate harm in this situation may fall on the public.

This problem is exacerbated by the legislation before the committee today by the unequal distribution of seats on the board with three speech language pathologists, two audiologists, and only one hearing aid specialist. It is inappropriate that a profession regulated by the board hold only one seat—the same number of seats reserved for the representative of the general public.

Strong and Consistent Standards

Another important component of maintaining consumer safety that I would like to address is ensuring that all hearing aid dispensing professionals – whether hearing aid specialists or dispensing audiologists are held to the same licensing and professional standards.

Audiologists receive a broad education covering many aspects of hearing health, but, as I've mentioned, hearing aid dispensing is a specialty requiring a unique knowledge base and training. Hearing aid specialists focus only on this specialty—in their training, practices, and continuing education. An audiologist, however, is concerned with a wider variety of issues and, as a necessity, is focused less on any single issue—such as dispensing a hearing aid. As a result, an audiologist's education does not alone prepare them to dispense and fit hearing aids. It is essential that all individuals dispensing hearing aids must be properly trained and demonstrate their competence by passing written and practical licensing exams in this specialty.

The bill before the committee today does require an audiologist wishing to dispense hearing aids to pass an examination determined by the board. It is important, however, that all the

APPENDIX IV – JCC Handouts – Committee of Hearing Aid Dealer Examiners

requirements for dispensing professionals be uniform—from taking the same examinations, both written and practical, to any additional licensing or continuing education requirements, to consumer protections pertaining specifically to hearing aid sales. The most important thing is to ensure that all licensees can practice safely. This legislation does not specifically address the issue of parity between all dispensing professionals and therefore does not provide sufficient safeguards that ensure the highest level of consumer protection.

Professional Interference

The legislation before the committee today was not requested nor is desired by the hearing aid specialists of the state, and appears to be the effort of one profession to exert control and influence over another. For instance, the bill the committee is considering today would put into statute the requirement that hearing aid specialists applying for licensure be board certified, a provision that currently appears in regulation. The requirement for board certification for initial licensure is unusual when looking at common practices across the country. IHS believes a conversation in the state regarding the approach to licensure is needed to bring the state into line with best practices across the country and meet the dual goals of allowing competition and growth in the marketplace while maintaining high standards. Unfortunately, this bill would short circuit that conversation and make it difficult to address the issue in the future.

Summary

For these reasons, the International Hearing Society urges the committee to oppose this bill.

We all share the desire to efficiently and effectively regulate the profession in a manner that encourages the highest levels of professionalism and protects the consumer. The best way to accomplish that goal is to continue to regulate the practice of dispensing hearing aids as the distinct licensed service that it is.

Thank you, and I'd be happy to answer any questions either now or at a later time.

Michael Grogan

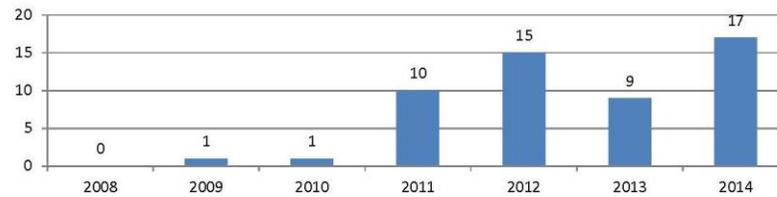
Government Affairs Manager – International Hearing Society

mgrogan@ihinfo.org – 734-522-7200

APPENDIX IV – *JCC Handouts – Committee of Hearing Aid Dealer Examiners*

**Hearing Aid Dealers
2008 to 2014**

Complaints Received



Investigations Completed

Alleged Violation	No Violation	Referred to Another Agency	Cannot Locate Respondent	Warning Letter	Settled	Litigation File Opened	Totals
No Jurisdiction		1					1
Nonsanctionable Action		1					1
Unlicensed Practice					1		1
Employing Unlicensed Practitioner						1	1
False Advertising					1		1
Billing Dispute	1		3				4
Fraud	2						2
Criminal Activity	1					1	2
Unprofessional Conduct	4			1	1	1	7
Professional Incompetence	3			3	2	4	12
Totals	11	2	3	4	5	7	32

Litigation Completed



JOBS CREATION COMMITTEE

Plumbing Licensure Presentation

April 16, 2015

PHCC Comments: Brenda Dant, Executive Director

1. Provide an introduction and overview of the industry, your involvement and the role licensure plays to benefit practitioners and consumers.

