

<h1 style="margin: 0;">Regulatory Analysis Form</h1> <p style="margin: 0;">(Completed by Promulgating Agency)</p> <p style="margin: 0;">(All Comments submitted on this regulation will appear on IRRC's website)</p>		<p><b>INDEPENDENT REGULATORY REVIEW COMMISSION</b></p> <p style="font-size: 24pt; font-weight: bold; margin: 10px 0;">RECEIVED</p> <p style="margin: 0;">Independent Regulatory Review Commission</p> <p style="margin: 0;">April 19, 2024</p>
<p>(1) Agency</p> <p style="margin-left: 40px;">Department of State, Bureau of Professional and Occupational Affairs, State Board of Auctioneer Examiners</p>		<p>IRRC Number: <b>3344</b></p>
<p>(2) Agency Number: 16A</p> <p style="margin-left: 40px;">Identification Number: 6412</p>		
<p>(3) PA Code Cite:</p> <p style="margin-left: 40px;">49 Pa. Code §§ 1.3, 1.27, 1.28</p>		
<p>(4) Short Title:</p> <p style="margin-left: 40px;">Licensure by Endorsement</p>		
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p style="margin-left: 40px;">Primary Contact: Shawn Jayman, Board Counsel, State Board of Auctioneer Examiners, P.O. Box 69523, Harrisburg, PA 17106-9523; phone (717) 783-7200; fax (717) 787-0251 <a href="mailto:shjayman@pa.gov">shjayman@pa.gov</a>.</p> <p style="margin-left: 40px;">Secondary Contact: Marc J. Farrell, Regulatory Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523; phone (717)-783-7200; fax (717) 787-0251; <a href="mailto:marcfarrel@pa.gov">marcfarrel@pa.gov</a>.</p>		
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input type="checkbox"/> Proposed Regulation</p> <p><input checked="" type="checkbox"/> <b>FINAL REGULATION</b></p> <p><input type="checkbox"/> Final Omitted Regulation</p>		<p><input type="checkbox"/> Emergency Certification Regulation</p> <p><input type="checkbox"/> Certification by the Governor</p> <p><input type="checkbox"/> Certification by the Attorney General</p>
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p style="margin-left: 40px;">The provisions of 63 Pa.C.S. § 3111 (relating to licensure by endorsement) require the State Board of Auctioneer Examiners (Board) to issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth provided the applicant meets the following criteria: holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth; demonstrates competency by methods determined by the Board; has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the Board determines such conduct is not an impediment to granting the license, certificate, registration or permit; is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit, unless the Board determines such conduct is not an impediment to granting the license, certificate, registration or permit; and the applicant</p>		

pays fees, as established by regulation. Additionally, 63 Pa.C.S. § 3111 authorizes boards and commissions to issue a provisional license, certificate, registration or permit while an applicant is satisfying remaining requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration.

(8) State the statutory authority for the regulation. Include specific statutory citation.

63 Pa.C.S. § 3111 requires licensing boards and commissions to issue a license, certificate, registration or permit to an applicant, provided the applicant meets certain criteria for eligibility and pays fees established by the Board by regulation. The Board is proposing regulations to implement § 3111(a)(1)–(5), relating to information required to determine: whether another jurisdiction is substantially equivalent; the methods of competency; whether an applicant has committed an act that would be grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice in the profession or occupation in this Commonwealth, and whether such acts should be an impediment to licensure; disciplinary actions and whether such discipline should be an impediment to licensure; and the fee as established by the Board by regulation. 63 Pa.C.S. § 3111 also requires boards and commissions that issue provisional licenses, certificates, registration or permits to set the expiration of the provisional endorsement license by regulation.

Additionally, section 32 of the Auctioneer Licensing and Trading Assistant Registration Act (act) (63 P.S. § 734.32) authorizes the Board to adopt rules and regulations necessary for the proper administration and enforcement of the act.

Note: The act of July 1, 2020, (P.L. 575, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) into Title 63, Chapter 31 of the Pennsylvania Consolidated Statutes. The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41) (Act 41). This rulemaking effectuates Act 41.

