

**ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION (IDFPR)  
DIVISION OF PROFESSIONAL REGULATION (DPR)**

**AUCTION ADVISORY BOARD**

Meeting Date: February 22, 2010  
 Meeting Convened: 11:05 a.m.  
 Meeting Adjourned: 1:00 p.m.  
 Meeting Location: Illinois Department of Financial and Professional Regulation/DPR  
 320 West Washington Street, 3rd Floor, Conference room 376  
 Springfield, IL 62786

Board Members Present: Terry Dunning, Chair, Auction Member  
 Jeffrey Doerr, Real Estate Member  
 Rob Henke, Auction Member  
 Rick Levin, Auction Member  
 George Malsam, Auction Member  
 Vern Mariman, Auction Member

Board Members Absent: None

Division Staff Present: Ron Hardgrove, Real Estate Coordinator  
 Susan Sigourney, Auction Board Liaison, Administrative Assistant

DPR Staff Present via Teleconference: Craig Capilla, Staff Attorney

Guest Present: Daniel Bluthardt

TOPIC	DISCUSSION	ACTION
<b>Approval of Minutes:</b>	The Board reviewed the minutes from the October 26, 2010 Auction Advisory Board meeting.	A motion was made by Henke/seconded by Mariman to approve the Auction Advisory Board minutes from the October 26, 2010 meeting. The motion passed.
<b>Administrative Report – Chairperson:</b>  <b>Introduce New Auction Board Member – Jeffrey R. Doerr</b>	Terry Dunning, Chairperson, welcomed the board members to the meeting.  Mr. Dunning introduced Jeffrey Doerr, the newest member appointed to the Auction Advisory Board. Mr. Doerr fills the real estate industry position. He has been in the auction and real estate industry most of his life. His appointment date was effective January 1, 2011 and his term will expire on January 1, 2015.	

<p><b>Auction Board Member Reappointment – Vern Mariman</b></p>	<p>Mr. Dunning also informed the Board that Vern Mariman has been re-appointed to the Auction Advisory Board in his auction industry position. His re-appointment date was effective January 1, 2011 and his term expires January 1, 2015.</p> <p>Mr. Dunning introduced Mr. Daniel Bluthardt, guest at the meeting. Mr. Bluthardt was the former Director of the Division of Professional Regulation and he is now in private business as a lobbyist.</p>	
<p><b>Auction License Report</b></p>	<p>The Auction License Reports for October, 2010 through January 2011 had been distributed to the Board. The January, 2011 report indicated there were 1,337 active Illinois auction licenses. This figure includes auctioneers, real estate exempt auctioneers, auction firms, auction continuing education (CE) schools, CE courses, and Internet Auction Listing Services. The license numbers are lower due to the December 31, 2010 auction license renewal.</p>	
<p><b>Report from Prosecutions:</b></p>	<p>Craig Capilla had emailed the Prosecutions Report to Susan Sigourney and the report was distributed to the Board. This Report indicates activity from December 1, 2010 – January 31, 2011:</p> <ul style="list-style-type: none"> <li>• Current Caseload in Auction - 42</li> <li>• Case Activity: <ul style="list-style-type: none"> <li>Refer case to Prosecutions – 3</li> <li>Formal complaint - 0</li> <li>Formal complaint filed, preliminary hearing set – 1</li> <li>Motion filed – 0</li> <li>Notice of intent to Deny – 0</li> <li>Notice of intent to refuse renewal – 0</li> <li>Notice of preliminary hearing - 1</li> <li>Set formal hearing – 0</li> <li>Close case at Prosecution – 1</li> <li>Orders signed by Director– 2</li> <li>Informal conferences held - 0</li> </ul> </li> </ul> <p>Craig Capilla informed the Board that Jennifer Wilson has been hired as a full time staff attorney in the Prosecution Department. There are four attorneys on staff in Prosecution. Prosecution is closing about fifty cases a month on average.</p>	

	<p>The Board also discussed the procedures for filing a complaint. It is imperative to include documentation with complaints. Susan Sigourney told the Board the Auction complaint form is available on the IDFPR website at:  <a href="http://www.obre.state.il.us/CONSUMER/FORMS/AuctionComplaint.pdf">http://www.obre.state.il.us/CONSUMER/FORMS/AuctionComplaint.pdf</a>  There is also a page on the IDFPR website where an individual may file a complaint by email:  <a href="https://www.idfpr.com/dpr/FILING/Complaint.asp">https://www.idfpr.com/dpr/FILING/Complaint.asp</a></p> <p>The Board discussed the possibility of producing a newsletter to provide auction licensees with information pertaining to the auction industry. The Board offered to contribute articles pertaining to specific issues of interest for auction licensees.</p> <p>The Board also discussed whether or not an individual who performs charity auctions must have a license. The Board agreed, if this individual is compensated in any manner, the individual will need to have an auction license.</p>	
<p><b>Old Business</b></p> <p><b>Auction Administrative Rule</b></p> <p><b>Auction License/Registration Renewal – December 31, 2010</b></p>	<p>Susan Sigourney said Denise Hamilton, a paralegal in the office of the General Counsel, IDFPR, has reported that the first notice for the auction rule expired on January 31, 2011. The second notice was sent to the Joint Committee on Administrative Rules (JCAR). JCAR has to accept these rules and then the committee will review the rules. (The rule changes are as a result of the sunset process, Public Act 97-0730, effective August 25, 2009; various sections of the Administrative Rule must be amended to address inconsistencies and technical problems and other changes.)</p> <p>Susan Sigourney commented that the auction license renewal was December 31, 2010. This renewal includes Auctioneers, Auction Firms, and Internet Auction Listing Service Registrations. As stated earlier, the license numbers are lower due to the December 31, 2010 auction license renewal.</p>	<p>Note: Since the time of this meeting, Denise Hamilton has prepared and submitted the rule for second notice to JCAR. The rules were accepted on February 28, 2011. On April 12, 2011, Denise Hamilton reported JCAR will issue a Certificate of No Objection.</p>
<p><b>New Business:</b></p> <p><b>Unlicensed Auctioneers/Complaints</b></p> <p><b>New Mileage</b></p>	<p>This topic was discussed during the Report from Prosecution’s report earlier in the meeting.</p> <p>Susan Sigourney informed the Board that the State of</p>	



		Vern Mariman – Yes  The motion passed.
<b>Closed Session: Review Closed Minutes  Deliberation</b>	The board reviewed the closed minutes from the October 26, 2010 Board meeting.  Case Number 2010-06403 Anthony Smith	A motion was made by Mariman/seconded by Malsam to approve the Auction Advisory Board closed minutes from the October 26, 2010 meeting. The motion passed
<b>Motion to go into Open Session 12:55 p.m.</b>		A motion was made by Doerr /seconded by Malsam to go into Open Session at 12:55 p.m. The motion passed.
<b>Recommendations</b>	Subsequent to discussion in Closed Session, the Board made their recommendation.  Case Number 2010-06403 Anthony Smith	A motion was made by Levin/seconded by Malsam that the auctioneer license of Anthony Smith be refused renewal and that he be fined \$3,000 for practicing on an expired auction license. The motion passed.
<b>Adjournment</b>		There being no further business to discuss, a motion was made by Malsam/seconded by Dunning to adjourn at 1:00 p.m. The motion passed.