



STATE OF MAINE  
DEPARTMENT OF PROFESSIONAL  
AND FINANCIAL REGULATION  
BOARD OF LICENSING OF AUCTIONEERS  
35 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0035

Janet T. Mills  
Governor

Anne L. Head  
Commissioner

**Public Board Meeting**  
**April 3, 2024**  
**AGENDA**

**Location:** 76 Northern Ave Gardiner, ME 04345  
**Room:** Central Conference Room  
**Time:** 9 a.m.

**I. CALL TO ORDER**

**II. AGENDA MODIFICATIONS AND APPROVAL**

**III. MINUTES REVIEW AND APPROVAL**  
Review and Approval of October 4, 2023 Minutes

**IV. COMPLAINT PRESENTATION**  
2023-AUC-19256  
2023-AUC-19615

**V. ADMINISTRATOR'S REPORT**  
Limited Delegation of Authority for Failure to Report Convictions/Discipline

**VI. PUBLIC COMMENT**  
*Under this item, the Board will offer an opportunity to members of the public in attendance to comment on any public matter under the jurisdiction of the Board except for any open application or complaint. While the Board cannot take action on any issues presented, the Board will listen to comments and may ask staff to place the issue on a subsequent agenda. At the discretion of the Board Chair, a time limit on comments may be set.*

**VII. MEETING SCHEDULE**  
Next meeting scheduled for Wednesday, June 5, 2024

**VIII. ADJOURNMENT**

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**BOARD OF LICENSING OF AUCTIONEERS  
BOARD MEETING MINUTES  
October 4, 2023  
In-Person Meeting**

<b><u>MEMBERS PRESENT:</u></b>	<b><u>STAFF PRESENT:</u></b>
William Macomber, Chair	Catherine Pendergast, Administrator
Elsie Andrews, Vice- Chair	Jennifer Willis, Assistant Attorney General
Mark Bradstreet, Complaint Officer	Regina Ritchie, Professional Licensing Supervisor
Raymond Williams, Public Member	Shara Chesley, Office Specialist
<b><u>MEMBERS ABSENT:</u></b>	<b><u>OTHERS PRESENT:</u></b>

**CALL TO ORDER**

The meeting was called to order at 9:00 a.m. by Chair William Macomber.

**AGENDA MODIFICATIONS**

None.

**MINUTES REVIEW AND APPROVAL**

A motion was made by Williams and seconded by Bradstreet to approve the minutes of the June 7, 2023 meeting. Unanimous.

**COMPLAINT PRESENTATIONS**

- A. 2023-AUC-19206 A motion was made by Andrews and seconded by Bradstreet to dismiss complaint. Unanimous.
- B. 2023-AUC-19256 A motion was made by Williams and seconded by Bradstreet to table the complaint for further investigation. Unanimous.

**ADMINISTRATOR'S REPORT**

The administrator notified the Board that the Office of Professional and Financial Regulation will be moving out of temporary office space back to the Gardiner office in October.

**PUBLIC COMMENT**

None.

**MEETING SCHEDULE**

The next meeting is currently scheduled for Wednesday, December 6, 2023.

**ADJOURN**

A motion was made by Andrews and seconded by Bradstreet to adjourn the meeting at 9:39 a.m. Unanimous.

## Board of Licensure of Auctioneers

### Limited Delegation of Authority to the Board's Administrator to Prepare Letters of Guidance for Resolving Complaints Involving Failing to Report Criminal Convictions and/or Disciplinary Action Within 10 Days

**Effective Date:** June 1, 2024

**Expiration Date:** May 31, 2026

#### **Applicable Law**

Pursuant to 10 M.R.S. § 8003(5-A)(A)(11), the Board has the authority to impose discipline against a licensee for “[a]ny violation of a requirement imposed pursuant to section 8003-G.” Pursuant to 10 M.R.S. § 8003(5-A)(F), “[t]he...board...may issue a letter of guidance or concern to a licensee as part of the dismissal of a complaint against the licensee. A letter of guidance or concern may be used to educate, reinforce knowledge regarding legal or professional obligations or express concern over action or inaction by the licensee that does not rise to the level of misconduct sufficient to merit disciplinary action.”

Pursuant to 10 M.R.S. § 8003-G(2) all licensees and applicants who are convicted of a crime or who have disciplinary action taken against an occupational or professional license must report such an event to the Office of Professional and Occupational Regulation no later than 10 days after the occurrence of the event.

#### **Ongoing Issue**

Licensees are required to report in writing to the Board any criminal conviction or disciplinary action against a professional license within 10 days of the conviction or the disciplinary action. Licensees sometimes fail to make appropriate reports to the Board during the specified timeframe. A licensee may make the required disclosure as part of the license renewal application when responding to various questions in the application. Very often that disclosure is being made more than 10 days after the event requiring the report to the Board.

Because the Board uniformly resolves these complaints by dismissing the matter along with issuing a letter of guidance reminding the licensee of the requirements described above, the Board believes that it would be appropriate and more efficient to delegate its authority to the Board Administrator to prepare letters of guidance for signature by the Board chair. The practical effect of this delegation of authority will be to avoid having to wait until the next Board meeting to resolve these complaints, thereby shortening the complaint resolution time and reducing the number of matters that the Board must address at its regular meetings.

**Limited Delegation of Authority to Board Administrator**

The Board delegates to the Board Administrator the authority to prepare a letter of guidance for signature of the Board chair, to be sent to a licensee when all of the following circumstances are present:

1. The licensee has reported to the Board a criminal conviction or professional discipline more than 10 days after either the conviction or the imposition of the discipline;
2. The only alleged violation of law is a failure to report the matter within 10 days as required by 10 M.R.S. § 8003-G(2); and
3. The licensee has not previously failed to report a conviction or discipline within 10 days.

The letter of guidance is to be placed in the licensee’s file for a period of three (3) years from the date of the letter.

This limited delegation of authority will expire on the Expiration Date indicated above, at which time the Board shall review the actions taken pursuant to this Limited Delegation of Authority and determine whether to renew or modify this delegation.

**Adoption**

Adopted by the Board on April 3, 2024, by a vote of 4 in favor (William Macomber, Mark Bradstreet, Elsie Andrews and Raymond Williams) and 0 opposed.

Dated: \_\_\_\_\_

\_\_\_\_\_  
William G. Macomber, Chair