

**STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
BUREAU OF COMMERCIAL SERVICES - LICENSING DIVISION
BOARD OF AUCTIONEERS**

BOARD MEETING MINUTES

December 3, 2008, 10:00 a.m.

In accordance with the Open Meetings Act, 1976 PA 267, as amended, the Board of Auctioneers met in Regular Session on December 3, 2008 at the Department of Labor & Economic Growth, Bureau of Commercial Services, Second Floor, Conference Room 1, 2501 Woodlake Circle, Okemos, Michigan.

CALL TO ORDER

The business meeting was called to order by Ms. Millben at 10:15 a.m.

Present:	Gwyneth Besner	Professional Member
	Michael Ferency	Public Member
	Deatra Lechtanski	Professional Member
	Robert Rottier	Professional Member
	Kirsten Simmons	Public Member
	Lee Smittendorf	Professional Member
	Bradley Stoecker	Professional Member
Absent:	Don Hiltunen	Public Member
	William Sheridan	Professional Member
Staff:	Ann Millben	Licensing Administrator
	Joyce Karr	Licensing Director
	Linda Herrman	Assistant Licensing Administrator
	Angela Diro	Secretary
	Barrington Carr	Acting Enforcement Director
	Paige Colley	Testing & Education Services
	Foye Longworth	Testing & Education Services
	James Farhat	Policy Specialist

ADDITIONS TO OR DELETIONS FROM AGENDA

Ms. Millben requested that under Staff Reports, add 5D Dan Stone Auctioneer School.

ELECTION OF OFFICERS

MOTION: Ms. Lechtanski moved to nominate Ms. Besner for Chairperson. Mr. Ferency seconded and the motion passed unanimously.

MOTION: Ms. Besner moved to nominate Mr. Sheridan for Vice-Chairperson. Mr. Stoecker seconded and the motion passed unanimously.

PUBLIC COMMENT

None.

STAFF REPORT

Statistics

Ms. Herrmann reported that there are currently 37 registered auctioneers and 1 application pending. Ms. Millben explained the Auctioneer website regarding how to check to see if someone is registered, including registration history or status.

Rules

Mr. Farhat explained to the Board that the Department has taken steps to implement rules for Article 29 into the Occupational Code. A preliminary draft of the Administrative Rules distributed. Mr. Farhat stated that the Department needed to complete a Regulatory Impact Statement. 31 of the 32 questions were completed. A request for assistance from the Board in the matter of the 32nd question.

Ms. Millben requested to go through each section of the Administrative Rules briefly explaining them.

- **Part 1 General** is definitions of terms used in the profession.
- **Part 2 Registration** are guidelines to obtain a registration, eligibility, apprentice information is defined, renewal information and if revoked for Disciplinary Action.
- **Part 3 Education**, Ms. Colley stated that the proposed rules expand on what the law already states. Ms. Millben stated that it also gives guidance to what it means to be a proprietor school.
- **Part 4 Practice and Conduct** includes guidelines for conduct, prohibited practices and advertising. Ms. Besner stated that she did not see in this version of the draft minutes where funds need to be placed in trust accounts, it had been in a previous version. Mr. Farhat stated that he was not familiar with that but would look into it.

- **Part 5 Enforcement** includes guidelines for complaint information and suspension information.

Exam

Ms. Colley asked the Board if they had any questions regarding the examination. Mr. Rottier asked why would an applicant need to take the exam. Ms. Colley replied that when a candidate is not eligible through the grandfather clause, they will need to take the exam and complete the apprenticeship. They are not expecting any candidates for another year. Ms. Simmons asked if the exam is taken on paper and on computer. Ms. Colley stated no it is all completed on computer. Mr. Ferency asked if 50 questions in 90 minutes is doable. Ms. Colley replied that yes most questions are multiple choice or recall questions from the rules and laws. Mr. Smittendorf asked what type of mathematics and why. Ms. Colley replied that they are elementary mathematics for example calculating percentages and it is based upon what is written in the law. We will not be able to know how the exam will perform until we have candidates to take the exam. Ms. Simmons asked if there would be reciprocity with any other states. Ms. Besner stated that at this time no progress has been made especially since this is still a voluntary registration.

Dan Stone Auctioneer School

Ms. Colley presented a request from the Dan Stone Auctioneer School regarding getting approved as an Auctioneer School in the State of Michigan. Information was given to Board Members of a summary of course offerings from the School. Mr. Ferency stated a concern regarding the Accounting/Math Course he feels they should be separate and that there is an over enfaces of Ohio law. Mr. Smittendorf stated that he had a concern regarding the Federal Law/Fire Arms that Michigan handles law regarding hand guns not the Federal Government.

MOTION: Mr. Ferency moved to contact the Dan Stone Auctioneer School to request clarification on the Accounting/Math portion of the course and to direct the School to allocate their course work to Michigan. Ms. Lechtanski seconded. After discussion, Mr. Ferency withdrew his motion.

Mr. Stoecker stated that if the 10 hours of Ohio law was not included would there be a problem with the curriculum. Mr. Rottier stated that we need to rely on the professionals at the school. Ms. Colley stated that they not only will need the schooling but they will also have to complete the apprentice program.

MOTION: Mr. Rottier moved to approve the Dan Stone Auctioneer School, with the Testing & Education Unit speaking with the School regarding the concerns of the Board. Mr. Ferency seconded and the motion passed unanimously.