Indiana Plumbing-Heating-Cooling Contractors is the state chapter for the PHCC National Association. PHCC is the national trade association representing nearly 5,000 union and non-union plumbing, heating, and cooling contractors throughout the United States. Indiana serves as a state association within the federation. The national office was founded in 1883 and the Indiana association was formed in 1897. Indiana PHCC has over 250 company members. Those members account for 1109 apprentice, journeymen and plumbing contractor licenses with the IPLA.

The term plumber means different things to different people. The average person may consider a plumber that worker who unclogs their kitchen drain or fixes a leaky toilet. In reality plumbers do more than install various types of pipe through which hot and cold water run. The industry refers to a plumber as any craftsman employed to provide services related to the provision of safe drinking water to and proper disposal of sanitary and stormwater wastewater. They install and repair the water, waste (sanitary and storm), drainage, and gas systems in residential, commercial and industrial structures. Essentially plumbers are health protectors.

Why Plumbing Licensing Protects Hoosiers

An unlicensed, untrained person performing plumbing work can cause a cross connection that can put themselves and the community they live in at risk of sickness, disease, and potential criminal and civil proceedings against them.

- The Center for Disease Control has documented 57 waterborne disease outbreaks related to cross-connections, resulting in 9, 734 illnesses.
- A Craun and Calderon report found that 30.3 percent of waterborne disease outbreaks in community systems were caused by contamination of water in the distribution system
- The Center for Disease Control and Prevention has prepared Ebola guidance for Workers Handling Untreated Sewage from Ebola cases in the United States that address personal protective equipment (PPE) use and PPE disposal actions. Specifically they provide protocols for plumbers.

According to the World Health Organization: *“The safety and abundance of drinking water is, of course, a concern for most people all over the world, but what is not often emphasized is the work the plumbing industry contributes every day to alleviate these concerns. Over the life of a plumbing system, periodic maintenance is required. The chances of the system continuing to function in the safest manner possible grow exponentially when the person performing that maintenance is a trained professional.”*

2. Economic impact of the industry on the state?

- *Does licensure support/facilitate economic growth? Why or why not?*

Given the increasing emphasis on college education, fewer people are entering the trades than ever before. At the same time, the level of knowledge and skill required of a plumber continues to grow as the industry becomes increasingly complex. Experience has demonstrated that the most practical and sound method of preparing workers for employment in skilled occupations is through planned apprenticeship.

Lieutenant Gov. Sue Ellspermann recently spoke at an event by challenging employers to do even more to invest in young talent in Indiana. The Indiana Career Council's strategic plan calls for 60% of the state's workers to have in-demand postsecondary skills and credentials by 2025. Aligning and engaging industry, education and the emerging workforce in work-and-learn models is a key strategy for Indiana's economic development.

Indiana Commissioner for Higher Education Teresa Lubbers recently spoke on Inside Indiana Business and said “It is abundantly clear that students who have opportunities to apply their classroom learning in a real-world setting are better prepared to meet employer expectations and succeed in their careers. We want work-and-learn experiences to become the new standard on our campuses and in our classrooms.”

Apprentice programs are indeed post-secondary education that allows individuals to achieve specialized training while earning a paycheck and contributing to the overall economy. The Plumbing apprenticeship programs are a proven example of work and learn. Apprentices finish their four-year training with good paying, secure employment and no debt. These programs are run by the industry – training individuals in a trade that cannot be outsourced—and at NO COST to the Indiana taxpayer.

- August 2012 US Department of Labor showed that skilled tradesmen who participate in an apprentice program typically earn almost a quarter-million dollars more than nonparticipants over the course of their careers.

