



**TENNESSEE AUCTIONEER COMMISSION
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243
615-741-1831**

**Commission Meeting Minutes for August 16, 2021
First Floor Conference Room 1-A
Davy Crockett Tower**

The Tennessee Auctioneer Commission met on August 16, 2021 in the first floor conference room of the Davy Crockett Tower in Nashville, Tennessee and via a WebEx Teleconference. The following business was transacted:

COMMISSION MEMBERS PRESENT: Jeff Morris, John Thorpe, Randy Lowe, Kimball Sterling, and Dwayne Rogers

COMMISSION MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Glenn Kopchak, Anthony Glandorf, Anna Matlock, Stuart Huffman, Carol McGlynn, Robert Hunter, and Angela Nelson

ROLL CALL

Director Kopchak called the meeting to order at 9:02 a.m. Director Kopchak took roll and established that a quorum was present.

NOTICE OF MEETING

Director Kopchak read the notice of the meeting into the record as follows: "Notice of the August 16, 2021 meeting of the Auctioneer Commission including date, time, and location has been noticed on the website since May 18, 2020; additionally, this month's agenda has been posted on the website since August 6, 2021."

STATEMENT OF NECESSITY

Ms. Anna Matlock read the statement of necessity into the record. Mr. Lowe made a motion to adopt the statement of necessity as written. This was seconded by Mr. Sterling. The motion carried by unanimous roll call vote.

AGENDA

Mr. Thorpe made a motion to adopt the agenda as written. This was seconded by Mr. Lowe. The motion carried by unanimous roll call vote.

MAY MINUTES

Mr. Sterling made a motion to adopt the minutes from the May meeting as written. This was seconded by Mr. Lowe. The motion carried by unanimous roll call vote.

Director Kopchak turned the meeting over to Mr. Morris to provide a brief overview of the National Auctioneer Association (NAA) Conference that he recently attended in Minneapolis. Mr. Morris stated that the conference was greatly impacted by the COVID-19 pandemic, and that a lot of the discussion topics revolved around how the industry adjusted to this new dynamic to conduct auctions. Mr. Morris also took a moment to praise the Tennessee auctioneers who attended and represented the state well in the competition portions of the conference.

EDUCATION REVIEW

Director Kopchak presented two (2) Qualifying Education (QE) courses for the Commission to review and approve. These courses were “General Basic Auctioneering” and “Basic Auctioneering,” submitted by America’s Auction Academy and World Wide College of Auctioneering respectively. Mr. Morris motioned to approve both QE courses. This was seconded by Mr. Lowe. The motion carried by unanimous roll call vote.

Director Kopchak presented a Continuing Education (CE) course from Nashville Auction School. Mr. Morris motioned to approve the course entitled “The Internet Office.” This was seconded by Mr. Sterling. The motion carried by unanimous roll call vote.

Director Kopchak presented a Continuing Education (CE) course from the Tennessee Auctioneers Association. Mr. Morris motioned to approve the course entitled “Strategies for Accelerating Your Real Estate Marketing.” This was seconded by Mr. Thorpe. The motion carried by unanimous roll call vote.

CE Seminars FY2022

Director Kopchak informed the Commission that three (3) CE seminars would be taking place for this fiscal year. The first would be November 19, 2021 in East Tennessee; the second would be tentatively March 1, 2022 in Middle Tennessee; and the third would be held in June 2022 (date to be determined) in West Tennessee. Mr. Morris motioned to approve the seminars. This was seconded by Mr. Lowe. The motion carried by unanimous roll call vote.