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

63 Pa.C.S. § 3111(a)(5) requires the Board to set the fee to be charged by regulation and subsection (b)(2) requires the Board to set an expiration of the provisional endorsement license. Otherwise, it is not mandated by any Federal or state law or court order, or Federal regulation.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The regulation is needed to implement 63 Pa.C.S. § 3111 to provide for licensure by endorsement to applicants from other states, territories and countries. Act 41 was enacted due to a recognition that licensed professionals from other jurisdictions have difficulty obtaining a license to practice in this Commonwealth. Licensure by endorsement under 63 Pa.C.S. § 3111 helps eliminate unnecessary barriers to licensure for citizens from other jurisdictions and for military personnel and their spouses while maintaining sufficient safeguards to ensure public protection. 63 Pa.C.S. § 3111 enables boards and commissions under the Bureau of Professional and Occupational Affairs (Bureau) to issue a license by

endorsement, and further provides for a provisional endorsement license to quickly move these professionals into the workforce without unnecessary delays, which reduces the barriers to employment.

Since the effective date of Act 41 (August 30, 2019), the Board has neither received nor considered any applications for licensure by endorsement under 63 Pa.C.S. § 3111. Based upon that, the Board estimates receiving less than five applications on an annual basis.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

There are no federal standards applicable to the subject matter of the regulation.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

This regulation will not adversely affect Pennsylvania's ability to compete with other states. The purpose of 63 Pa.C.S. § 3111 is to make it easier for out-of-state applicants, including military spouses, who have an out-of-state professional or occupational license to work in Pennsylvania. The purpose of 63 Pa.C.S. § 3111 is also to reduce barriers to employment which will make Pennsylvania more competitive. 63 Pa.C.S. § 3111 and the Board's proposed regulations will encourage skilled workers and their families to move to Pennsylvania which will enhance the workforce, provide more talent for businesses, and help grow Pennsylvania's economy. Surrounding states also have similar laws and regulations for licensure by endorsement in the auctioneering field.

In comparing the proposed regulation to other states, the Board researched states in the Northeastern region of the United States. The Board identified one other State (New Jersey) that has a comprehensive license by endorsement law that is applicable to the various professional licensing boards in New Jersey. Similar to 63 Pa.C.S. § 3111, New Jersey requires its professional licensing boards to issue a license to any person who holds a current professional or occupational license in good standing whose licensure standards are substantially equivalent to the current standards of New Jersey. Similar to 63 Pa.C.S. § 3111, New Jersey requires applicants to demonstrate competency through its requirement of practicing within five years prior to the date of the application. Thus, Pennsylvania's competency requirements are similar to New Jersey though the Board even provides for an additional way to demonstrate competency. The Board also allows those individuals that cannot satisfy the experience requirement to take and pass the Pennsylvania Auctioneer Licensure Examination to demonstrate competency. Additionally, unlike the Board's proposed regulation, New Jersey does not provide discretion to issue a discretionary provisional license.

The Board also researched whether other auctioneer state boards have similar licensure by endorsement laws and regulations applicable to the auctioneer profession. For those states that have similar licensure by endorsement laws and regulations applicable to the auctioneer profession, the Board compared the following criteria: eligibility requirements (substantial equivalence or other standard); competency methods; and provisional licenses, including expiration of the provisional license.

Surrounding states do not generally have similar laws and regulations for licensure by endorsement in the auctioneer field but many of the states have licensure by reciprocity. In 2018, the Commissioner of the

Bureau of Professional and Occupational Affairs (Bureau) issued an executive report on the Review of State Professional and Occupational Licensure Board Requirements and Processes. The report compares professional licensing in Pennsylvania to states in the Northeast Region (Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont and West Virginia). The report can be found at:

<https://www.dos.pa.gov/ProfessionalLicensing/Documents/EO2017-03-Executive-Report-Occupational-Licensing.pdf>