The demand for plumbers continues to increase at a rate outpacing most other trades. According to the 2010/11 edition of Occupational Outlook Handbook published by US Department of Labor Statistics, the need for plumbers will probably grow faster than average compared to other occupations through 2018.

- The Indiana Department of Workforce Development named “Plumber” as the 20th hottest job of the future in Indiana. Hoosier Hot 50 Jobs is a listing of the 50 fastest growing, high-wage jobs of tomorrow. The list's ranking for Hoosier Hot 50 Jobs is based on expected demand and wages in 2022 for the state of Indiana. Even though the Hoosier Hot 50 Jobs focuses on the jobs of tomorrow, there are several professions that are hot now and “Plumber” is indicated as such.

What's the average wage of professionals in the industry? What's the average income? What is the salary range of the practitioners? (BLS data)

The Bureau of Labor Statistics figures released in May 2013 show the median income for plumbers across the country as \$53, 820 per year, or \$25.88 per hour. Apprentice hourly wages start at a percentage hourly rate of a journeyman, and increase each school semester (of 8 semesters) a certain percentage. For example the first semester is 50%, second is 55%, through the 8th semester to 95%.

3. Explain why licensure is needed for the industry.

Plumbing, well drilling and sewage disposal are public health issues. Plumbing is regulated by various methods in all 50 states, the District of Columbia and in most developed countries. Some regulate by state law and others by local requirements. Nineteen states have state plumbing license laws substantially equal to Indiana including registered apprenticeship requirements. Of the five states, which rely only on local licensing, two have state laws requiring them to do so. Local regulation can be effective but is actually a step backwards. Local regulation is inconsistent and actually adds needless cost and regulation to the consumer and practitioner

The minimal number of health incidents related to plumbing is a testament to the effectiveness of these regulations. Some argue that plumbing is over regulated sighting minimal incidents. One merely needs to look at the recent measles vaccination controversy. While this was not a plumbing health issue the premise of out-of-site out-of-mind applies.

When licensing is administered by the State it provides an unbiased, unquestionable foundation based on health and safety for all. Licenses assure Hoosiers that the tradesperson is qualified and accountable for the work performed. Therefore, it is crucial to obtain a license showing proficiency of installation and compliance with a code.

- ***Could certifications be used as an alternative? Why or why not?***

PHCC supports the statewide licensing of apprentices, journeyman, and plumbing contractors to benefit the citizens of Indiana by ensuring a skilled and competent workforce who will protect their health and safety.

- ***Provide additional background information for why the profession should be regulated.***

Plumbers must be familiar with safety procedures, hazardous material precautions, and OSHA requirements. They must understand codes and regulations, specifically the Indiana Plumbing Code, the Indiana Mechanical Code, the Indiana Building Code, the Indiana Residential Code, and the Indiana Fuel Gas Code. They must understand regulations by the Indiana Department of Environmental Management, local and state health departments and local water and sewer utilities.

They must review construction documents and be able to read a blueprint. From this they may perform calculations and determine installation locations. They install pipe made of various

APPENDIX IV – JCC Handouts – Indiana Plumbing Commission

materials and must understand installation methods for water supply, waste, and venting. The science of plumbing is based upon hydraulics and pneumatics.

Problems reported by licensed plumbers who have been called in to repair unlicensed work:

- Improper venting (i.e., allowing sewer gases to contaminate occupied areas)
- Improper calculation of supply and water distribution lines sizes
- Products and outlets submerged, below flood-level rim resulting in cross-connection
- No protection when pipe materials of dissimilar metals are joined together resulting in one or the other of the materials corroding
- Lack of cleanouts in sewage or drainage systems
- Pipe hangers or supports of inadequate size
- Practices that weaken the structural integrity of a building
- Temperature pressure relief valves improperly installed
- Use of unapproved materials in the drinking water and waste water systems

In a recent fact finding interview with Mark Fasel, Fishers, Indiana Building Commissioner and past president of the Indiana Building Officials Association, he stated that licensed plumbers have far less deficiency notices than any other craft. Fishers Indiana is one of the fastest growing communities in the state and its building department inspects one hundred percent of its issued permits.

