



## Auctioneer Advisory Board

August 28, 2014



- The E&E Division has published the 1<sup>st</sup> edition of the “Education Connection” newsletter last month. The intent of the newsletter is to help keep our industries up-to-date on law and rule changes, policy procedures, FAQs, upcoming meetings, legislative activity, and industry news. If you are currently signed up to receive our TDLR email updates regarding any changes in Education and Examination for any industries, then you will receive a copy of the newsletter.

# Examination

## Pass/Fail Rates

### FY 2013

	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
Pass	7	7	10	24	10	5	5	20	9	13	7	29	1	27	25	53	126
Fail	3	1	5	9	4	5	3	12	3	3	2	8	2	3	8	13	42
Subtotal	10	8	15	33	14	10	8	32	12	16	9	37	3	30	33	66	168
Rate%	70.0	87.5	66.7	72.7	71.4	50.0	62.5	62.5	75.0	81.3	77.8	78.4	33.3	90.0	75.8	80.3	75.0
No Show	1	0	0	1	0	0	1	1	0	0	0	0	0	4	1	5	7
Total	11	8	15	34	14	10	9	33	12	16	9	37	3	34	34	71	175

### FY 2014

	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
Pass	32	32	20	74	12	7	4	23	23	12	2	37	10	0	0	0	32
Fail	9	9	8	25	5	3	3	11	12	8	4	24	2	0	0	0	9
Subtotal	41	41	28	99	17	10	7	34	35	20	6	61	12	0	0	0	41
Rate%	78.0	78.0	71.4	74.7	70.6	70.0	57.1	67.6	65.7	60.0	33.3	60.7	83.3	0	0	0	78.0
No Show	2	2	1	5	0	0	1	1	2	0	0	2	1	0	0	0	2
Total	43	43	29	104	17	10	8	35	37	20	6	63	13	0	0	0	43

## Continuing Education Statistics

- In November 2013, the Texas Commission of Licensing and Regulation approved a reduction in the application fees for Continuing Education Providers. The initial and renewal application fees were reduced from **\$250 to \$200**. The fee reductions were effective March 1, 2014 for initial applications and April 1, 2014 for renewals.
- The Commission also changed CE provider registrations so that they are no longer required to register for each occupation. One provider registration covers all TDLR programs.

### FY 2013

	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
Provider registrations issued	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	1
Course approvals issued	1	4	0	5	1	0	2	3	2	2	6	10	8	2	3	13	31
Provider renewals	0	1	2	3	0	0	0	0	2	1	2	5	2	1	0	3	11
Total number of providers	15	15	15	15	15	15	15	15	16	16	16	16	16	16	16	16	16
Total number of courses	30	30	29	29	30	29	35	35	30	31	31	31	37	39	35	35	35

### FY 2014

	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
Provider registrations issued	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Course approvals issued	3	4	0	7	1	0	3	4	2	0	1	3	11	0	0	0	14
Provider renewals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total number of providers***	16	0	0	16	0	0	0	0	397	403	404	404	398	0	0	0	398
Total number of courses	37	36	36	36	36	36	35	35	35	32	27	27	32	0	0	0	32

## **AUCTIONEER EDUCATION ADVISORY BOARD**

### **Enforcement Division Staff Report**

**August 28, 2014**

- On February 18, an agreed order was entered against Tina Marie Murphy d/b/a Magnolia Gardens Auction House assessing an administrative penalty of \$2,100 for failing to include the Department's name, mailing address and phone number on a contract; and failing to maintain records which included all the required information regarding each auction.
- On March 7, a default order was entered against Daniel W. Gill d/b/a Big Eagle Auctions assessing an administrative penalty of \$16,000 and revoking his auctioneer license for failing to keep records relative to an auction for the required two years; conducting an auction and failing to account for or remit within 15 banking days of the auction money in the auctioneer's possession belonging to the seller; failing to maintain a separate trust or escrow account to deposit all funds belonging to others which came into the auctioneers possession; and failing to comply with an order previously issued by the Executive Director. On April 2, a final order to reimburse the Auctioneer Education and Recovery Fund \$1,300 plus interest was also issued against Mr. Gill d/b/a Big Eagle Auctions for failing to pay the seller for items sold at an auction, or failing to return unsold merchandise to the seller.
- On March 27, a default order was entered against Michael J. Kalucz d/b/a Kims Korner Antique Auction assessing an administrative penalty of \$4,000 for conducting an auction and failing to account for or remit within 15 banking days of the auction the money in the auctioneer's possession which belonged to the seller.
- On May 9, a default order was entered against Israel Curtis d/b/a Israel Curtis Auction Company assessing an administrative penalty of \$1,000 for failing to include the Department's name, mailing address, and phone number of the Department for purposes of directing complaints to the Department. This is the second order against Mr. Curtis.
- On June 26 – 28, Investigators Dee Warren and Chris Russey and Prosecutor Mary Winston attended the annual Texas Auctioneer Association meeting in San Antonio. They spoke during the continuing education classes about TDLR and the auctioneer law and rules.

### **Key Statistics – Fiscal Year 2014**

Shown below are key statistics for the Auctioneer program and for all TDLR programs combined through July 31, 2014.

<b><u>Statistic</u></b>	<b><u>AUC</u></b>	<b><u>TDLR</u></b>
• Number of cases opened:	78	11,115
• Number of cases resolved:	65	10,095
• Number of Agreed Orders:	9	1,837
• Total amount of penalties assessed:	\$29,100	\$3,374,913
• Total amount of penalties collected:	\$7,600	\$1,775,159

**AUCTIONEER  
LICENSING STATISTICS  
August 28, 2014**

	<b>TOTAL FY 2012</b>	<b>TOTAL FY 2013</b>	<b>Sept. - July FY 2014</b>
New Licenses Issued	159	158	193
Renewed Licenses Issued	1,916	1,919	1,773
Online Renewals	1,842	1,877	1,726
% Renewed Online	96%	97%	97%
<b>Total Population</b>	2,340	2,360	2,407