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

**Commission Meeting Minutes for May 20, 2024**  
**Room 1B, David Crockett Room**  
**Davy Crockett Tower**

The Tennessee Auctioneer Commission met on May 20, 2024, in the first-floor conference room 1B of the Davy Crockett Tower in Nashville, Tennessee. The following business was transacted:

**COMMISSION MEMBERS PRESENT:** Ed Knight, Jeff Morris, , Dwayne Rogers and Jay White.

**COMMISSION MEMBERS ABSENT:** Larry Sims.

**STAFF MEMBERS PRESENT:** Jon Lillard, Anna Matlock, Kim Cooper, and Robert Hunter.

**ROLL CALL**

Director Lillard called the meeting to order at 9:00 a.m. Director Lillard took roll and established that a quorum was present. He introduced Jay White to the commission member. Mr. Lillard explained that a member of the public may provide comments as they relate to the agenda. This opportunity is added at the end under new business.

**NOTICE OF MEETING**

Director Lillard read the notice of the meeting into the record as follows: "Notice of the May 20, 2024, meeting of the Auctioneer Commission including date, time and location has been noticed on the website since August 25, 2023, additionally, the agenda has been posted on the website since May 10, 2024".

**AGENDA**

Mr. Rogers made a motion to adopt the agenda as written. This was seconded by Mr. White. The motion passed unanimously.

**MARCH MINUTES**

Mr. Knight made a motion to adopt the minutes from the March meeting as written. This was seconded by Mr. Rogers. The motion passed unanimously.

## **DIRECTOR'S REPORT**

### ***Budget Report***

Director Lillard presented the financial information through March 2024. The Auctioneer Commission has a year-to-date deficit of 1,713 making the reserve balance \$517,795. The current Educational Fund balance is \$205,921.

Director Lillard presented licensing numbers for the commission to review.

The proposed 2025 meeting dates were presented.

Mr. White motioned to accept the proposed 2025 meeting dates, which was seconded by Mr. Knight. The motion passed unanimously.

## **LEGAL REPORT (*Presented by Kim Cooper*)**

### **1. 2023062851**

**Opened: 1/29/2024**

**Type of License: Principal Auctioneer**

**First Licensed: 12/20/2006**

**Expires: 3/19/2025**

**History: None**

Complainant alleged that Respondent changed price of item from the winning bid of \$5 to \$40 without explanation or permission from Complainant. Complainant only discovered the change two days after the sale when they were reconciling receipts. Complainant provided a copy of a receipt where "\$5" is scratched out and "\$40—" is then written beside it.

Respondent did not respond to the complaint despite two requests to do so.

**Recommendation: Two Hundred and Fifty Dollar (\$250.00) civil penalty for improper or dishonest dealings in violation of Tenn. Code Ann. § 62-19-112(12).**

**Commission Decision: The Commission voted to accept Counsel's recommendation.**

### **2. 2024005791**

**Opened: 4/1/2024**

**Unlicensed**

**History: None**

Anonymous Complainant alleges that Respondent is conducting auctions without a license. Complainant provided screen shots of Respondent's personal Facebook page wherein Respondent advertises upcoming auctions and posted pictures of items that would be available at the auction. The posts provided are from January and February 2024 and do

not have any information regarding the licensed auctioneer that would be conducting the auctions.

Respondent stated that they own a thrift shop and hold auctions at the thrift shop with a licensed auctioneer and provided licensee's name and license number; that licensee's name and license number, however, are not present on any of the advertisements or posts regarding the upcoming auctions by Respondent in January and February 2024. Counsel then reviewed Respondent's Facebook page, and all recent posts do have the required information regarding the auctioneer that is conducting the auctions.

**Recommendation: Letter of Instruction regarding advertising requirements to Respondent and the licensee conducting the auctions.**

**Commission Decision: The Commission voted to accept Counsel's recommendation.**

Mr. Knight motioned to accept the legal report, which was seconded by Mr. White. The motion passed unanimously.

Attorney Anna Matlock presented retrospective draft rules which will be part of a rulemaking hearing at the August 19, 2024, commission meeting. Members agreed to the rules as presented.

Ed Knight motioned to accept the rules as present, which was seconded by Mr. White

#### **NEW BUSINESS**

Director Lillard asked if anyone in the public, participating in person or remotely using Teams, had comments as they relate to the agenda. There were no comments provided.

#### **ADJOURNMENT**

There being no new business, Mr. Rogers made a motion to adjourn the meeting. This was seconded by Mr. Knight. The motion passed unanimously. The meeting adjourned at 9:23 am.