- 4. Recommendations for legislative or administrative changes to the licensure structure?**
- ***If recommendations are needed, how will these benefit consumers and practitioners?***

There is a need for a defined role for a compliance position. Or a change in the law to give more enforcement powers to local inspectors and local building officials.

- 5. Is the current board structure satisfactory? Is the agency structure satisfactory for managing the regulations of the industry and informing licensees?**

The board structure is fair and representative of all segments of our profession.

- 6. Are the fees fair? Why or why not?**

Yes they are fair. While it is true plumbing licensing fees are passed on to the consumer, not the taxpayer, such fees are near the lowest in the nation. Actually licensing fees incurred and passed down from crafts requiring local level licensing and doing business in multiple jurisdictions far exceeds the cost of statewide licensing to the contractor. Local licensure is inconsistent from jurisdiction to jurisdiction. Bonding requirements, a condition for local licensing, are redundant and add needless cost to the consumer. Licensing in multiple jurisdictions is burdensome and expensive for contractors. Often time contractors, because of this expense, choose not to license in jurisdictions where the opportunity for work is less. This limits the consumer's option for quality and value.

7. Are the pre-licensure educational requirements and continuing education requirements appropriate?

Plumbers in Indiana train on the job through jointly administered apprenticeship programs. The apprenticeship consists of 4 or 5 years of paid-on-the-job training and at least 144 hours of related classroom instruction per year. Classroom subjects include mathematics, construction print reading, safety, codes, and regulations. On the job apprentices learn how to work with various types of piping systems and plumbing fixtures.

8. Should the renewal cycle change? Could it be structured differently to be more centered on competency?

Our members like the two year renewal cycle. Licensed plumbers have proven competency by their apprenticeship training and the state testing requirements at the time of initial licensing. Our organization and the vast majority of our members favor continuing education requirements for licensed plumbing contractors.

9. Should the board be simplified? Is the number of board members appropriate? Should the board be combined with another similarly regulated profession?

The board has just six members, two licensed plumbing contractors, two licensed journeyman plumbers, one representative from the State Board of Health and one consumer representative no associated with the trade. We think this is an appropriate number and a fair representation.

The plumbing trade is complex and technical. Plumbers are held to numerous health and safety requirements that require specialized understanding to properly regulate the trade. We don't see the Plumbing Commission Board being combined with another Board for that reason.

APPENDIX IV – *JCC Handouts – Indiana Plumbing Commission*



INDIANA STATE PIPE TRADES ASSOCIATION

2930 Ludwig Road
Fort Wayne, IN 46818

Local 136
Evansville, IN

Local 157
Terre Haute, IN

Local 166,
Fort Wayne, IN

Local 172
South Bend, IN

Local 210
Merrillville, IN

Local 392
Cincinnati, OH

Local 440
Indianapolis, IN

Local 502
Louisville, KY

Local 597
Chicago, IL

Local 669
District 13 & 29
Indiana

To: Jobs Creation Committee

April 16, 2015

The Indiana State Pipe Trades Association was granted a Charter in 1914 by the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada (UA).

We represent 10 UA Locals throughout the State of Indiana that have a combined membership of 8,400 of which 2,300 are Licensed Plumbers.

Our Local Unions along with the Mechanical Contractors Association of Indiana maintain 11 jointly managed Apprenticeship Training Program Facilities with an annual budget of 6.1 million dollars.

We currently have 375 signatory employers.

