

LICENSING DIVISION

Auctioneer Advisory Board – October 13, 2020

Personnel Updates

New Licensing Analysts

12/1/19 - Crystal Hall has 15 years of experience at Sears Holdings where she provided administrative support, customer service, and technical assistance for the repair of mechanical products.

She was also a Pre-K teacher for two years where she planned curriculum and assessed student progress.

2/18/20 - Kate Nauert brings over 7 years of experience from the Girling Community Care where she maintained client files, managed and scheduled field supervisors and performed background checks. She also hired and placed caregivers in the homes of the elderly.

She has over 6 years of additional office experience being a bookkeeper and administrative assistant.

3/2/20 - Gerald McCloud has been a recruiter where he matched veterans with Fortune 1000 employers; a Site Manager where he audited invoices and employee timekeeping reports, audited monthly alarms and communicated industry laws and rules.

He was a Title Squadron Superintendent in the Air Force where he supervised managers and flight instructors as well as established training requirements for 73 aviators. He has over 13 years in the Air Force.

Statistics

AUCTIONEER

	TOTAL FY19	TOTAL FY20
New Licenses Issued	94	75
Renewed Licenses Issued	1,850	1,891
Online Renewals	1,841	1,879
% Renewed Online	99%	99%
Total Population	2,324	2,259

ASSOCIATE AUCTIONEER

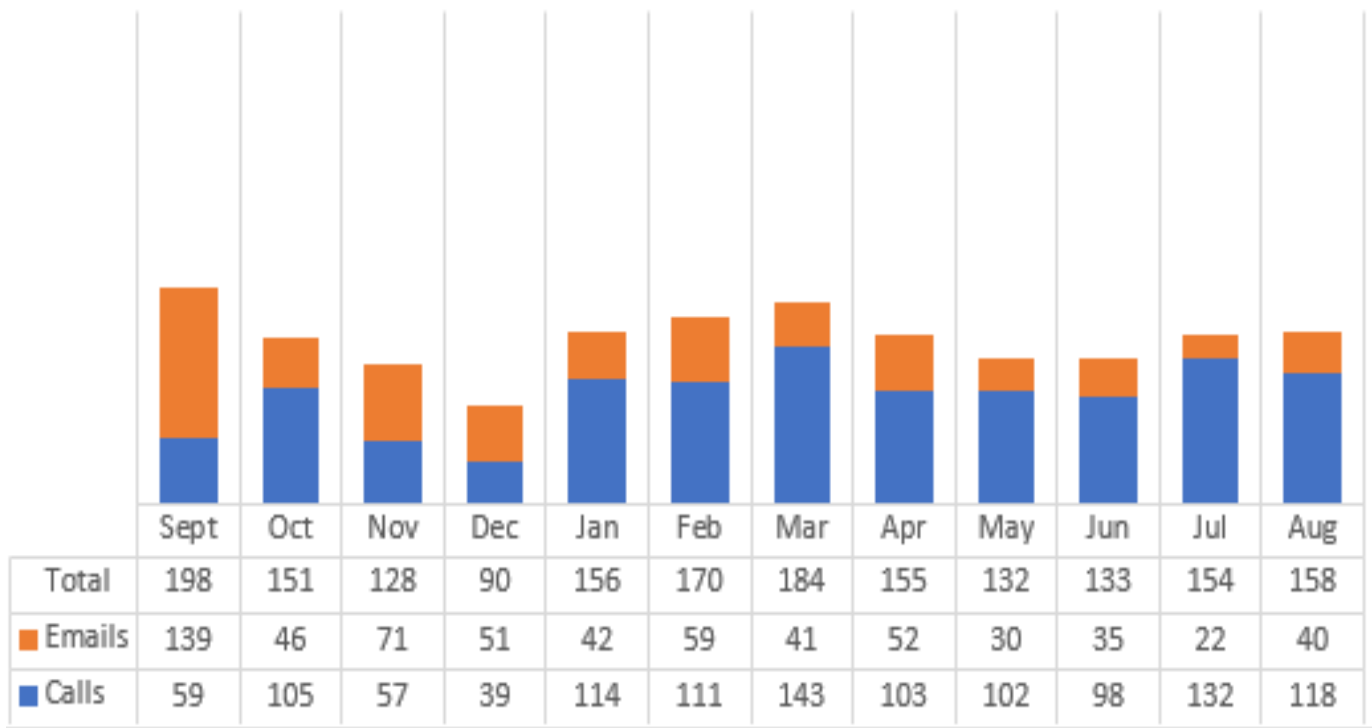
	TOTAL FY19	TOTAL FY 20
New Licenses Issued	24	19
Renewed Licenses Issued	50	44
Online Renewals	42	41
% Renewed Online	84%	93%
Total Population	74	72

