



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

**Commission Meeting Minutes for November 17, 2025
Room 1B, David Crockett Room
Davy Crockett Tower**

The Tennessee Auctioneer Commission met on November 17, 2025, in the first-floor conference room 1B of the Davy Crockett Tower in Nashville, Tennessee. The following business was transacted:

COMMISSION MEMBERS PRESENT: Wayne Bettis, Dwayne Rogers and Jay White.
Participating virtually Jeff Morris.

COMMISSION MEMBERS ABSENT:

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

ROLL CALL

Director Gumucio called the meeting to order at 10:30 a.m. Director Gumucio took roll and established that a quorum was present.

Director Gumucio thanked Ed Knight for his service on the commission. She welcomed Mr. Herbert (Wayne) Bettis to the commission.

NOTICE OF MEETING

Director Gumucio read the notice of the meeting into the record as follows: "Notice of the November 17, 2025, meeting of the Auctioneer Commission including date, time and location has been noticed on the website since May 31, 2024, additionally, the agenda has been posted on the website since November 10, 2025".

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

AUGUST MINUTES

Mr. White made a motion to adopt the minutes from the May meeting as written. This was seconded by Mr. Morris. The motion passed unanimously.

EDUCATION REVIEW

Director Gumucio presented a 50-hour affiliate auctioneer QE course offered hybrid style and the additional 34-hour fundamentals course presented Western College of Auctioneering.

Mr. Morris made a motion for the Commission to accept the qualified education course as presented. This was seconded by Mr. Rogers. The motion passed unanimously.

Director Gumucio presented a 6-hour Continuing Education course offered online by RocketCert. Ms. Hayley Woods participated remotely to answer questions from the commission.

Mr. Rogers made a motion for the Commission to accept the CE course as presented. This was seconded by Mr. Morris. The motion passed unanimously.

Director Gumucio explained that Nashville Auction School (NAS) changed ownership which does not directly need to be approved. However, the courses they offer all need to be continued. Bios for the 20 current presenters were presented for the commission's approval.

Mr. Morris made a motion for the Commission to accept the list of individuals as presented. This was seconded by Mr. White. The motion passed unanimously.

DIRECTOR'S REPORT

Budget Report

Director Gumucio presented the final FY24-25 information which reflects a surplus of \$11,146 making the reserve balance \$528,712. The financial information for FY26 through September reflects a deficit of \$1,007 leaving the reserve balance at \$527,704. The educational fund has a balance of \$184,567.

LEGAL REPORT *(Presented by Kim Cooper)*

1. 2025030901

Opened: 6/9/2025

First Licensed: 4/10/2019

Expires: 9/6/2025 (Expired – Grace)

Type of License: Principal Auctioneer

History: None

Complainant is the attorney for the Seller. Complainant alleges Seller signed an auction agreement with Respondent for the sale of items to be held at Seller's home. A copy of the agreement was provided, and it does appear to call for the auction to be held at the Seller's home on a certain date and time. Complainant alleges Respondent came to Seller's home and removed items and conducted an auction at a separate location despite that agreement, and the items were sold at far below market value. Complainant alleges Respondent then took their fee plus advertising costs out

of the amount owed to Seller and have not provided proof of any advertising invoices. Complainant also alleges Respondent did not conduct an inventory of the items they removed from Seller's home and have not returned the unsold items.

Respondent stated they did provide a receipt to Seller for the advertising, and they did have an agreement to move the items out of the home to an auction that would be held with other estates to increase the interest in and bids on the items. Respondent did not provide a copy of that agreement, however. Respondent stated the particular items Seller has asked for may have been added to an individual furniture lot or box lot as each item in the lot is not always listed. Respondent denied misleading Seller or their family in any way.

Recommendation: Letter of Instruction regarding the need to document all agreements in writing including any amendments to existing agreements, and to keep an accurate inventory of items for the auction.

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

2. 2025037391

Opened: 7/14/2025

First Licensed: 2/26/2018

Expires: 9/15/2027

Type of License: Principal Auctioneer

History: None

Complainant alleges Respondent was entrusted to auction personal items and has refused to pay Complainant after the auction. They also allege Respondent has kept their unsold items and refuses to return them despite multiple demands to do so.

Respondent denied any wrongdoing and stated Complainant has been asked multiple times to pick up their unsold property and has not done so even though it has been almost two (2) years since the items were placed with Respondent. Respondent stated Complainant has been to Respondent's facility on multiple occasions to pick up their proceeds from other auctions but "always has an excuse as to why (they) could not take (their) items...Despite multiple attempts to communicate and resolve the situation, the items remained uncollected, and the checks issued have not been cashed. We are an auction Company, NOT a storage facility."

Complainant did not explain why they continued to use Respondent's services after Respondent allegedly refused to pay Complainant their proceeds from other auctions. Respondent stated they thought the matter had been settled after they spoke with Complainant's adult son earlier this year and sent a third check at his request for uncollected proceeds but that check remains uncashed. The parties clearly have had a breakdown in communication but there does not appear to be a violation of the rules or applicable statutes.

Recommendation: Dismiss.

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

3. 2025038121

Opened: 7/22/2025

First Licensed: 3/12/2020

Expires: 7/6/2027

Type of License: Principal Auctioneer

History: None

Complainant alleged they had information from anonymous parties that Respondent conducted auctions while their license was expired and Respondent did not perform due diligence to determine whether there were any liens, mortgages, lines of credit, etc. against any of the property to be sold. Complainant alleges this resulted in Respondent misleading the seller to set a reserve that was not appropriate for the auctions.

