

**ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
ILLINOIS DIVISION OF PROFESSIONAL REGULATION**

AUCTION ADVISORY BOARD

Meeting Date: March 16, 2010
 Meeting Convened: 11:00 a.m.
 Meeting Adjourned: 12:04 p.m.
 Meeting Location: Illinois Department of Financial and Professional Regulation
 320 West Washington Street, 3rd Floor, Conference room 376
 Springfield, IL 62786

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

Board Members Absent: None

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

Division Staff Present
 Via Teleconference: Craig Capilla, Staff Attorney

TOPIC	DISCUSSION	ACTION
Approval of Minutes:	The Board reviewed the minutes from the October 27, 2009 Auction Advisory Board meeting.	A motion was made by McConville/seconded by Henke to approve the Auction Advisory Board minutes from the October 27, 2009 meeting. The motion passed.
Administrative Report – Chairperson:	Terry Dunning, Chairperson, and Ron Hardgrove, Real Estate Coordinator, informed the Board that John Botner, the Chief of Prosecution, is no longer at this agency. Craig Capilla, staff attorney, present via teleconference, reiterated to the Board that John Botner is no longer with this agency as of Friday afternoon, March 12, 2010. Craig Capilla said the Acting Chief of Prosecutions will be Bill Laskaris until the new Chief of Prosecutions is named. Craig Capilla also expanded on the staffing situation. He mentioned there are two new staff attorney positions in Enforcement that may be filled near the end of April.	

<p>Auction License Report</p>	<p>The Auction License Reports for October through December 2009 and January and February 2010 had been distributed to the Board. The February 2010 report indicated there were 1,697 active Illinois auction licenses. This figure includes auctioneers, exempt auctioneers, auction firms, auction continuing education (CE) schools, CE courses, and Internet Auction Listing Services.</p>	
<p>Report from Prosecutions:</p>	<p>There was no prosecutions report distributed. Craig Capilla gave a synopsis of the present situation with open Auction cases. He said there are 24 open cases in Prosecutions at the time of this meeting.</p> <p>Craig would like to set up conferences the day of the next Auction Board meeting which is April 27, and if necessary, the day after, April 28.</p> <p>Findings of Facts, Conclusion of Law, and Recommendation to the Director for Ronald Ciaglia and All American Auction and Appraisal were signed by the Board.</p> <p>There was discussion whether Sotheby's and Christie's Inc. presently have or should have active auction licenses. According to the DPR database, these entities are not active, licensed auction firms.</p>	<p>Susan Sigourney will email a list of the Board members' email addresses to Craig Capilla.</p> <p>The Findings of Facts, Conclusion of Law, and Recommendation to the Director for Ronald Ciaglia and All American Auction and Appraisal were distributed to and signed by all of the Board members. Note: This signed document was sent to Craig Capilla in Enforcement immediately following the Board meeting on March 16, 2010.</p> <p>A motion was made by Malsam/seconded by Mariman to file a complaint that both Sotheby's and Christie's be compliant with the Illinois Auction license Act. The motion passed.</p>
<p>Old Business:</p> <p>Auction Administrative Rule</p>	<p>Susan Sigourney said 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</p>	<p>The changes to the Administrative Rule were available for the Board members.</p>

<p>Auction Complaint Forms</p> <p>Continuing Education School Renewal</p>	<p>and technical problems and other changes. These changes to the Rule are in the process and are not effective at the time of this meeting.</p> <p>Terry Dunning mentioned to the Board that the auctioneer complaint forms are available on-line and they were given a hard copy of the form, if a Board member would like to submit a complaint.</p> <p>Susan Sigourney informed the Board that after the renewal of the auction continuing education (CE) schools and courses 12/31/2009, there are three auction CE schools that remain active and 35 active CE courses. Three schools, which were previously licensed with Illinois, decided not to renew their CE provider and course licenses.</p>	
<p>New Business:</p> <p>Auto Auctioneers</p> <p>Internet Auction Listing Service (IALS) Registration</p>	<p>Terry Dunning had received an email from an auto auctioneer inquiring about dealers auctioning the vehicles without hiring a licensed auctioneer. The Board discussed the Auction License Act in regards to this situation. Pursuant to Section 10-1 of the Auction License Act, Necessity of License; exemptions: Nothing in this Act shall be construed to apply to a new or used vehicle dealer or a vehicle auctioneer licensed by the Secretary of State of Illinois, or to any employee of the licensee, who is a resident of Illinois, while the employee is acting in the regular scope of his or her employment for the licensee while conducting an auction that is not open to the public, provided that only new or used vehicle dealers, rebuilders, automotive parts recyclers, or scrap processors licensed by the Secretary of State or licensed by another state or jurisdiction may buy property at the auction, or to sales by or through the licensee. Out-of-state salvage vehicle buyers licensed in another state or jurisdiction may also buy property at the auction.</p> <p>A complaint must be filed with the Division of Professional Regulation, Enforcement Division in order for the possibility of violations to the Auction License Act to be investigated.</p> <p>The Board discussed the low number of Internet Auction Listing Services (IALS) registered with the Division of Professional Regulation (DPR). The Board believes there are many more active</p>	<p>A list of all of the active Internet Auction Listing Services (IALS) registered with The Illinois Division of</p>

	<p>individuals/entities that fall under the definition of IALS that should be registered with DPR. Pursuant to Section 10-27 of the Auction License Act, the definition of Internet Auction Listing Service means a website on the Internet, or other interactive computer service that is designed to allow or advertised as a means of allowing users to offer personal property or services for sale or lease to a prospective buyer or lessee through an on-line bid submission process using that website or interactive computer service and that does not examine, set the price, or prepare the description of the personal property or service to be offered, or in any way utilize the services of a natural person as an auctioneer.</p> <p>Terry Dunning informed the Board that the State of Illinois mileage reimbursement rate for the use of personal vehicles decreased to \$0.50/mile effective January 1, 2010.</p> <p>The next meeting is scheduled for April 27, 2010. The Board discussed setting up informal conferences for the afternoon of April 27th. Craig Capilla will work on setting up informal conferences.</p> <p>There were no changes in the Board member contact information which is kept by the Director's assistant, Jill Kreoger. Susan Sigourney distributed a list of Board member and staff names, phone numbers, email, and addresses as a reference for the Board members.</p> <p>The Board discussed the Auction Advisory Board meeting schedule for the remainder of 2010. The next meeting is scheduled for April 27, 2010 at 11:00 a.m. in the Springfield office.</p>	<p>Professional Regulation was distributed to the Board. There are only 40 active/registered Internet Auction Listing Services. This issue will be added to the April agenda.</p> <p>There were no changes to the Board's information which is kept by the Director's assistant.</p> <p>The 2010 meeting schedule for the Auction Advisory Board is as follows: <u>2010</u> April 27 - Springfield June 22 - Chicago August 24 - Springfield October 26 - Chicago December 14 - Springfield</p>
<p>Mileage Reimbursement</p> <p>2010 Meeting Schedule</p>		
<p>Closed Session</p>	<p>There was no Closed Session.</p>	

Adjournment		There being no further business to discuss, a motion was made by Dunning/seconded by McConville to adjourn at 12:04 p.m.
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