Mike Menke, Executive Director

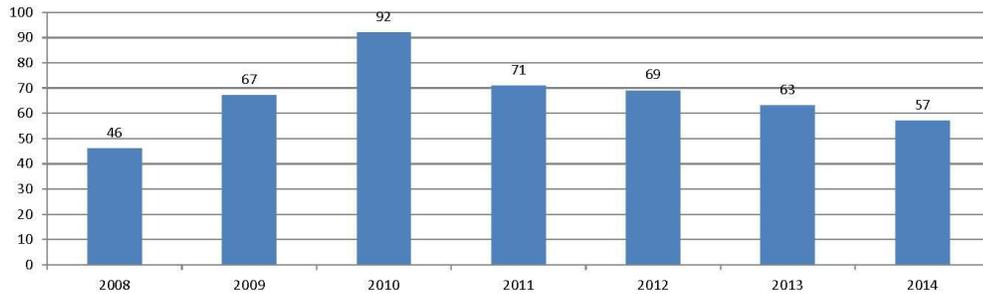
Phone 260-451-0120
Fax 260-451-0121
www.indianastatepipetrades.com



APPENDIX IV – *JCC Handouts – Indiana Plumbing Commission*

**Plumbing
2008 to 2014**

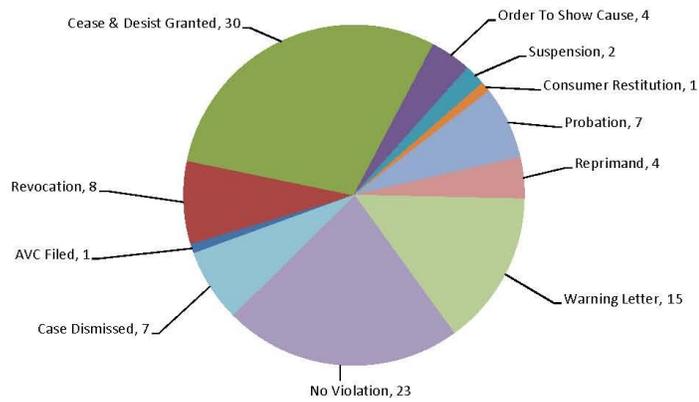
Complaints Received



Investigations Completed

Alleged Violation	Duplicate	No Violation	Referred to Another Agency	Out of Business	Cannot Locate Respondent	Insufficient Evidence	Warning Letter	Settled	Litigation File Opened	Totals
Nonsanctionable Action	0	3	0	0	0	0	0	0	0	3
Unlicensed Practice	2	48	0	4	3	34	52	5	40	188
Employing Unlicensed Practitioner	0	3	0	0	0	1	1	0	1	6
False Advertising	0	0	0	0	0	0	0	2	0	2
Billing Dispute	1	3	0	0	0	0	0	0	0	4
Fraud	0	7	0	0	0	1	0	1	4	13
Criminal Activity	0	1	0	0	0	0	0	0	1	2
Unprofessional Conduct	3	61	1	0	0	10	7	7	10	99
Professional Incompetence	0	26	0	1	0	3	12	11	6	59
Totals	6	152	1	5	3	49	72	26	62	376

Litigation Completed



Indiana Auctioneers Association

JCC Review – April 2015

Overview of the Auction Industry

- An auction as defined in Indiana Code 25-6.1-1-3 means:
- A sale transaction conducted by means of oral or written exchanges between an auctioneer and the members of the auctioneer's audience, which exchanges consist of a series of invitations for offers for the purchase of goods or real estate made by the auctioneer and offers to purchase made by members of the audience and culminate in the acceptance by the auctioneer of the highest or most favorable offer made by a member of the participating audience.

Types of Auction License

- IC 26-6.1-3-2
 - Auctioneer License - Every individual, before acting as an auctioneer must obtain a license from the commission.
 - Auction Company License – Every person other than: an individual who is a licensed auctioneer who is seeking to operate as an auction company must obtain a license from the commission. Notwithstanding the fact that an individual who is a licensed auctioneer also has an interest in an organization, every organization which seeks to operate an auction company must obtain a license for that auction company.

