

Chairman Schaffer, Vice-Chair Landis, Ranking Member Hicks-Hudson and members of the State Agricultural and Natural Resources Committee:

My name is Mike Brandly. I have been a licensed auctioneer for over 35 years and have conducted auctions in 28 states. I am also the preeminent auction expert witness in the United States, testifying and otherwise assisting attorneys in auction litigation in thus far 17 states.

I am here today to oppose the changes to Ohio Revised Code 4707 in HB 33, and supporting Senate Amendment number SC0273 as an improvement to that proposed change.

In working as an auction expert witness, I have a unique insight as to the benefits of auctioneer licensing and continuing education. In nearly 80% of the cases in which I've assisted, the auctioneer has not been licensed nor taken any continuing education. There is a direct correlation between the lack of licensing and lack of education and auctioneer malpractice.

Ohio's auctioneer licensing program was updated just recently (HB321) and significantly improved our auctioneer licensing law by requiring auctioneers to complete 8 hours of continuing education every two years. This is not a heavy lift for any auctioneer.

The argument HB 33 makes is that if an auctioneer has served an apprenticeship, no CE should be required. So hypothetically, an auctioneer licensed in 1995 who completed auction school, and passed a test would need CE, but an auctioneer licensed in 1995 who completed auction school, passed a test and served an apprenticeship would not?

Most all who apprenticed as an auctioneer practiced their bid calling, and possibly worked the ring holding personal property items up in the air for bidders to see them. They didn't clerk, cashier, register bidders, counsel sellers, deal with any other laws, rules, nor regulations including file retention, contract requirements, trust account basics, or any new auction licensing law.

To even suggest that if an auctioneer served an apprenticeship that he or she know all they need to know is completely unfounded. Further, quite frankly, to suggest that if an auctioneer has been licensed for 25 years or more that he or she knows all they need to know is equally unfounded.

On the contrary, an auctioneer more recently graduating from auction school and passing a test would be far more up-to-date on those issues, but two years later would certainly benefit from continuing education. Every auctioneer – and as such every seller, bidder and buyer – benefits from continuing education.

Ohio licenses auctioneers – and many other occupations – for one single reason: “To protect the public.” We cannot protect the public with auctioneers who are not up-to-date on laws, rules, regulations, case law, administrative interpretations, new technologies, and the current auction marketplace.

The Ohio State University’s study in 2015, which I assisted with, noted that 70% of the United States auction market took place in states that required auctioneers to take continuing education. *All auctioneers should take continuing education.* Ohio has joined this vast majority and should remain a state that requires all auctioneers to educate themselves to protect the public.

Thank you for allowing me to testify in opposition to changes to Ohio Revised Code 4707 in HB 33 and in support of Senate Amendment number SC0273. I urge you to vote accordingly.