

BOARD DOCUMENT 07-03

INDIANA AUCTIONEER COMMISSION
MINUTES OF THE MEETING HELD
WEDNESDAY, APRIL 18, 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
Jack Fife
Thomas Bauermeister
Earl Cornwell

COMMISSION MEMBERS ABSENT: Douglas E. Harvey, Vice-Chairman

STATE OFFICIALS PRESENT: Julie Alexander, Deputy Attorney
General

MINUTES COMPILED BY: Deborah Widemon, Director

**MINUTE NO. 07-17
CALL TO ORDER**

The meeting was called to order at 9:05 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 07-03A**.

**MINUTE NO. 07-18
ADOPTION OF THE AGENDA**

J. Fife moved to adopt the agenda. E. Cornwell seconded the motion. Motion carried.

**MINUTE NO. 07-19
ADOPTION OF THE MINUTES FEBRUARY 21, 2007**

E. Cornwell moved to approve the minutes of the February 21, 2007 Commission meeting. T. Bauermeister seconded the motion. Motion carried.

**MINUTE NO. 07-20
ADMINISTRATIVE HEARINGS**

**STATE OF INDIANA VS. ALAN TURNER, LICENSE NO. AU01040485
ADMINISTRATIVE CAUSE NO. IAC 07-04 - RE: COMPLAINT**

Mr. Turner was not present and was not represented by counsel. Jeremy Braunstein, Deputy Attorney General represented the State of Indiana. Mr. Braunstein requested that the Commission issue a Notice of Proposed Default.

J. Fife moved to issue a Notice of Proposed Default. E. Cornwell seconded the motion. Motion carried.

**STATE OF INDIANA VS. JACK OF ALL TRADES, LICENSE NO.
AH20500012
ADMINISTRATIVE CAUSE NO. IAC 07-06 - RE: COMPLAINT**

The Respondent was not present and was not represented by counsel. Jeremy Braunstein, Deputy Attorney General represented the State of Indiana. Mr. Braunstein requested that the Commission issue a Notice of Proposed Default.

T. Bauermeieter moved to issue a Notice of Proposed Default. E. Cornwell seconded the motion. Motion carried.

**STATE OF INDIANA VS. PHILLIP JOHN WOLFE, LICENSE NO.
AU19900139 AND CATBECCA.COM, INC., LICENSE NO. AH20300096
ADMINISTRATIVE CAUSE NO. IAC 07-08 AND IAC 07-09 - RE:
COMPLAINT**

The Commission decided to combine the matters of IAC 07-08 and IAC 07-09.

Mr. Wolfe was present and was not represented by counsel. Tanisha Willoughby, Deputy Attorney General represented the State of Indiana. Ms. Willoughby informed the Commission that Mr. Wolfe failed to account for goods and did not turn over monies owed to his consigner in a timely manner as stated in the complaint.

Mr. Wolfe testified that the items were sold on eBay and that they were not all sold at the same time and because of eBay's processing time pay over could not be done within the specified 30 day period. Mr. Wolfe stated that he does still owe the complainant money but, believes that it is less than \$62,000 as alleged in the complaint.

Ms. Willoughby informed the Commission that Mr. Wolfe was found to be in violation of the auctioneer statutes in the State of South Carolina and that a violation committed in another state is grounds for sanctions in Indiana. She continued by requesting that the Commission impose the appropriate sanctions.

J. Fife moved to place Mr. Wolfe on indefinite probation for three (3) years. T. Bauermiester seconded the motion. Motion withdrawn.

The Commission requested that they go back on the record.

Ms. Willoughby further explained the counts alleged in the complaints and informed the Commission that the State believes their case was proven.

J. Fife moved to indefinitely suspend Mr. Wolfe's auctioneer license until all the proceeds are paid to the complainant. E. Cornwell seconded the motion. Motion carried.

T. Bauermiester moved to permanently revoke the auction house license of Catbecca.com, Inc. E. Cornwell seconded the motion. Motion carried.