Overview of the Auction Industry

- Auctions are used to liquidate a variety of assets in a fair and commercially reasonable manner to attain the highest dollar in the current market.
- Examples:
 - Real Estate
 - Personal or Estate items
 - Business Assets (Tangible & Intangible)
 - Livestock and Farm Products
 - Machinery
 - Mineral Rights
 - Automobiles
 - State and County Surplus
 - Bankruptcy
 - Foreclosure
 - Divorce
 - Settling Estates

Indiana Auctioneers Association's Role

- The Indiana Auctioneers Association's role is to provide our members with the resources, tools and education to conduct business in an ethically and professionally superior manner.
- The Association allows auctioneers to stay current with the latest industry trends.
- The Association stands as the legislative voice for Auction Professionals in the State of Indiana.

Indiana Auctioneers Association

- We reaffirm our commitment to complying with both the letter and spirit of all state, local, and federal laws regulating the auction industry, and pledge our support and assistance in the further development of policies and programs which ensure the continued integrity and viability of the auction industry while offering adequate protection for the consumer.
- We support government regulations which strike a balance between necessary regulations to protect the integrity of the industry and the health, safety, and well-being of the public while ensuring that the concept of free enterprise without undue government intervention is maintained.
- We support the creation of a strong base for continued economic development and the creation of jobs in the State of Indiana and the modification of governmental legislation and regulations to that end. We affirm the need for Indiana to develop an environment more conducive to retaining and attracting businesses to the State.

Indiana Auctioneers Association

- We support a viable and responsible education system based upon equitable and sustainable funding sources and the State of Indiana fulfilling its constitutional mandate.
- In addition, we reaffirm our commitment to and belief in the Indiana Auctioneers Code of Ethics and the Standards of Practice contained therein.
- We urge government officials at all levels to solicit the input and expertise of the auction industry in formulating government regulatory policies.

Economic Impact - Growth

- Auctioneers are most efficient in the sale of distressed or motivated and/or highly desirable assets.
- Auctioneers are business, real estate and personal asset recyclers of the economy.
- Auctioneers are the most efficient asset converters in the economy.

Economic Impact-Average Wage

- Numbers are difficult to assimilate for several reasons. There are currently 2,923 active auctioneer license with an additional 394 auctioneer company license (as of 2/17/2015). The average salary of a Professional Auctioneer varies widely depending on a number of factors such as what type of auctions are they working: livestock, auto, general household, estates, real estate, etc. The other factors: is the auctioneer a contract auctioneer that simply calls the bid and receives a paycheck or are they an auctioneer who is doing all aspects of the transaction. Are they working for an auction company or working independent? There are many facets to the auction industry and therefore it is very difficult to pin down the average wage of an auctioneer.

Government Regulation of the Auction Industry

- The Indiana Auctioneers Association urges the Indiana Professional Licensing Agency to vigorously enforce disciplinary action for substantive violations of the license law and rules; to vigorously prosecute those engaged in the auction business without being properly licensed, to provide adequate and trained investigative and legal staff; to provide timely responses and disposition of complaints; to ensure the Indiana Auctioneers involvement in the complaint and learning process; and to exercise diligence and due process at all levels of the investigatory and regulatory process.

Licensure Benefits

- Licensure of auctioneers and auction companies protects the consumer from potential harm from mishandling, co-mingling of funds, misrepresentation, and fraud.
- Licensure of auctioneers and auction companies in Indiana is beneficial to the auctioneer and auction companies to provide consumers with the proof that the licensees are professionals with the proper knowledge and confidence of the State to handle the consumers assets.
- Licensure of auctioneers in Indiana is imperative to obtain reciprocity with other licensure states. There are currently 330 reciprocity licensees in Indiana (10% of the current license are individuals from outside the state of Indiana).

Benefits to the Consumer

- In the auction industry the consumer is uniquely both the buyer and seller.
- Licensee's are required to use contracts to protect the consumer.
- Licensee's are required to have a trust/escrow account to ensure all monies are accounted for.
- Licensee's have to meet minimum continuing education requirements.
- Consumer has a clearly defined course of action for filing complaints and proper recourse.

