

# NewsLine

The Official Publication of the Tennessee Auctioneer Commission

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## Commissioners

	Term Expiration
<b>John Thorpe, Chairman</b> Middle Tennessee	12/31/20
<b>Kimball Sterling</b> At-Large	08/31/22
<b>Dwayne Rogers</b> Consumer	12/31/22
<b>Jeff Morris</b> West Tennessee	08/31/20
<b>Randy Lowe</b> East Tennessee	08/31/21

## Mission Statement

The Mission of the Tennessee Auctioneer Commission is to protect the public through the establishment and administration of minimum requirements for candidates and licensees, effective professional education of licensees and enforcement of professional conduct.

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Department of Commerce & Insurance  
500 James Robertson Parkway  
Nashville, Tennessee 37243-1152  
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[www.tn.gov/commerce/regboards/auctioneers](http://www.tn.gov/commerce/regboards/auctioneers)

## Conducting Business in a Pandemic

The COVID-19 pandemic has created a challenging business environment for many auctioneers.

In the face of the pandemic, Tennessee Governor Bill Lee formed the Tennessee Economic Recovery Group (ERG) to provide guidelines for businesses and communities. The ERG continues to be focused on safely rebooting Tennessee's economy by helping businesses reopen while mitigating risk.

The ERG has developed protocols and strategies based on the Center for Disease Control (CDC) recommendations, the Tennessee Department of Health and the Occupational Safety & Health Administration (OSHA). These protocols have been put together into what is called the Revised Tennessee Pledge, making the following recommendations for businesses, employers, employees, customers and others:

- Face coverings are strongly encouraged. Governor Lee has left mandatory face covering requirements up to each individual county. The ERG recognizes that individual businesses may also adopt a stricter mask requirement than the county in which they operate.
- Businesses are encouraged to screen for COVID-19 related symptoms by asking employees, customers and clients to self-screen based on symptoms of cough, shortness of breath, difficulty breathing, sore throat, fever of 100.4 or higher, chills, new loss of taste or smell, vomiting or diarrhea.
- Take appropriate efforts to maintain confidentiality of another's health information.
- Implement social distancing in the workplace as much as possible to reduce the opportunity for exposure by spacing out workspace, installing barriers or other safety measures.
- Improve ventilation for confined and/or indoor spaces.
- Increased personal hygiene by handwashing, use of hand sanitizer, avoiding touching the face and practice good etiquette when coughing and/or sneezing. It is generally considered that coughing and/or sneezing into the interior fold of the elbow is most appropriate.
- Implement cleaning and disinfecting practices in compliance with CDC guidelines and frequent disinfection of shared or high touch areas.

***The Tennessee Department of Commerce & Insurance is committed to the principles of equal opportunity, equal access and affirmative action. Contact the EEO Coordinator or ADA Coordinator 615-741-2177***

# Conducting Business (continued)

- Have a plan in place to handle an exposure including isolation and quarantine protocols, contact tracing, notifications, deep cleaning and sanitization.
- Educate your customers and employees about COVID-19 with signs displayed on the premises.
- Implement floor markings, traffic flows or other cues to assist your customers and employees with protocol compliance.
- Evaluate and increase ways to minimize direct contact in your business.
- Be aware of state and local regulations, The Families First Coronavirus Response Act and other provisions, to assist customers and employees.

For more information on other industry specific guidelines or ERG resources available to small businesses in Tennessee, visit [https://www.tn.gov/content/dam/tn/governoroffice-documents/covid-19-assets/Pledge\\_General.pdf](https://www.tn.gov/content/dam/tn/governoroffice-documents/covid-19-assets/Pledge_General.pdf)

## Legal Reminder—Cyber Security

**T.C.A. 47-18-2107 (Tennessee Identity Theft Deterrence Act)** addresses the prevention of identity theft and defines personal information, information holders, data breaches and notification requirements. Below are some key terms and definitions from this chapter to assist auctioneers during this time of increased cyber activity.

(a)(4)(A) **“Personal Information”** means an individual’s first name or first initial and last name, in combination with any one (1) or more of the following data elements:

(i) Social security number;

(ii) Driver license number;

(iii) Account, credit card, or debit card number, in combination with any required security code, access code, or password that would permit access to an individual’s financial account; and

(B) Does not include information that is lawfully made available to the general public from federal, state, or local government records or information that has been redacted, or otherwise made unusable.

(a)(1)(A) **“Breach of system security”** means the acquisition of [unencrypted computerized data or encrypted computerized data with the encryption key] by an unauthorized person that materially compromises the security, confidentiality, or integrity of personal information maintained by the information holder.

(a)(3) **“Information holder”** means any person or business that conducts business in this state, or any agency of this state or any of its political subdivisions, that owns or licenses computerized personal information of residents of this state.

In the event of a security breach, the information holder must notify any Tennessee resident whose personal information was, or may have been acquired within forty-five (45) days from the date a breach was discovered.

During the recent continuing education seminar, presenter Marshall Fuson provided some staggering statistics on the effects of a breach on small businesses. Fortunately, affordable insurance is available to help auctioneers protect themselves, their businesses and their auction clients. Please contact your insurance agent for more information on cyber liability and network security insurance options.

**The above information is only a partial citation of T.C.A. §47-18-2107. To view the full section, please visit <http://www.lexisnexis.com/hottopic/tncode/> and scroll to Title 47, Chapter 18, Part 21.**

### Commission Report

The Tennessee Auctioneer Commission has reviewed a number of complaints this year addressing issues of contracts, terms of the auction, disclosures and unlicensed activity. They have voted to issue letters of instruction.

At the August 2020 meeting, the Commission welcomed Consumer Member, Dwayne Rogers of Lebanon, Tennessee. Mr. Rogers is a long time active real estate licensee who has worked with auctions and auctioneers over the past twenty-five (25) years.

Additionally, during this meeting, the Commission approved the transition of all approved courses to a virtual or online hybrid and synchronous offering with specific online course guidelines for all education providers.



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### Commission Calendar

#### 2021 Commission Meetings

Public meetings are held at 500 James Robertson Parkway, Nashville, TN 37243 at 9:00 a.m. COVID-19 safety concerns may result in a remote meeting. Information on how to join a remote meeting is available at

<https://www.tn.gov/commerce/regboards/auctioneers/public-meeting-information.html>

**February 22, 2021**

**May 17, 2021**

**August 16, 2021**

**November 15, 2021**

#### Upcoming Continuing Education Seminars:

Dates and locations subject to change if necessary for compliance with state & CDC guidelines.

##### Middle Tennessee

Thursday, February 18, 2021  
Manchester Coffee Co. Conference Center  
Manchester, Tennessee

##### West Tennessee

Date TBD  
Paris Landing State Park  
Buchanan, Tennessee

“Auctioneering in an Uncertain World” by Michael L. DeLisle, Attorney at Law

“Insurance for Auctioneers” by Marshall Fason, CIC