BOARD OF AUCTIONEERS MINUTES

Legislative Office Building Room 103, Concord, NH December 3, 2012, 9:00 a.m.

- 1. The Board of Auctioneers convened at 9:00 a.m. with, Chairperson Frank L. Eaton, Vice-Chairperson Russell R. Abbott, Secretary Roy W. Tilsley, Member Richard C. Berman, and Member Gregory J. Walsh was present.
- 2. The Board on motion of Russell R. Abbott, seconded by, Roy W. Tilsley accepted the minutes of the November 5, 2012 meeting.
- 3. The Board on motion of Russell R. Abbott, seconded by Roy W. Tilsley, authorized the application of Denise A. Ryan for an Auctioneers License.
- 4. The Board on motion of Roy W. Tilsley, seconded by Richard C. Berman, authorized the application of Jackie Taylor for an Auctioneers License.
- 5. Discussion The Board considered a proposed change in wording to the State of NH Auctioneer bond form, with the addition of the words" or any interested third party" to allow direct payment to a valid clamant, in lieu of involving the State in the payment process.
 - The Board on motion of Roy W. Tilsley, seconded by Gregory J. Walsh voted to add the words "or any person entitled" rather than "or any interested third party" to allow direct payment to a valid clamant, in lieu of involving the State in the payment process.
- 6. Discussion: The Board discussed what it means to be "physically present" at an auction that is strictly an online auction as follows:
 - The Board on motion of Roy W. Tilsley, seconded by Russell R. Abbott voted on a Declaratory Ruling as follows:
 - It is the interpretation of the Board that for the purpose of establishing a physical presence at an internet only auction, the auctioneer does not need to be at the site where the items are located, but does need to be readily available by telephone, email, or any other electronic means during normal business hours and 4 hours prior to the first item in the auction closing through the close of the auction.
- 7. Hearing "In the Matter of Peter E. Smith": (Peter E. Smith did not appear for this hearing) The Board found Mr. Smith in violation of RSA 311-B:11(d) for non-payment. Taken into account the previous findings of nonpayment and as a result of the violation, the License of Peter E. Smith has been hereby **REVOKED**.
- 8. The Board on motion of Russell R. Abbott, seconded by Roy W. Tilsley, and further on a roll call vote as follows: Frank L. Eaton yes, Richard C. Berman yes, Russell R. Abbott yes, Roy W. Tilsley yes, and Gregory J. Walsh yes, voted to go into non-public session to discuss matters under RSA 91-A, specifically, matters which would likely adversely affect the privacy of individuals and or matters in which litigation has been threatened against the Board.
- 9. The Board on motion of Roy W. Tilsley, seconded by Russell R. Abbott voted to come out of non-public session.
- 10. Based on the investigation and report of Russell R. Abbott, the Board on motion of Roy W. Tilsley, seconded by Richard C. Berman, voted to send Notice of Hearing in the matter of Peter E. Smith, a complaint made by Richard W. Heiser. The Hearing will be held on January 7, 2013 at 9:30 a.m. in Room 307 of the Legislative Office Building, Concord, NH.

11. Based on the findings of an investigation by Richard C. Berman, the Board found no evidence to merit a hearing on the complaint made by J. Russell Scheider, as the matter was resolved prior to completion of the investigation. The Board on motion of Roy W. Tilsley, seconded by Russell R. Abbott, voted to dismiss the complaint.

12. Further Business:

- A. The Board discussed Rules.
- B. The Board on motion of Roy W. Tilsley, seconded by Gregory J. Walsh, and further on a roll call vote as follows: Frank L. Eaton yes, Richard C. Berman yes, Russell R. Abbott yes, Roy W. Tilsley yes, and Gregory J. Walsh yes, voted to go into non-public session to discuss matters under RSA 91-A, specifically, matters which would likely adversely affect the privacy of individuals and or matters in which litigation has been threatened against the Board.
- C. The Board on motion of Roy W. Tilsley, seconded by Russell R. Abbott voted to come out of non-public session.
- D. **TABLED** The Board on motion of Roy W. Tilsley, seconded by Gregory J. Walsh, voted to table a complaint made by William Roach for further information, asking that Mr. Roach complete the complaint form and include the contract as well as any emails or other pertinent information to allow the Board to better decided whether or not the case will merit an investigation and/or hearing.
- 14. The Board on motion of Gregory J. Walsh seconded by Roy W. Tilsley then Adjourned at 11:15 a.m.

The next scheduled monthly meeting will be held January 7, 2013 at the Legislative Office Building, Room 307, Concord, New Hampshire.