CUSTOMER SERVICE

Staff Report for Auctioneer Advisory Board— Oct. 13, 2020

Statistics

AUCTIONEER CUSTOMER SERVICE CONTACTS FISCAL YEAR 2020



Enforcement Division

Staff Report October 13, 2020

Personnel Updates:

On March 1, John Medlock was promoted to Chief Prosecutor. John has worked for TDLR for 7 years, previously serving as a Prosecutor and Senior Prosecutor in the Enforcement Division.

On May 1, Trevor Theilen was promoted to Senior Prosecutor. Trevor has worked for TDLR for 9 years as a Prosecutor in the Enforcement Division.

On February 15, Jackie Revilla was promoted to Legal Assistant Supervisor. Jackie has worked for TDLR for 18 years, previously serving as a Legal Assistant and Senior Legal Assistant in the Enforcement Division.

On February 15, Debbie Hawkins was promoted to Legal Assistant Supervisor. Debbie has worked for TDLR for 8 years as a Legal Assistant in the Enforcement Division.

On August 31, Investigations Manager Gregg Dodson retired after 22 years of service with TDLR. Gregg oversaw the Investigations Section within the Enforcement Division, which includes 42 investigators. This position is currently posted on the Department's website, and we hope to conduct interviews soon.

On August 31, Prosecution Legal Assistant Manager Daryl Kunze retired after 18 years of service with TDLR. Daryl oversaw the Prosecution Legal Assistant Section within the Enforcement Division, which includes 33 legal assistants and administrative assistants. This position is currently posted on the Department's website, and we hope to conduct interviews soon.

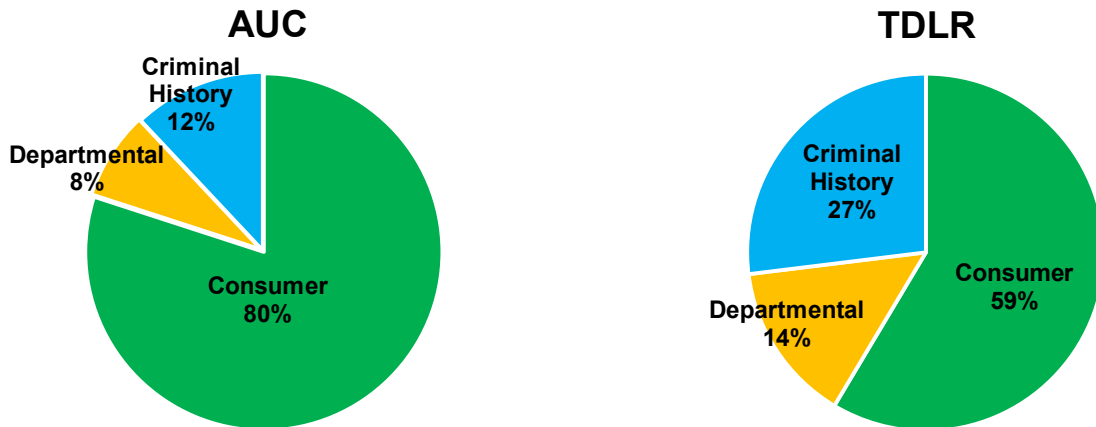
On August 31, Senior Investigator Esmer Arguijo retired after 21 years of service with TDLR. Esmer conducted investigations of cases in the building and mechanical, water well, and property tax programs.