In comparing the proposed regulation to other states in the Northeast Region, as to whether other auctioneer state boards have similar licensure by endorsement laws and regulations applicable to the auctioneer profession, the Board found that Vermont has licensure by endorsement only for those applicants that come from a state that does not have a licensure requirement. In those cases, it is noted that Vermont may allow related education, training, or experience of the applicant on a case-by-case basis to be a substitute for all or part of the apprenticeship requirement. Otherwise, Vermont offers licensure by reciprocity to applicants currently licensed within another state in good standing or a jurisdiction in which the standards and qualifications for regulation are substantially equivalent. In comparing Vermont's endorsement language to the proposed Pennsylvania regulation, Vermont only allows the endorsement to satisfy the apprentice requirement for licensure, whereas Pennsylvania's language allows for experience to be considered for full licensure. This gives Pennsylvania a competitive advantage in this arena. Massachusetts, New Hampshire, Ohio, and West Virginia, only have licensure by reciprocity. Massachusetts has reciprocity with some states in which an auctioneer license may be obtained by completing the auctioneer application, surety bond and a copy of the diploma or certification of completion of the formal auctioneer training received, plus two references and the fee. New Hampshire may grant an auctioneer license to any applicant who is similarly licensed in another state, provided the other state's licensing requirements are substantially equivalent. Ohio has reciprocity with select states, Pennsylvania and West Virginia are the only two states in the Northeast Region to have reciprocity with Ohio.

About half of the states regulate auctioneers to varying degrees. Some only require them to register as a business for tax purposes; others require auctioneers to be licensed. Based on this information, the Board does not believe the application fees will put Pennsylvania at a competitive disadvantage. Pennsylvania, Maine, Massachusetts, New Hampshire, Ohio, Vermont and West Virginia are the only states in the Northeast Region that license auctioneers. Instead, the regulation will enhance the opportunity for licensure in the Commonwealth.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

This rulemaking does not affect other regulations of the Board or other state agencies.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The Board discusses its regulatory proposals at regularly scheduled public meetings of the Board. Representatives of the professional associations representing the regulated community routinely attend

those meetings. In drafting the proposal, the Board solicited comments from stakeholders and interested parties in July of 2020. A list of stakeholders and interested parties is attached hereto. See Attachment “B.” The Board considered input and information provided by the Pennsylvania Auctioneers Association.

The Board published a notice of proposed rulemaking at 52 Pa.B. 2969 (May 21, 2022), for thirty days of public comment. The Board received one public comment from the Pennsylvania Auctioneers Association. The House Professional Licensure Committee (HPLC) submitted comments and separately submitted a joint letter co-signed by the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). As part of its review under the Regulatory Review Act, the Independent Regulatory Review Commission (IRRC) submitted comments. The final rulemaking was presented to the Board on September 12, 2022, and again on May 8, 2023, at which time the Board adopted the final rulemaking.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

For purposes of this rulemaking, the Board estimates less than five individuals will apply for licensure by endorsement under 63 Pa.C.S. § 3111 on an annual basis.

According to the Small Business Administration (SBA), there are approximately 1,079,103 businesses in Pennsylvania; of which 1,074,787 are small businesses. Of the 1,074,787 small businesses, 225,751 are small employers (those with fewer than 500 employees) and the remaining 849,036 are non-employers. Thus, the vast majority of businesses in Pennsylvania are considered small businesses.

Small businesses are defined in Section 3 of the Regulatory Review Act, (71 P.S. § 745.3) which provides that a small business is defined by the SBA’s Small Business Size Regulations under 13 CFR Ch. 1 Part 121. These size standards have been established for types of businesses under the North American Industry Classification System (NAICS). In applying the NAICS standards to the types of auctioneer licenses, a small business in Subsector 453 (Miscellaneous Store Retailers) includes auction companies in the category of “All Other Miscellaneous Store Retailers” (NAICS Code #453998) and is one that has average annual receipts of \$8.0 million or less. Likewise, auctioneers are included in NAICS Section 56 (administrative and support, waste management remediation services) under Subsector 561 (administrative and support services) in the category “AH Other Support Services” (NAICS Code #561990), which also has a small business threshold of \$8.0 million or less in average annual receipts. Therefore, for purposes of determining the economic impact on small businesses, the Board believes that a large number of its licensees either work as, or work for, small businesses as that term is defined by the SBA and Pennsylvania’s Regulatory Review Act. The Board has concluded that virtually all auction companies in Pennsylvania are small businesses; and likewise, all auctioneers either are themselves small businesses, or are employed by small businesses. The regulation’s impact should not extend to those businesses as there are no direct costs that would be passed onto the licensee’s employer unless the employer voluntarily assumes those costs. It would, therefore, be up to the business to determine the benefit of paying employee licensing fees.

