

INDIANA AUCTIONEER COMMISSION

Meeting Minutes

APRIL 6, 2021 AT 8:00a.m.

****TO BE HELD THROUGH TELEPHONIC AND VIDEO CONFERENCING****

JOIN VIA TELEPHONE AT: 1-240-454-0887

MEETING CODE: 610915440

OR JOIN BY VIDEO AT: <https://IndianaEnhanced.Webex.com/join/PLAWebex>

Members present: John Kruse, J. Yagle, Jack Lawson, Pete Shawver

State officials: Rae Harman and Claire Dyer

Court Reporter: Margie Addington

- I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM 8:01 a.m.
- II. ADOPTION OF THE AGENDA JY/PS 4-0-0, Motion carried
- III. ADOPTION OF THE MINUTES OF THE FEBRUARY 9, 2021 MEETING JL/PS 4-0-0, Motion carried.
- IV. REPORT FROM THE OFFICE OF THE ATTORNEY GENERAL
Kiely Keesler, 21 CC open, Lit – 10 open
- V. DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDERS

- A. In the matter of: Larry T. Sparks, AU10600057 and
Chip Sparks Auction, AC31100013
Cause Number: 2019 IAC 0005
Re: Motion for Voluntary Dismissal With Prejudice

Note for the record: talked about who should be licensed as an auction company
Code doesn't allow for as much leeway, his first commission meetings – big
discussion – if you are a practicing as an independent contractor as a bid caller, they
need an individual license not auction company. If licensee is carrying the
auction/funds part they are acting as or part of a company may need to have a
company license.

A motion was made by Member J. Yagle and seconded by Pete Shawver to accept this
motion. 3-0-1, Motion carried. John Kruse opposed.

- B. In the matter of: Mike Bickers, AU09200189
Cause Number: 2015 IAC 0003
Re: Timely Response for Notice of Proposed Default and Notice of Proposed
Dismissal

A motion was made by Member Shawver and seconded by Member J. Yagle to set

aside NOPD and re-set hearing.
4-0-0, Motion carried.

VI. ADMINISTRATIVE HEARING

Court Reporter: Margie Addington

**A. In the matter of: Patrick Marley, AU19700063 and
Schoolhouse Auctions, AC31400022**

Cause Number: 2020 IAC 0005

Re: Administrative Complaint

DAG: Kiely Keesler

Witness: Mikayla Moore and Patrick Marley

Patrick Marley is present and waived his right to counsel. The State's opening: advertisement issues. On both schoolhouse auction site and other auction site statutorily required information.

Patrick doesn't have an opening statement.

State called Mikayla Moore, case analyst for OAG. Exhibit A – consumer complaint, entered into evidence, admitted by Commission. Exhibit B – screen shot of schoolhouse auction site from March 11, 2020, entered into evidence, admitted by Commission. In reviewing this advertisement does the auctioneer's name or license number or auctioneer company license listed – NO. Exhibit C – screen shot of Respondent's listing for auction on auction website accessed on March 11, 2020, entered into evidence, admitted by Commission. In reviewing this advertisement does the auctioneer's name or license number or auctioneer company license listed – NO. Exhibit D - screen shot of schoolhouse auction website accessed on March 11, 2020 referencing a specific auction on Feb 22nd, 2020, entered into evidence, admitted by Commission. In reviewing this advertisement does the auctioneer's name or license number or auctioneer company license listed – NO. Exhibit E – schoolhouse advertisement on auction website for auction on Feb 22nd, 2020 accessed on March 11, 2020, In reviewing this advertisement does the auctioneer's name or license number or auctioneer company license listed – NO. Mr. Marley has no questions for this witness and neither does the Commission.

