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

Commission Meeting Minutes for August 17, 2026
Room 1B, David Crockett Room
Davy Crockett Tower

The Tennessee Auctioneer Commission met on August 17, 2026, 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, Phillip Traylor, Lance Walker and Jay White.

COMMISSION MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Roxana Gumucio, Anna Matlock, Kim Cooper, and Earleen Hawkes.

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.

NOTICE OF MEETING

Director Gumucio read the notice of the meeting into the record as follows: "Notice of the August 17, 2026, meeting of the Auctioneer Commission including date, time and location has been noticed on the website since May 31, 2025, additionally, the agenda has been posted on the website since August 10, 2026. The Department of Commerce and Insurance is committed to principles of equal access. If you need assistance with attending this meeting due to a disability, please contact the Department's ADA Coordinator at (615) 741-6500."

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

MAY MINUTES
Mr. Traylor made a motion to adopt the minutes from the May meeting as written. This was seconded by Mr. Bettis. The motion passed unanimously.

EDUCATION REVIEW
Director Gumucio presented a new online continued education course offered by Auction Academy LLC. Commission members were given access to review the online course ahead of the meeting.

Mr. Dwayne Rogers made a motion for the Commission to approve the new course. This was seconded by Mr. Wayne Bettis. The motion passed unanimously.

Director Gumucio explained that Tennessee Auctioneers Association presented a request after the agenda was finalized. Tennessee Auctioneers Association (TAA) requested approval for sponsorship per Tenn. Code Ann. § 62-19-116 of the 2026 Annual Conference for a total of $10,850. The Annual Conference will be held November 6-9, 2026. The continued education course material to be offered was also submitted.

Mr. Lance Walker made a motion for the Commission to approve the new course and sponsorship by the commission. This was seconded by Mr. Phillip Traylor. The motion passed unanimously.

DIRECTOR'S REPORT

Budget Report
Director Gumucio presented the financial information through June 2026 which reflects a year-to-date surplus of $17,931 making the reserve balance $546,642. The auctioneer education and recovery reserve account has a surplus of $169,077.

NEW BUSINESS

Mr. Lance Walker discussed the possibility of changing the late renewal of a license for individuals delinquent in their renewal more than one year. The members agreed to leave the rules as written.

Ms. Matlock presented the ADA compliance training.

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

ADJOURNMENT
There being no new business, Mr. Wayne Bettis made a motion to adjourn the meeting. This was seconded by Mr. Lance Walker. The motion passed unanimously. The meeting adjourned at 11:55 am.

STATE OF TENNESSEE
DEPARTMENT OF COMMERCE & INSURANCE
OFFICE OF LEGAL COUNSEL
Davy Crockett Tower,
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(615) 741-3072

MEMORANDUM

TO: **TENNESSEE AUCTIONEER COMMISSION**

FROM: **KIMBERLY COOPER, Associate General Counsel**

SUBJECT: **AUGUST LEGAL REPORT**

DATE: **August 17, 2026 Auctioneer Legal Report**

Any consent order authorized and issued by the Commission should be signed by Respondent and returned within thirty (30) days of receipt. If said consent order is not signed and returned within the allotted time, the matter may proceed to a formal contested case hearing.

1. 2026015251
Opened: 4/22/2026
Unlicensed
History: None

Complainant purchased a mirror in an online auction, and alleges when they arrived to pick it up, they found that it was broken. Complainant alleged that other items were also described as "In Good Condition" but were either broken or unusable, and alleges the Respondent is knowingly describing damaged items as "In Good Condition" while maintaining a "No Refund" policy. Complainant alleges Respondent is intentionally misleading bidders, even though the items are available for inspection prior to bidding.

Counsel reviewed Respondent's website and found they have their terms and conditions available to view on each item as well as the dates and times prior to the auctions when the items can be inspected. All items are clearly sold "As-Is". Auctions are "Internet Only" and all are timed listings. Respondent did not respond to the complaint.

Recommendation: Dismiss.