This rulemaking only affects individuals who apply for licensure by endorsement. These individuals would be impacted by the standard application fee to apply for licensure, which for auctioneers is \$180. Whether small businesses will be impacted by the regulations depends on whether the businesses would pay the application fee for licensure by endorsement and whether employers voluntarily pay the costs of

completing competency requirements, including potentially the cost of taking the Pennsylvania Auctioneer Licensure Examination which is currently \$200. Because the application fees and other costs are incurred by individuals applying for initial licensure by endorsement, any business (small or otherwise) could avoid these costs by requiring employees to pay their own licensure costs.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

Individuals applying to the Board for licensure by endorsement under 63 Pa.C.S. § 3111 will be required to comply with this rulemaking. The Board estimates less than five licensure by endorsement applications a year. Small businesses will only be impacted to the extent they voluntarily pay licensure fees and other costs for applicants.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The Commonwealth will benefit from licensure by endorsement under 63 Pa.C.S. § 3111. The purpose of 63 Pa.C.S. § 3111 is to make it easier for out-of-state applicants, including military spouses, who have an out-of-state professional or occupational license to work in Pennsylvania. 63 Pa.C.S. § 3111 also reduces barriers to employment, which will make Pennsylvania more competitive. 63 Pa.C.S. § 3111 and the Board's regulations will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses, and help grow Pennsylvania's economy.

The citizens of the Commonwealth will also benefit from the enhanced workforce and growth in economy while still having assurance of a level of competence similar to existing licensees in this Commonwealth. The Board has selected methods of competence, including having been engaged in the practice of auctioneering for 2 of the 5 years immediately preceding the filing of the application or, for those that do not have the required experience, having passed the Pennsylvania Auctioneer Licensure Examination within the 5 years immediately preceding the filing of the application. These methods assure competency because an applicant must demonstrate either recent experience in the practice of the profession or recent passage of the licensure examination which demonstrates knowledge of the profession.

The financial impact of the regulation falls primarily on the applicants and the Board. Individuals seeking licensure by endorsement will incur costs associated with qualifying for and obtaining a license. As noted above, an applicant applying for licensure by endorsement under 63 Pa.C.S. § 3111 would be required to pay the \$180 application fee, which covers the costs of processing the application. An applicant would also be required to pay \$18 for a Criminal History Record Check (CHRC) if obtained directly from the FBI, or \$22 for a CHRC obtained from the Pennsylvania State Police (PSP). The application and CHRC fees are the same fees paid by all individuals applying for initial licensure, not just applicants for licensure by endorsement under 63 Pa.C.S. § 3111.

There is no cost associated with making the required showing of professional experience needed to demonstrate competency. If instead competency is established through recent passage of the Pennsylvania Auctioneer Licensure Examination, the cost of the exam is currently \$200.

For an applicant licensed in a jurisdiction where the law, regulation or other rule is in a language other than English, § 1.27(a)(1)(ii) would require the applicant to have those documents professionally

translated at the applicant's expense. The Board anticipates that the translation costs will be approximately \$25 per page from the most common languages, and range from between two and five pages in length. The Board has been accepting licensure by endorsement applications under 63 Pa.C.S. § 3111 for over 2 years, and has received no such applications from foreign applicants.