Benefits to the Consumer Auctioneer Recovery Fund

Auctioneer Recovery Fund:

- The Recovery Fund provides an aggrieved person the opportunity to recover damages due to the unlawful acts of a licensee.
- The aggrieved person must obtain a final judgment in any court against the licensee to recover damages.
- Licensees are assessed a fee to contribute to the fund when the balance dips below \$360,000.00.
- Consumer can recover up to \$20,000.00 in damages.
- Aggregate lifetime limit of \$50,000 with respect to any one (1) licensee.

Potential Harm if Unregulated

- Increases potential fraud and theft by those representing themselves as auctioneers or auction companies.
- Convicted criminals with a record of theft or embezzlement, who would potentially be prohibited from getting a license, could open an auction company or become an auctioneer.
- The auctioneers who rely upon reciprocity to conduct business will be significantly affected.

Alternatives to Regulation

- We believe there is **no** alternative to regulation based on the following:
 - No national certification available
 - Associations are not equipped to handle regulation, however the Association does have the capabilities of assisting in administrative duties
 - Civil Court – civil lawsuits are cost prohibitive and overly complex for the layperson
 - Financial recovery is unlikely and time consuming due to debt collection processes and the already overburdened court systems.
 - Criminal Court – prosecutors will likely not pursue unless severe physical harm or theft comes to someone involved.
 - Reactive approach will not screen out and discourage practice of unlicensed individuals.

Legislative or Administrative Changes

- In 2012 the Auctioneers license was under review through the ROEC Committee. The recommendation was to eliminate the Auction House License and Temporary Permits from the type of auctioneer license.
- By eliminating the two license types this would allow for less administrative actions therefore decreasing administrative cost.
- The elimination will allow for a more streamlined process and more efficient and consistent regulation.
- The Indiana Auctioneers Association was the lead on working with the PLA, the Auctioneer Commission and legislators to reduce the types of license.

Legislative Changes

- The Indiana Auctioneers Association believes in continued education, therefore we would ask that the Auction Companies have the same continued education requirements as the Auctioneer.
 - A principal named on the Auction Company license would be responsible for meeting the continuing education requirements.

Legislative Changes-Online Auctions

- ONLINE AUCTIONS
 - Recognizing the distinct difference between those selling as individuals, and those who engage in the professional practice of auctioneering; and given the apparent frequency of online auction fraud and the lax governmental oversight of online auctioneers, the IAA recommends that Indiana license and regulate online auctions and auctioneers under modified forms of existing state law.
 - The differences between online auctions and traditional auctioneers are minimal. The only significant difference between the two is the choice of medium.
 - The IAA believes the lack of regulatory oversight of online auctioneers constitutes an unfair advantage over traditional “brick and mortar” auctioneers. At a minimum, state-licensed auctioneers must demonstrate their knowledge of applicable state laws; contribute to recovery funds or hold a bond; pay applicable licensing fees; and adhere to professional standards set by law. In contrast, online auctioneers do not currently have to meet this burden of demonstrating their knowledge of regulation, nor do they have to adhere to a standard of conduct.

Legislative Changes-Online Auctions

- However, Indiana’s regulation of the auction industry is not overly burdensome. As written, state regulations accomplish two goals. First, the statutes outline the professional responsibilities and duties for an auctioneer. Second, these regulations protect the consumer, both bidder and seller. The majority of license law applicants must first undergo a criminal background check, and individuals convicted of felonies are barred from conducting auctions. Licensing laws also mandate auctioneers meet minimal educational requirements (high school diploma or equivalent) and age requirements. Consumers with grievances against an auctioneer can seek restitution from a states’ recovery fund or have their losses applied against an auctioneer’s bond.
- It is our belief that those individuals who conduct auctions on the Internet should be licensed in the state in which they reside. This would include those individuals who conduct such sales on consignment, who purchase property expressly for resale through such venues, or businesses that offer merchandise for sale through online auctions.
- Current licensing laws should be interpreted to include online auctions. But, they should be interpreted so as not to place an undue burden on online auctioneers, and in some cases modified to better suit this new medium. Some requirements—knowledge of bid calling practices and course of study at an accredited auction program or apprenticeship—are simply not practical for online auctioneers. Waiver of these requirements or additional legislation would lessen any undue restrictions on online auctioneers.