August 16, 2021 - Education Report

Course Provider	Course Name	Instructor(s)	Type	Hours	Recommendation
America’s Auction Academy	General Basic Auctioneering (Classroom)	Various	QE	50	Approve
World Wide College of Auctioneering	Basic Auctioneering (Classroom)	Various	QE	50	Approve
Nashville Auction School (NAS)	The Internet Office	Terri Walker	CE	6	Approve
TN Auctioneers Association (TAA)	Strategies for Accelerating Your Real Estate Marketing	Morgan Hopson	CE	2	Approve

DIRECTOR'S REPORT

Budget Report

Director Kopchak briefed the Commission on the status of the budget for the last three (3) months of record, April through June. Director Kopchak pointed out that revenues were down, but this was not unexpected and consistent with the same time last year. Director Kopchak also explained that the increase in costback amounts for May and June was due to CORE expenditures. These expenditures are related to the new Public Search function, which will be replacing the current Verify a License system. Director Kopchak concluded that the budget was trending as expected, with nothing out of the ordinary to report.

Meeting Dates 2022

Director Kopchak presented the scheduled meeting dates for 2022. These dates are February 28th, May 16th, August 15th, and November 14th. Mr. Thorpe made a motion to accept these meeting dates. This was seconded by Mr. Morris. The motion carried by unanimous roll call vote.

LEGAL REPORT *(Presented by Stuart Huffman)*

- 2021039411**
Opened: 5/24/2021
Type of License: Principal Auctioneer
First Licensed: 6/23/2008
Expires: 1/8/2023
History: None

The Complaint was administratively opened by the Auctioneer Commission's administrative offices. The Respondent Affiliate Auctioneer was randomly chosen for an audit of continuing education and there was a deficiency of 6 hours.

The Respondent thought they had the necessary 6 hours but failed to find certification. Respondent verified the shortage of required continued education and immediately completed the 6 hours online. Respondent also submitted the certification to administration.

RECOMMENDATION: Authorize a contested case proceeding for failure to meet the basic requirements of licensure with the Commission pursuant to Tenn. Rules and Reg. 0160-03-.03. (Tenn. Rules and Regs. 0160-03-.03 BASIC REQUIREMENTS. (1) All licensees must obtain six (6) hours of continuing education per renewal cycle in order to renew a license), allow the Respondent to settle this matter by executing the Consent Order and paying a civil penalty in the amount of \$100.

COMMISSION DECISION: The Commission accepted counsel's recommendation.

2. **2021043931**
Opened: 6/28/2021
Unlicensed
History: None

This complaint was opened by administration after it was observed that the advertising sign for an upcoming auction did not meet the required guidelines. The Principal Auctioneer's name and license number was not present.

Respondent immediately complied with the guidelines adding the Principal Auctioneer's name and license number to the advertising signs. Respondent apologized for the oversight and is now compliant with all signs.

RECOMMENDATION: Authorize a contested case proceeding for failure to meet the basic requirements of licensure with the Commission pursuant to Tenn. Rules and Reg. 0160-03-.20. (ADVERTISING GUIDELINES) and allow the Respondent to settle this matter by executing the Consent Order and paying a civil penalty in the amount of \$250.

COMMISSION DECISION: The Commission accepted counsel's recommendation.

3. **2021049481**
Opened: 7/6/2021
Type of License: Principal Auctioneer
First Licensed: 2/18/2011
Expires: 2/26/2023
History: None

Respondent was court appointed, in a divorce case, to sell land owned by Complainant. Respondent was to provide the Court with the best method to sell what is alleged "highly sought" land according to the Complainant. Complainant believes that Respondent only wants to sell the land through auction because of a 10% buyer's premium and refuses to accept written offers made to purchase the land. Complainant alleges Respondent is using the Court in order to be greedy and unethical.

Respondent states that the property, in its current state, is not land that is able to be developed, however, he is trying to haul in soil to be able to divide the land into 2-3 lots to maximize price. Respondent states there have been no written offers brought to him. Respondent believes that auction is the best method to sell this property in its current state. Respondent agrees that if the property was able to be developed, then a traditional listing would definitely be better, but that is not the case.

The matter as to the best method was discussed recently in Court and the Judge ruled that absolute auction was the best method. Complainant was also ordered by the Judge to withdraw this complaint.

RECOMMENDATION: Close.

COMMISSION DECISION: The Commission accepted counsel's recommendation.

