

BOARD DOCUMENT 07-01

INDIANA AUCTIONEER COMMISSION
MINUTES OF THE MEETING HELD
WEDNESDAY, JANUARY 17, 2007, 9:00 A.M.
INDIANA PROFESSIONAL LICENSING AGENCY
402 WEST WASHINGTON STREET, ROOM W064
INDIANAPOLIS, INDIANA 46204

COMMISSION MEMBERS PRESENT: Jimmie Yagle, Sr., Chairman
Douglas E. Harvey, Vice-Chairman
Jack Fife
Thomas Bauermeister
Earl Cornwell

STATE OFFICIALS PRESENT: Julie Alexander, Deputy Attorney
General

MINUTES COMPILED BY: Deborah Widemon, Director

**MINUTE NO. 07-01
CALL TO ORDER**

The meeting was called to order at 9:10 a.m., pursuant to the public notice posted at the principal office of the Commission at least forty-eight (48) hours prior to the meeting. A copy is attached and marked as **BOARD EXHIBIT 07-01A**.

**MINUTE NO. 07-02
ADOPTION OF THE AGENDA**

J. Fife moved to adopt the agenda. D. Harvey seconded the motion. Motion carried.

**MINUTE NO. 07-03
ADOPTION OF THE MINUTES FOR THE DECEMBER 20, 2006 REGULARLY
SCHEDULE MEETING AND DECEMBER 20, 2006 EXECUTIVE SESSION**

D. Harvey moved to approve the minutes of the Commission meeting and the Executive Session meeting. E. Cornwell seconded the motion. Motion carried.

MINUTE NO. 07-04

REVIEW OF EXAMINATION APPLICATION - WILLIAM D. KEMPLE

Mr. Kemple responded "yes" on his examination application to the question, "Have you ever been convicted of a felony that has a direct bearing on your ability to practice competently? The Commission reviewed the criminal history report, which showed a conviction of possession of marijuana in 1986 and they also noted that Mr. Kemple was placed on probation, which was terminated in 1988.

J. Fife moved to approve Mr. Kemple to sit for the auctioneer examination. D. Harvey seconded the motion. Motion carried.

MINUTE NO. 06-46

OLD/NEW BUSINESS

RECONSIDERATION OF REQUEST FOR REIMBURSEMENT FROM AUCTIONEER RECOVERY FUND IN THE MATTER OF MARK VOLGMAN VS. JEFF LEAK D/B/A SUPERIOR AUCTION AND IN THE MATTER OF GLENN MARSH VS. JEFF LEAK D/B/A SUPERIOR AUCTION

Julie Alexander, Deputy Attorney General, explained to the Commission that the approval of the disbursement from the recovery fund should be rescinded because the petitioners did not exhaust all civil remedies to recover their monies and they also neglected to make the Indiana Auctioneer Commission a party in the proceedings. Ms. Alexander continued by informing the Commission that she had filed motions, which would require that the Commission is made a party to these actions.

The Commission expressed their strong concerns that Jeffrey Leak is possibly continuing his practice of defrauding consumers and the Commission seems to be powerless to act.

Ms. Alexander suggested that a possible Show Cause hearing could be held.

J. Fife moved to rescind the Commission's previous motion to approve the disbursement from the Recovery Fund until all other avenues have been exhausted to recover the monies from Mr. Leak. D. Harvey seconded the motion. Motion carried.

J. Fife moved to set a show cause hearing for Jeffery Leak at the next Commission meeting. E. Cornwell seconded the motion. Motion carried.

ELECTION OF OFFICERS - CHAIRMAN AND VICE CHAIRMAN

E. Cornwell moved to elect Jimmie Yagle as the Chairman and Douglas Harvey as the Vice Chairman of the Commission. T. Bauermeister seconded the motion. Motion carried.

APPOINTMENT OF LIAISON TO THE ATTORNEY GENERAL'S OFFICE

D. Harvey moved to appoint Thomas Bauermeister as Liaison to the attorney general's office. E. Cornwell seconded the motion. Motion carried.

MINUTE NO. 07-06

DISCUSSION

POTENTIAL AMENDMENTS TO IC 25-30 AND TITLE 862 OF THE INDIANA ADMINISTRATIVE CODE

Deborah Widemon, Director informed the Commission that the propose rule LSA document 06-372 regarding licensure fees is set for a public hearing at the next commission meeting. Ms Widemon also informed the Commission that the continuing education distance learning rule is progressing. J. Yagle will contact Tom Battles for any suggestions that he may have for the rule.

MINUTE NO. 07-07

ADJOURNMENT

There being no further business the meeting adjourned at 10:45 a.m.

DATE _____

JIMMIE YAGLE, CHAIRMAN

ATTEST:

DEBORAH WIDEMON, DIRECTOR