The positive impact for the applicants is that 63 Pa.C.S. § 3111 and the proposed regulation provides a new pathway to licensure that did not previously exist.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

As previously discussed, 63 Pa.C.S. § 3111 benefits this Commonwealth and its citizens and individual applicants wishing to obtain licensure. The costs associated with obtaining licensure are outweighed by the need of the Board to set fees to cover its costs for processing applications to maintain the fiscal integrity of the Board, and by the equity of assessing the costs of processing applications to the applicants themselves, as opposed to the existing licensee population bearing these costs through increased biennial renewal fees. The General Assembly contemplated and weighed the impact of imposing fees on applicants in 63 Pa.C.S. § 3111(a)(5) against the benefits of providing an additional pathway to licensure to individuals from other jurisdictions. While avoiding economic impact to applicants is always preferable, the General Assembly recognized that boards fees are necessary in order to pay for the costs associated with the filing of applications. Those costs (application fee, CHRC fee) are the same for all applicants for licensure, not just those seeking licensure by endorsement under 63 Pa.C.S. § 3111.

Regarding the cost of translating the law, regulation or other rule to English, this is a necessary part of the application process. If the Board is unable to understand the other jurisdiction's requirements, it will not be able to determine whether those requirements are substantially equivalent.

Regarding costs associated with demonstrating competency, applicants who do so by showing experience in the practice of the profession for at least 2 of the 5 years immediately preceding the date of the application will incur no such costs. An applicant who establishes competency by having successfully passed the Pennsylvania Auctioneer Licensure Examination would incur the expense of \$200 for the cost of for the exam. For foreign applicants, if the other law, regulation or other rule is in a language other than English, § 1.27(a)(1)(ii) would require the applicant to have it professionally translated at the applicant's expense.

The benefit of 63 Pa.C.S. § 3111 and the proposed regulation is that it provides a new pathway to licensure that did not previously exist.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

An individual applying for licensure by endorsement under 63 Pa.C.S. § 3111 will incur some costs, including an application fee of \$180 and a CHRC fee (\$18 if obtained directly from the FBI, or \$22 if obtained through PSP). An applicant obtaining a CHRC from any other state, territory or country would be charged the fee assessed by that jurisdiction. The Board is unable to determine with certainty the CHRC fees that would be assessed by other states, territories or countries.

There are no costs associated with demonstrating competency via experience in the profession. An applicant who demonstrates competency via passage of the Pennsylvania Auctioneer Licensure Examination would incur an exam cost of \$200.

An applicant whose jurisdiction's laws and regulations are in a language other than English would have to provide professionally translated versions of same. The Board anticipates that the translation costs would be approximately \$25 per page from the most common languages, and range from between two and five pages in length. The Board does not anticipate receiving any applications for auctioneer licensure by endorsement in the future that would require an applicant to have their jurisdiction's laws and regulations translated.

Since the effective date of Act 41, the Board has not received or processed any applications for licensure by endorsement under 63 Pa.C.S. § 3111. Therefore, during this period, the total costs incurred was \$0. The Board anticipates less than five licensure by endorsement applications per year, which will result in approximate costs in the amount of \$0 to \$1,010 annually, which sum is inclusive of the application fee and the PSP CHRC fee ( $\$180 + \$22 = \$202$  per applicant,  $\times 5 = \$1,010$ ).

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The regulation would not result in costs or savings to local governments.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

The increased operational costs incurred by the Board to implement licensure by endorsement under 63 Pa.C.S. § 3111 should be recouped in the form of application fees paid by applicants.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

There should be no legal, accounting or consulting procedures associated with this rulemaking. Like all other applicants under the Board, affected individuals will be required to submit an application for licensure accompanied by required documentation.

(22a) Are forms required for implementation of the regulation?