Motion made by Dwayne Rogers, seconded by Lance Walker to accept recommendation.

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

2. 2026017071
Opened: 4/22/2026
Unlicensed
History: None

Complainant alleged Respondent is advertising and conducting auctions without a license. Complainant did not provide copies of the advertising or any additional information regarding the locations of the auctions. Respondent did not respond to the complaint.

Counsel found a Facebook page of an auction house allegedly owned by the Respondent, and the page advertises twice-weekly auctions. A video of the Respondent conducting at least one auction was available. The most recent auction advertised by the page was scheduled for July 31, 2026, with two other individuals advertising the auction and stating they would be the auctioneers.

Recommendation: Five Hundred Dollar ($500.00) civil penalty for unlicensed activity in violation of Tenn. Code Ann. § 62-19-102(a)(1) and administratively open a complaint against the two (2) individuals also named as the auctioneers.

Motion made by Lance Walker, seconded by Phillip Traylor to accept recommendation.

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

3. 2026022751
Opened: 4/27/2026
First Licensed: 2/24/1998
Expires: 2/28/2028
Type of License: Principal Auctioneer
History: None

Complainant alleged Respondent advertised an auction and did not include the name and license number of the principal auctioneer. Complainant provided a photo of the advertisement which had a firm number but not the name or license number of Respondent.

Respondent apologized for the error and explained this was a new sign and they "missed having the principal auctioneer listed on the new sign. It is now being corrected."

Recommendation: Two Hundred and Fifty Dollar ($250.00) civil penalty for advertising in violation of Tenn. Comp. R. & Regs. 0160-01-.05(1) which requires all advertising of an auction sale be made in the name and license number of the licensee who shall bear responsibility of the sale to the seller, general public and auctioneer commission.

Motion made by Lance Walker, seconded by Phillip Traylor to accept recommendation.

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

4. 2026022231
Opened: 5/11/2026
First Licensed: 3/27/2023
Expires: 12/22/2027
Type of License: Principal Auctioneer
History: None

This complaint is related to a complaint heard by the Commission at the May 18, 2026, meeting and was dismissed. The Respondent in this complaint is the Principal Auctioneer of the automobile auction. The summary for that complaint is provided below:

"Complainant alleged they purchased a vehicle from Respondent on February 28, 2026. Respondent contacted Complainant on March 16, 2026, and informed Complainant the title was available to be picked up at Respondent's office. Complainant alleges they tried to register the vehicle in their name at the county clerk's office and were told there was an existing lien, and the dealer/seller was not in good standing with the state where they were located. Complainant alleges they requested a refund from Respondent and Respondent refused. Complainant alleges Respondent is in violation of Tenn. Code Ann. § 62-19-128(c) which states, "Prior to a motor vehicle being subject to a public automobile auction, the public automobile auctioneer shall verify that the motor vehicle has a clean and unencumbered title, by obtaining a valid motor vehicle title history from the department of revenue or if the motor vehicle is registered in a state other than this state, the appropriate titling agency in the other state."

Respondent stated the Complainant agreed to their standard terms and conditions which includes a statement that the title would not be available the day of the sale, and bidders agree to give Respondent thirty (30) days to deliver clear title. Respondent denied there was a lien on the vehicle, provided documentation that the only issue was the standing of the dealer/seller in their licensing state which was cleared up within a few days of Complainant notifying Respondent about the problem. Respondent states they delivered a clear title within thirty (30) days. Despite the Respondent meeting the terms and conditions of the sales agreement, Respondent offered a full refund to Complainant who was told to return the vehicle to the Respondent and they could then pick up their refund check. As there is insufficient evidence of a violation of the rules or applicable statutes, Counsel recommends the matter be dismissed."

For the reasons stated above, Counsel recommends dismissal.

Recommendation: Dismiss.

Motion made by Lance Walker, seconded by Jay White to accept recommendation.