STATE OF INDIANA VS. JEFFERY LEAK, LICENSE NO. AU09200293 AND SUPERIOR AUCTION COMPANY, LICENSE NO. AC30300086 ADMINISTRATIVE CAUSE NO. IAC 07-11 AND IAC 07-12 - RE: COMPLAINT

The Commission decided to combine the matters of IAC 07-11 and IAC 07-12.

The Respondents were not present and were not represented by counsel. Jeremy Braunstein, Deputy Attorney General represented the State of Indiana. Mr. Braunstein requested that the Commission issue a Notice of Proposed Default.

J. Fife moved to issue a Notice of Proposed Default. T. Bauermiester seconded the motion. Motion carried.

**MINUTE NO. 07-21
REVIEW OF APPLICATIONS**

**REX E. LAWSON
RE: APPLICATION FOR RECIPROCITY**

The Commission reviewed Mr. Lawson's reciprocal application and noted that his application included information reference

a violation in the State of Georgia, which involved a fine that had not been paid.

J. Fife moved to deny the application. T. Bauermiester seconded the motion. Motion carried.

**MINUTE NO. 07-22
OLD/NEW BUSINESS**

**REQUEST FOR REIMBURSEMENT FROM THE AUCTIONEER RECOVERY FUND
IN THE MATTER OF H. BEN STEVENSON VS. PHILLIP JOHN WOLFE D/B/A
CATBECCA.COM INC.**

The Commission reviewed the information submitted by Mr. Stevenson requesting reimbursement from the auctioneer recovery fund. The Commission determined that the information submitted does not name the Indiana Auctioneer Commission as a party to the action and does not direct the Commission to disburse funds.

J. Fife moved to deny the request for reimbursement. T. Bauermiester seconded the motion. Motion carried.

**REVIEW OF AUCTIONEER EXAMINATION PASS/FAIL LIST FOR MARCH 7,
2007**

The Commission reviewed and noted the pass/fail list for the March 7, 2007 examination.

REVIEW OF PRE LICENSING PROVIDER COURSE OUTLINES

Each Board member selected course material to review, which was submitted by approved providers and will report to the Commission at their next meeting.

**REQUEST FOR REIMBURSEMENT FROM THE AUCTIONEER RECOVERY FUND
RE: GLENN MARSH VS. JEFF LEAK D/B/A SUPERIOR AUCTION VS
INDIANA AUCTIONEER COMMISSION**

Julie Alexander, the Legal Advisor to the Commission submitted an order from the Marion County Small Claims Court in Perry Township, which names the Commission as a party to the suite and ordering the reimbursement from the Auctioneer Recovery Fund in the amount of \$4,813 to be paid to the Plaintiff.

J. Fife moved to disburse the funds from the Recovery Fund to be paid to the Petitioner, Glenn Marsh. E. Cornwell seconded the motion. Motion carried.

Ms. Alexander informed the Commission that the auction statute gives the Commission the authority to suspend the license of

the Respondent, Jeffrey Leak when a disbursement from the fund is approved by the Commission.

E. Cornwell moved to indefinitely suspend the auction license of Jeffrey Leak. J. Fife seconded the motion. Motion carried.

**MINUTE NO. 07-23
DISCUSSION**

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

The Commission expressed concerns with the great number of auction advertisements that are omitting the name of the owner of the goods or real estate being sold at auction and discussed the possibility of revising the statute that requires that this information is included in the advertisement.

Senator Kruse also addressed the Commission concerning this issue and suggested that the requirement be removed from the statute because it is not necessary to the sale the goods or real estate.

CONTINUING EDUCATION (CE) - RE: LENGTH OF A CE HOUR

The Commission noted that the rule requires that a CE hour is required to be at least 60 minutes and suggested that the rule be changed to 50 minutes.

**MINUTE NO. 07-24
ADJOURNMENT**

There being no further business, the meeting adjourned at 1:15 p.m.

DATE: _____

Jimmie Yagle, Chairman

ATTEST:

Deborah Widemon, Director