Respondent stated they were unaware their license had expired at the time of the auction, and they immediately renewed their license upon learning of the lapse. Regarding the specific auction referenced in the complaint, Respondent stated they engaged a title company to perform a title search prior to the sale. The anonymous parties informed Respondent they were fully aware of the outstanding mortgage balances and provided the reserve prices for the properties. The auction had over one hundred (100) registered bidders and was “open, competitive and executed in accordance with industry standards.”

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

Commission Decision: The Commission voted to accept counsel’s recommendation

4. 2025037881

Opened: 8/4/2025

First Licensed: 9/14/2023

Expires: 9/13/2025 (Expired – Grace)

Type of License: Principal Auctioneer

History: None

Anonymous Complainant alleged Respondent is conducting unlicensed activity. Complainant provided a single page of a website with information regarding the auction location, the term of the auction, and that the auction was closed to bidding. Due to the bottom of the page being cut off a determination could not be made if there were any advertising violations.

Respondent responded to the complaint by providing a copy of their auctioneer license.

Recommendation: Dismiss.

Commission Decision: The Commission voted to accept counsel’s recommendation

5. 2025038801

Unlicensed

History: None

Complainant alleged Respondent was conducting unlicensed activity. Complainant provided a copy of an advertising email they received from a third-party company that contained notice of a property listed by Respondent for sale. While the heading of the email said “AUCTION” there did not appear to be a link to an auction or any auction information. The information provided was standard listing information along with the Respondent’s name, real estate license number, and their licensed real estate firm contact information. Counsel attempted to independently verify an auction of the property but could not do so. Respondent did not respond to the complaint, but there is insufficient evidence the Respondent committed any violations.

Recommendation: Dismiss.

Commission Decision: The Commission voted to accept counsel’s recommendation

6. 2025039421

Opened: 8/4/2025

First Licensed: 4/18/2023

Expires: 4/17/2025 (Expired)

Type of License: Affiliate Auctioneer

History: None

Complainant alleges Respondent is demanding payment for an auction that never took place. Respondent is allegedly harassing Complainant via text and social media for the payment. Complainant has contacted local law enforcement regarding the harassment. Respondent did not respond to the complaint and has not renewed their license but allegedly told Complainant they would be conducting auctions later this year. At this time there is no evidence of activity that would be within the jurisdiction of the Commission.

Recommendation: Close and flag.

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

7. 2025043131

Opened: 8/18/2025

First Licensed: 3/9/2011

Expires: 8/18/2026

Type of License: Principal Auctioneer

History: None

Complainant alleged Respondent conducted an auction and announced after the bidders registered there would be a 5% buyer's premium for online bidders. Complainant also alleged Respondent did not collect sales tax from the winning bidders. Complainant seems to be alleging Respondent was misleading in their advertising in violation of Tenn. Comp. R. & Regs. 0160-01-.20(2). Respondent explained the auction was an inventory close-out, and the company had been instructed by their accountant that all necessary commitments had already been met under applicable sales tax laws. With regards to the "buyer's premium" statement, Respondent stated: "Our Auctioneer had just announced that there was no buyer's premium on the real estate nor the personal property and then misspoke regarding online sales. Auctioneer knew there was a "transaction fee" for online sales and inadvertently called it a "buyer's premium."

Recommendation: Dismiss

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

8. 2025044471

Opened: 8/18/2025

First Licensed: 1/26/2022

Expires: 7/25/2026

Type of License: Principal Auctioneer

History: None

Complainant retained Respondent to sell four (4) tracts of land. None of the tracts were sold on the day of the auction but Respondent did receive an offer a few days later for one (1) of the lots. Complainant accepted and sold the lot to Buyer 1. A few months later Complainant received an offer from Buyer 2 for the remaining three (3) lots and accepted. Buyer 2 conducted a title search and was told all four (4) lots had already been conveyed to Buyer 1. Complainant alleges they contacted Respondent and requested all documents sent to the title company regarding the sale to Buyer 1, and Respondent did not respond.

Respondent stated all the documents have previously been provided to the Complainant, and the title company has already acknowledged they were at fault for conveying all four (4) lots to Buyer 1. Respondent stated Complainant has already moved forward with legal action against the title company. As this matter is in litigation and the title company has taken responsibility for the wrongful conveyance, there does not appear to be any evidence of a violation of the Commission's rules or applicable statutes.

Recommendation: Dismiss

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

9. **2025044591**

Opened: 9/2/2025

First Licensed: 2/7/2011

Expires: 9/9/2027

Type of License: Principal Auctioneer

History: None

Complainant was a bidder at an auction accepting bids both online and in-person. Complainant alleges they were the winning bidder based on their online bid, but Respondent favored an in-person bidder who bid the same amount and awarded the item to that bidder. Complainant alleges that they and the consignor were harmed by Respondent's actions because Complainant was willing and able to bid more and would have done so if Respondent had updated the on-line bidding history to reflect the floor bid. Additionally, Complainant alleges Respondent's license expired in 2019.

Respondent stated they offered several different platforms for bidding and accepted an absentee bid over Complainant's bid due to receiving the absentee bid first. Respondent did not explain why that bid history was not updated for the on-line bidders to view and consider. Regarding their expired license, Respondent stated they "have already started the process to reinstate my license as I was unaware I had let it lapse." A review of Respondent's license history, however, shows that Respondent contacted Commission program staff for assistance in February 2021 because they had "accidentally let my license lapse." Their application for licensure was not completed and finally withdrawn in September 2021. Respondent reapplied and were granted an active license in August 2025.

Recommendation: Seven Hundred and Fifty Dollar (\$750.00) civil penalty for unlicensed activity in violation of Tenn. Code Ann. § 62-19-102(1).

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

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

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 no comments provided.

ADJOURNMENT

There being no new business, Mr. Rogers made a motion to adjourn the meeting. This was seconded by Mr. White. The motion passed unanimously. The meeting adjourned at 10:50.