Statistics:

Shown below are the Enforcement Performance Measures and key statistics for the Auctioneers (AUC) program and for all TDLR programs combined for **Fiscal Year 2020**:

Performance Measure	AUC	TDLR
Cases opened	25	10,465
Cases closed	36	9,763
Average time to close (days)	347.14	157.58
% of cases resolved within 6 months	16.67%	68.64%
% of cases resulting in disciplinary action	16.67%	13.48%
Cases Pending	15	5,850

Source of cases opened for Fiscal Year 2020



Case Outcomes	AUC	TDLR
Commission Orders	0	28
Default Orders	2	339
Agreed Orders	3	853
Penalties Assessed	\$7,000.00	\$2,360,451.00
Penalties Collected	\$3,000.00	\$1,296,792.16
Licenses Revoked (Disciplinary)	0	62
Licenses Suspended	0	4
Licenses Denied/Revoked (Criminal History)	2	240
Cease & Desist Orders	1	46
Informally Resolved	29	8,365

Top AUC Alleged Violations at Opening for Fiscal Year 2020

Alleged Violation:	Count
Didn't pay seller within 15 days	6
Flagrant misrepresentation/false promises	5
Acted as Auctioneer/Associate Auctioneer without a license	5
Criminal Activity	3
No name & TDLR number in ad	2
Failed to comply with an order	2
Didn't give another their money	2
Failed to announce terms/conditions	1
Didn't announce/reserved right to bid	1

Top AUC Violations Resulting in Disciplinary Action for Fiscal Year 2020

Violation:	Count
Didn't pay seller within 15 days	3
Criminal Activity	2
Flagrant misrepresentation/false promises	2
Acted as Auctioneer/Assoc Auctioneer without a license	1

Case Highlights

Britt D. Roman
TDLR Case No.: AUC20180012132

On February 10, 2020 the Executive Director issued an Agreed Order assessing Mr. Roman an administrative penalty of \$1,875 for failing to remit funds obtained during an estate auction to a seller within 15 banking days. This is a violation of Texas Administrative Code § 67.70(b)(7)(D).

Because there was not a written contract between the Auctioneer and the complainant, the Department was unable to open a case for restitution through the Department's Auctioneer Education and Recovery Fund. The entire administrative penalty has been collected.

Michael Baker
TDLR Case No: AUC20190009718

The Department commenced this proceeding in order to provide restitution to a property owner who never received funds from an auction conducted by Respondent Baker in 2016. Upon investigation the Department found that the property owner was owed \$15,000 from the proceeds of an auction. Because there was no dispute that this sum was owed, the Executive Director was authorized to pay the claim from the Department's Auctioneer Education and Recovery Fund.

By Order of the Executive Director dated October 21, 2019, the Fund was directed to pay the property owner \$15,000, ordered Mr. Baker to reimburse the Fund (with interest accruing at 8% annually), and became subrogated to the rights of the property owner.

Respondent's license expired in December 2017. The Department sent the property owner \$15,000 in January 2020

Monty Ray Fitzgerald
TDLR Case No.: AUC20190010645

On November 2, 2019 the Executive Director issued an Agreed Order assessing Respondent an administrative penalty of \$1,125 for failing to pay proceeds from an auction of consigned goods which was held on February 2, 2019. The funds were remitted to the owner on March 6, 2019. Department rules require that Auctioneers pay the seller or consigner within 15 banking days of the auction unless a different time is required by statute or written contract.

The full administrative penalty has been paid.

Chad Eric Yeaman
TDLR Case No.: AUC20190017111

On July 8, 2020 the Executive Director issued an Agreed Order revoking Respondent's Auctioneer License for his plea of nolo contendere to criminal conduct, and his failure to report this plea at the time he sought to renew his license.