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

5. 2026027461
Opened: 5/19/2026
First Licensed: 11/3/2023
Expires: 11/2/2027
Type of License: Affiliate Auctioneer
History: None

Complainant was the high bidder for a firearm auctioned by Respondent in February 2026 and another firearm in April 2026. Complainant alleges the Respondent misrepresented the condition of the firearms as "bright bore with a good barrel" and "excellent bore and barrel" when in fact they both were "materially different" from the condition advertised. Complainant alleges Respondent's advertisements intentionally contained substantial misrepresentations in violation of Tenn. Code Ann. § 62-19-112(b)(1).

Respondent stated they are a firearms expert and have represented thousands of firearms at auction. The firearms were personally inspected, photographed and described by Respondent. They stated they provide the seller and the buyer with 10+ images of every firearm and in-depth descriptions of the items. Respondent met with the Complainant at both pickups and like all of their buyers they were given the opportunity to

review their firearms prior to the Federal Firearms License ("FFL") transfer, and Complainant accepted and paid for the firearms without complaint. Respondent disputes their descriptions of these firearms was fraudulent and would be "happy to refund the entire amount" if the Complainant subjected the items to additional inspection and grading" by professional auctions that specialize in firearms.

Based on the information provided there is insufficient evidence of a violation.

Recommendation: Dismiss.

Motion made by Phillip Traylor, seconded by Wayne Bettis to accept recommendation.

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

6. 2026028661
Opened: 5/19/2026
First Licensed: 11/17/2022
Expires: 11/16/2026
Type of License: Public Automobile Auction
History: None

This complaint is related to AUC #2026030621 below.

Complainant purchased a truck through an online auction conducted by Respondent. Complainant alleges the truck was sold under the "Green Light" status, which indicates it is free from major undisclosed defects. Complainant alleges when they arrived to pick up the truck, the battery was dead, but they were able to start it after it was charged. Complainant alleges that "the engine immediately exhibited a heavy internal knock and a dead cylinder. These are major mechanical failures that…must be disclosed." Complainant alleges the Respondent misrepresented the condition of the truck and then when Complainant contacted Respondent to initiate a "formal arbitration procedure" the staff officially terminated all communication with the Complainant.

Respondent stated the terms and conditions of their auctions are available on the main page of their website. Additionally, bidders are warned the following online, in person at the facility and at check out:

> "** This is an "AS IS" Auction with No Arbitration, the selling dealer makes every effort to list the vehicles condition accurately on their condition report and highlight the major flaws in their photos. Vehicle availability and description are subject to change without prior notice. Used vehicles may be subject to open recalls, check safercar.gov. It is ultimately the buyer's responsibility to review the car and judge the vehicle's condition before bidding."

Respondent stated the Complainant had the opportunity to check out the truck before paying since it was sold as a "Green Light" truck per the Seller's instructions and the Complainant was an online bidder. Complainant retrieved the key upon arrival and left to inspect the truck, then came back to the office and stated it wouldn't start. Complainant was asked if they wanted a booster box to jump it off and responded "No, I will just pay for it." Respondent asserted that their office manager went over every page of the paperwork with the Complainant that included the warnings that sales were "As-Is" and that once payment was received there would be no refunds regardless of issues. Complainant's spouse drove the truck off the

lot, and the Respondent did not hear from the Complainant until three (3) days later that there were issues with the truck. Respondent stated their manager did end communications with the Complainant when the Complainant became verbally abusive and said they would contact a lawyer.

Based on the information provided there is insufficient evidence of a violation of the Rules or applicable statutes.

Recommendation: Dismiss.

Motion made by Phillip Traylor, seconded by Lance Walker to accept recommendation.

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

7. 2026030621
Opened: 6/15/2026
First Licensed: 4/7/2011
Expires: 10/31/2026
Type of License: Principal Auctioneer
History: None

Respondent in this matter is the Principal Auctioneer of the Public Automobile Auction in the related complaint above. For the reasons previously stated, Counsel recommends dismissal.

Recommendation: Dismiss.

Motion made by Phillip Traylor, seconded by Lance Walker to accept recommendation.

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