Board Structure/Agency Structure

- The Indiana Auctioneers Association supports the PLA and the Auctioneer Commission.
- The Indiana Auctioneers Association does not recommend that the board be combined with any other regulated profession due to the complexity of the industry.
- The Indiana Auctioneers Association would be willing to assist the PLA in administrative duties.
 - Administering the state exam
 - Assisting in the review of education auditing

Fees

- Indiana has the lowest auctioneer license fee in the United States among those states that require licensure. With that said the Indiana Auctioneers Association understands that raising the fees is not favored by the current Administration.
- Neighboring states – Ohio, Illinois and Kentucky.
 - Ohio auctioneer fees are \$200.00 initially with a bond and \$200.00 renewal biennial (every other year).
 - Illinois auctioneer fees are Initial \$200.00 with renewal of \$450.00 ever other year if paid by January 1. After January 1 the fee is \$500.00.
 - Kentucky auctioneer fees are \$150.00 initial and \$150.00 annual renewal.

Education

- **Pre-License Education**

We support specific educational requirements as a prerequisite for licensing and support the continuation of training and education throughout the professional careers of all members of our Association, to assure competent and skillful auction service to the citizens of Indiana. We recognize our responsibility to the members of the Association to make available meaningful and advanced levels of training and education.
- **Continuing Education**

We support mandatory continuing education as a condition of auctioneer's license renewal. Online Education should become a common practice and should be regulated to ensure quality delivery.

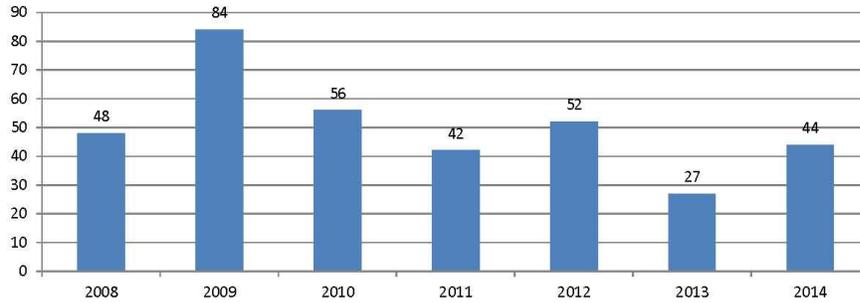
Renewal Cycle

- The current statute requires a four (4) year renewal with sixteen (16) hours of education.
- Recommendations
 - Renewal cycle be every two (2) years with eight (8) hours of education with at least three (3) of the hours being mandatory subject matter.
 - A renewal cycle of four (4) years in our opinion is too much time between renewals. With the ever changing laws, education, technology and with many auctioneers being dual licensee's (Real Estate) the Association believes the renewal cycle should be more in line with the Real Estate requirements, due to many auctioneers being dual licensed (Auctioneer and Real Estate).

APPENDIX IV – *JCC Handouts – Indiana Auctioneer Commission*

**Auctioneers
2008 to 2014**

Complaints Received



Investigations Completed

Alleged Violation	Duplicate	No Violation	Referred to Another Agency	Insufficient Evidence	Warning Letter	Settled	Litigation File Opened	Totals
No Jurisdiction	0	0	2	0	0	0	0	2
Nonsanctionable Action	0	9	0	0	0	0	5	14
Unlicensed Practice	0	3	0	6	4	3	5	21
Breach of Contract	0	1	0	0	0	0	0	1
Disciplined in Another Jurisdiction	0	0	0	0	0	0	2	2
Fraud	0	1	0	0	1	0	2	4
Criminal Activity	1	0	0	0	0	0	2	3
Unprofessional Conduct	1	78	2	10	12	13	103	219
Professional Incompetence	4	16	0	3	8	3	16	50
Totals	6	108	4	19	25	19	135	316

Litigation Completed