4. **2021051301**
Opened: 8/2/2021
Type of License: Principal Auctioneer
First Licensed: 2/25/2015
Expires: 9/9/2022
History: 2018 Letter of Warning for Alleged Advertising Violations

Complainant alleges that Respondent ignored his bids and quickly ended an auction on June 19, 2021 for his property. Complainant believed he had successfully out bid everyone until he was told that he was not the winner. Complainant further alleges that Respondent made no mention of continuous flooding in the lower field and sink holes on the property.

Respondent explains that the property was ordered to be auctioned by the local Chancery Court in a divorce case. Respondent was given contact information by the attorneys to arrange a meeting with Complainant. No contracts were signed at this meeting and Complainant stated that he would be purchasing the property from his ex-wife. Respondent was instructed to send listing documents in December 2020 to Complainant and if he wished to purchase the property he could do so at this time. According to the ex-wife's attorney, Complainant had been offered numerous times to refinance the property from July 2019 through September 2020 until an order mandating auction was obtained. Complainant refused to sign any documents until March 2021 when the Court ordered Complainant to sign. Complainant continually tried to hinder the sale, refused written offers, and ignored the Respondent.

Respondent states that Complainant had missed mortgage payments and could not qualify to purchase the property nor qualified to place bids at auction. A neighbor contacted Respondent the day of the auction concerning Complainant barricading the entrance with trash and junk with "Keep Out" signs. Respondent states there were two Sheriff deputies present at the auction and the auction was executed as the Court ordered. Respondent provided a copy of all contracts and appropriate disclosures.

RECOMMENDATION: Close.

COMMISSION DECISION: The Commission accepted counsel's recommendation.

5. **2021057921**
Opened: 8/4/2021
Type of License: Principal Auctioneer
First Licensed: 3/20/2017
Expires: 4/46/2023
History: None

The Complaint was administratively opened by the Auctioneer Commission's administrative offices. The Respondent Affiliate Auctioneer was randomly chosen for an audit of continuing education and there was a deficiency of 6 hours. Respondent renewed his license on 2/10/2021 and it was determined CE was not completed. Respondent completed the required 6 hours of CE on 2/16/2021.

RECOMMENDATION: Authorize a contested case proceeding for failure to meet the basic requirements of licensure with the Commission pursuant to Tenn. Rules and Reg. 0160-03-.03. (Tenn. Rules and Regs. 0160-03-.03 BASIC REQUIREMENTS. (1) All licensees must obtain six (6) hours of continuing education per renewal cycle in order to renew a license), allow the Respondent to settle this matter by executing the Consent Order and paying a civil penalty in the amount of \$100.

COMMISSION DECISION: The Commission accepted counsel's recommendation.

Director Kopchak requested that the Commission consider granting administrative staff the ability to address those cases that involve a failure to complete CE as required. The administrative staff would send the licensee the agreed consent order, as well as the citation for the \$100 fine, and close the complaint. This would allow for the cases to be handled more expediently, instead of having to wait for the next Commission meeting. Mr. Rogers inquired if the \$100 fine was substantial enough to ensure that licensees comply with the CE requirement, and the Commission determined that it was. Mr. Lowe asked if it would be possible for the Commission to see a report at each meeting of those who did not comply with the requirement and Director Kopchak stated that it could be added to the legal report. Mr. Morris motioned to approve granting administrative staff the ability to resolve cases involving failure to complete the CE requirement. This was seconded by Mr. Lowe. The motion carried by unanimous roll call vote.

Ms. Anna Matlock provided the Commission with a brief legislative update to let them know that a new law would be going into effect on October 1, 2021. This new law would amend the minimum age requirement for a Public Automobile Auctioneer from 21 to 18 years of age.

NEW BUSINESS/ADJOURNMENT

There being no new business, Mr. Thorpe made a motion to adjourn the meeting. This was seconded by Mr. Lowe. The motion carried by unanimous roll call vote. The meeting adjourned at 9:45 a.m.