The State called Mr. Marley – do you or an employee post advertisements – yes. You've had a chance to look at exhibit B, C – yes. Do you or an employee post auctions on auctionzip – yes. We write on auctionzip and then post to schoolhouse, yes. The State rests, Mr. Marley presents case – My only case this is simply an oversight, clearly filed with auctionzip and on their website. That is all he can say...it wasn't done intentionally and was a mistake. He has been here 20 years and do the things the right way and would never put his business/license in jeopardy. He has made for sure this won't happen again and he takes complete responsibility since he is a sole proprietor. Respondent has rested this case.

Closing State: All advertisements require name and license number auctioneer and auction company, violations of that section would be professional incompetence, 4

counts alleged – 2 against Marley and 2 against Schoolhouse. State has met their burden, leave the sanctions up to the Commission-but would recommend CE. Mr. Marley – the charges are one in the same, same advertisement – on schoolhouse and auction zip.

Count 1 – State proved and met its burden. 4-0-0, Motion carried.

Count 2 – State proved and met its burden. 4-0-0, Motion carried.

Count 3 – State proved and met its burden. 4-0-0, Motion carried.

Count 4 – State proved and met its burden. 4-0-0, Motion carried.

A motion was made by Chair Kruse and seconded by Member J-Yagle to issue a letter of reprimand on each of the four counts, costs of proceedings and \$5 health & records fee. 4-0-0, Motion carried.

VII. OLD / NEW BUSINESS

A. Correspondence – Missouri Auction School

Three meetings ago had a discussion. Asking if we have any updates for online – currently no aspects of pre-licensing to be taken online. SE 186 was passed into law July 1, 2018. It appears that this could allow for the potential to allow. Claire indicates that the Commission would need to do something about their rule first. 812 IAC 2-4-1(repeal or rule change). John believes it would be beneficial to allow for some online course. Request staff do some review and set for a future meeting. If the Commission would like to do this or object to the process of changing the auctioneer rule – J Yagle agrees that the Commission should move forward with considering online courses.

Pete Shawver agrees should move forward.

Jack Lawson agrees should move forward.

Send a reply to Missouri Auction School is looking at options, not available at this time, but future updates.

B. Discussion - Exam Petition and Review

Member Kruse – speaks about the letter, repealed in 2009 in rule. Claire speaks that Commission doesn't have the authority to do. 812 IAC 1-1-6 and 812 IAC 1-1-7.

Acting in good faith, but now that it has been discovered we need to correct. – Staff will correct letter.

Schedule a thorough exam review – to ensure that exam is up to date. EXECUTIVE SESSION NEEDED!

C. Resolution on Delegation of Authority

Claire drafted, it will be available to public on the website, allows for public to know who is involved.

A motion was made by Member Lawson and seconded by Member Shawver to

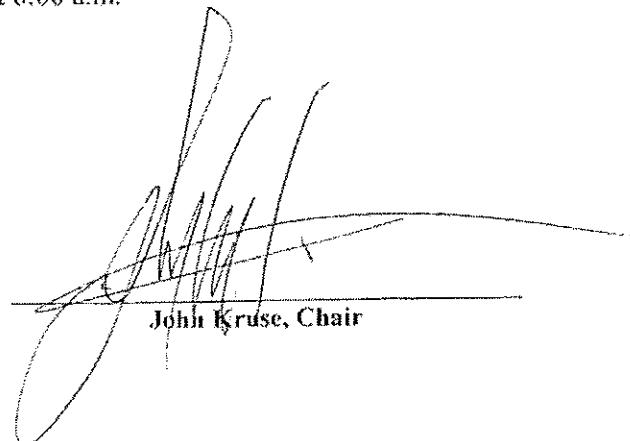
accept the Resolution on Delegation of Authority.

4-0-0, Motion carried.

VIII. ADJOURNMENT 10:01a.m. JY/PS 4-0-0, Motion carried.

Next Scheduled Meeting:

June 8, 2021 at 8:00 a.m.



A handwritten signature in black ink, appearing to read "John Kruse, Chair". The signature is fluid and cursive, with a long horizontal line extending to the right from the end of the name.