Respondent was licensed as an Auctioneer in August 2013. On August 16, 2019 he submitted an application for renewal, on which he stated that he had never been convicted of, or placed on deferred adjudication for, any misdemeanor or felony, other than a minor traffic violation.

Based on his answer of "no" his license was renewed. However, a criminal history background check determined that at least one deferred adjudication or conviction had occurred prior to August 16, 2019.

Based on his misrepresentation on the renewal application, and the nature of the underlying criminal conduct, the Department moved to revoke his license. An Agreed Order was issued revoking his license and noting Respondent's eligibility to reapply in one year from that date.

Robin E. Kasper (A.H.)

TDLR Case Nos.: AUC20190000916 and AUC20190001143

On February 20, 2020 the Executive Director issued a Default Order against Respondent assessing two administrative penalties of \$2,000 each, for a total penalty of \$4,000. Respondent, in each of the two cases, engaged in a continued and flagrant course of misrepresentations in 2016 and 2017 by not auctioning all property entrusted to Respondent and thereafter not returning the property, or proceeds, to the property owners. Engaging in a continuing and flagrant course of misrepresentation is a Class D violation under the Department's Enforcement Plan.

Respondent's license expired on March 16, 2017. No portion of the administrative penalty has been paid.

Education and Examination Division

Staff Report for Auctioneer Advisory Board – October 13th, 2020

Statistics

EXAMINATION STATISTICS (AS OF AUGUST 31ST, 2020)

2020	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS	7	4	9	20	8	6	1	15	3	0	3	6	4	5	11	20	61
FAIL	1	3	2	6	4	2	1	7	3	0	1	4	1	5	9	15	32
TOTAL	8	7	11	26	12	8	2	22	6	0	4	10	5	10	20	35	93
RATE	87.5%	57.1%	81.8%	76.9%	66.7%	75.0%	50.0%	68.2%	50.0%	0.0%	75.0%	60.0%	80.0%	50.0%	55.0%	57.1%	65.6%
2019	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS	2	8	2	12	7	3	5	15	5	7	8	20	1	2	12	15	62
FAIL	0	2	1	3	5	1	4	10	3	1	4	8	2	3	4	9	30
TOTAL	2	10	3	15	12	4	9	25	8	8	12	28	3	5	16	24	92
RATE	100.0%	80.0%	66.7%	80.0%	58.3%	75.0%	55.6%	60.0%	62.5%	87.5%	66.7%	71.4%	33.3%	40.0%	75.0%	62.5%	67.4%

**CONTINUING EDUCATION COURSE, PROVIDER, AND CURRICULUM STATISTICS
(AS OF AUGUST 31ST, 2020)**

2020	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
CRS APPROVALS	4	12	2	18	0	1	2	3	4	13	0	17	2	2	3	7	45
TOTAL COURSES	46	45	47	47	46	45	43	43	46	57	46	46	43	45	46	46	46
2019	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
CRS APPROVALS	3	11	0	14	1	5	1	7	0	17	1	18	1	0	2	3	42
TOTAL COURSES	45	47	47	47	45	48/	45	45	42	56	44	44	46	42	45	45	45

COVID Update

- Staff worked with our Licensing Division to allow for extensions for those exam candidates that were affected during the exam site closures.
- Exam sites were closed in March and re-opened in May with limited capacity. We worked with PSI to open additional written available at their 3rd party sites. That gave us additional 14 sites bringing a total of 37 exam sites where the written exam is administered.
- We are currently working with PSI to provide additional capacity while still following State guidelines

Regulatory Program Management

Staff Report – Oct. 13, 2020

Personnel Updates

Russel Taulli and LaTasha Poland continue to serve as program specialists for the Auctioneer Program. Russel and LaTasha work under the direct supervision of Stuart Strnad [Stin'-ard], RPM BCS Manager.

Statistics

NA

Case Highlights

NA

Current Projects

NA

Outreach

No outreach programs have been attended by RPM staff since the last board meeting. Outreach activities have been severely limited due to the Covid-19 pandemic.