



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

**Commission Meeting Minutes for November 18, 2024
Room 1B, David Crockett Room
Davy Crockett Tower**

The Tennessee Auctioneer Commission met on November 18, 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, Dwayne Rogers, and Jay White.

COMMISSION MEMBERS ABSENT: Jeff Morris and, Larry Sims.

STAFF MEMBERS PRESENT: Roxana Gumucio, Anna Matlock, Kim Cooper, and Robert Hunter.

ROLL CALL

Director Gumucio called the meeting to order at 9:02 a.m. Director Gumucio took roll and established that a quorum was present.

NOTICE OF MEETING

Director Gumucio read the notice of the meeting into the record as follows: "Notice of the November 18, 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 November 8, 2024".

Director Gumucio explained that individuals who wish to make a public comment on an item listed on the posted agenda during the scheduled public comment period will need to sign in on the provided sign-in sheet or by placing their name in the chat box online. It is requested that comments be limited to three (3) minutes out of respect for other speakers.

AGENDA

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

AUGUST MINUTES

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

EDUCATION REVIEW

Director Gumucio presented one, six hour continued education online course offered by @All Star Training, Inc. The 6-hour course is titled TN Auctioneer Course 2. The instructor is Rick Duffey.

Mr. Dwayne Rogers made a motion for the Commission to accept the courses as presented. This was seconded by Mr. Jay White. The motion passed unanimously.

Director Gumucio presented a course for qualified education offered by Walter State Community College. The 50-hour course is for the affiliate auctioneer qualifying educational requirement. The provider was previously approved, but the records are prior to the current system therefore a current review is required.

Mr. Jay White made a motion for the Commission to accept the courses as presented. This was seconded by Mr. Ed Knight. The motion passed unanimously.

DIRECTOR'S REPORT

Budget Report

Director Gumucio presented the final closing numbers for FY23-FY24 reflecting a deficit of \$1,943 leaving the reserve balance after expenses at \$517,566. The educational reserve ended FY23-FY24 with \$177,601. Financial information through September 2024 reflects a year-to-date deficit of \$832 making the reserve balance \$516,733.

LEGAL REPORT (*Presented by Kim Cooper*)

1. **2024049281**
 Opened: 9/24/2024
 Unlicensed
 History: None

This complaint is related to AUC # 2024049491 below. An anonymous complainant alleged that Respondent was operating an auction weekly both in person and on-line.

Respondent stated they were the building owner, not the individual conducting the auctions and affirmed they would cease hosting the auction while they worked with the licensed auctioneer to address any concerns. Respondent provided a copy of a social media announcement halting operations until any and all licensing issues could be resolved.

Recommendation: Dismiss.

Commission Decision: The Commission voted to accept counsel's recommendation.

2. **2024049491**
 Opened: 10/14/2024
 First Licensed: 10/24/2007
 Expires: 10/20/2018 (Expired)
 Type of License: Principal Auctioneer

History: None

Respondent is the auctioneer in the related complaint above. The owner of the building hosting the auctions alleged that Respondent stepped in to fill-in for a scheduled auction that was to be hosted by an active licensee. Owner alleged that Respondent affirmed they were a licensed auctioneer and could conduct the auction.

Respondent did not respond to the complaint.

Recommendation: Five Hundred Dollar (\$500.00) civil penalty for violation of Tenn. Code Ann. § 62-19-102(a)(1).

Commission Decision: The Commission voted to accept counsel's recommendation.

3. 2024045931

Opened: 10/14/2024

First Licensed: 3/5/2003

Expires: 3/31/2025

Type of License: Affiliate Auctioneer

History: 2012 Letter of Warning

Complainant was a purchaser of 50 acres of estate property at an auction conducted by Respondent on September 10, 2022. Complainant alleges the Respondent knew of easements on the property and did not disclose those easements. Complainant provided a detailed timeline of events regarding the purchase of the acreage and subsequent discovery of the easements, which were for the septic field of an adjoining neighbor. Complainant alleges that it would have been "impossible" for Respondent not to know the septic site was present when the property went up for auction. Complainant seems to be alleging that Respondent is responsible for the increased costs to build on the property as a result of the easements as well as the decreased value of the property as a whole due to the easements and that Respondent's acts are in violation of Tenn. Code Ann. § 62-19-112(2).

Respondent denied knowing about the easements and denied that the estate representatives ever conveyed that info to Respondent prior to the auction. Respondent's attorney researched the history of the title upon receipt of this complaint and found that the easement was granted by the former property owners in 2002 and that the property was subsequently transferred to a Trust. The deed prepared for that transfer, however, did **not** note the easement but was still a matter of record in the history of the title. Additionally, Respondent noted that Complainant appears to have paid for a title search and title insurance at the time of closing, and if the easement was not discovered at that time, it is unclear how Respondent would have known about the easements either. While the Complainant's situation is unfortunate there is insufficient evidence that the Respondent is at fault or made any intentional misrepresentations regarding the property.

Recommendation: Dismiss.

Commission Decision: The Commission voted to accept counsel's recommendation.

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

Attorney Anna Matlock updated the commission on pending two sets of rules. Ms. Matlock updated the commission the online status for licensure and complaints.

NEW BUSINESS

Director Gumucio asked if anyone in the public, participating in person or remotely using Teams, had comments as they relate to the agenda. There were two in person comments/questions:

Drew Williams asked about future complaints regarding online auctions. Ms. Matlock explained that they would be presented like all other complaints to the commission.

Shane McCarrell asked about the exemptions and licensure. Ms. Matlock responded and read the statute.

ADJOURNMENT

There being no new business, Mr. Dwayne Rogers made a motion to adjourn the meeting. This was seconded by Mr. Jay White. The motion passed unanimously. The meeting adjourned at 9:30 am.