Yes, applicants are required to submit an online application.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here**. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**



The Bureau uses an online platform for the submission of applications for licensure through PALS, which also encompasses applications for licensure by endorsement under 63 Pa. C.S. § 3111. Within the online platform, applicants are asked a series of questions. Applicants are asked if they are currently licensed in another state and the type of license for which they are applying. Applicants currently licensed in another jurisdiction, which is defined in the final rulemaking as another state, territory or country, are directed to submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, translated into English if needed. Applicants are required to indicate whether they have been disciplined by the jurisdiction in which they are licensed or any other jurisdiction. Applicants with disciplinary history must upload appropriate documentation related to the discipline. Applicants must also provide a recent CHRC from the state police or other state or agency (or other appropriate agency of a territory or country) that is the official repository for criminal history record information for every state in which they have lived, worked, or completed professional training/studies for the past 5 years. Based upon the above, applications are forwarded to Board counsel, and to the Board, if necessary, to determine eligibility under 63 Pa. C.S. § 3111. The Bureau is working towards creating a more detailed electronic application process specific to 63 Pa. C.S. § 3111 applications, which will decrease the need for manual review of applications. The Board attaches a paper application which will be the basis for developing the electronic licensure by endorsement application. See Attachment “A.”

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	<b>Current FY 23-24</b>	<b>FY +1 24-25</b>	<b>FY +2 25-26</b>	<b>FY +3 26-27</b>	<b>FY +4 27-28</b>	<b>FY +5 28-29</b>
<b>SAVINGS:</b>						
<b>Regulated Community</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Local Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>State Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Total Savings</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>COSTS:</b>						
<b>Regulated Community</b>	<b>\$0-\$1,050</b>	<b>\$0-\$1,050</b>	<b>\$0-\$1,050</b>	<b>\$0-\$1,050</b>	<b>\$0-\$1,050</b>	<b>\$0-\$1,050</b>
<b>Local Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>State Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Total Costs</b>	<b>\$0-\$1,050</b>	<b>\$0-\$1,050</b>	<b>\$0-\$1,050</b>	<b>\$0-\$1,050</b>	<b>\$0-\$1,050</b>	<b>\$0-\$1,050</b>
<b>REVENUE LOSSES:</b>						
<b>Regulated Community</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Local Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>State Government</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Total Revenue Losses</b>	N/A	N/A	N/A	N/A	N/A	N/A

(23a) Provide the past three-year expenditure history for programs affected by the regulation.

<b>Program</b>	<b>FY -3 2020-2021 (actual)</b>	<b>FY -2 2021-2022 (actual)</b>	<b>FY -1 2022-2023 (actual)</b>	<b>Current FY 2023-2024 (budgeted)</b>
State Board of Auctioneer Examiners	\$359,410.24	\$402,432.35	\$382,273.95	\$368,000.00

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

RESPONSES

- (a) This rulemaking will not have an adverse impact on small businesses unless small businesses voluntarily pay application fees or other costs relating to establishing competency. Because these fees are incurred by individuals applying for initial licensure, any business (small or otherwise) could avoid these costs by requiring employees to pay their own licensure costs.
- (b) This rulemaking will not impose additional reporting, recordkeeping or other administrative costs on small businesses.
- (c) The probable effect on impacted small businesses would be positive because 63 Pa.C.S. § 3111 and the Board’s regulations will encourage skilled workers and their families to move to Pennsylvania, which will enhance the workforce, provide more talent for businesses, and help grow Pennsylvania’s economy.
- (d) The Board could discern no less costly or less intrusive alternative methods to effectuate the purpose of 63 Pa.C.S. § 3111 that would be consistent with the Board’s mandate to produce enough revenue to cover its costs of operations and to administer the act in the public interest.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

No special provisions have been developed for any affected groups or persons.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

No alternative regulatory provisions were considered and rejected. The Board believes this proposal represents the least burdensome acceptable alternative.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

#### RESPONSES

- a) & b) The Board did not consider less stringent reporting requirements or deadlines for small businesses or for applicants that intend to work for small businesses. All applicants for licensure are treated equally.
- c) There are no compliance or reporting requirements that could be consolidated or simplified. The application process is the same whether a particular licensee is employed by a small business or a large business.
- d) The regulations do not contain design or operational standards that need to be altered for small businesses.
- e) To exclude any applicant from the requirements contained in the regulation based on the size of their employers would not be consistent with 63 Pa.C.S. § 3111.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

No data, studies or references were used to justify the regulation.

(29) Include a schedule for review of the regulation including:

- |   |  |
|---|--|
| A. The length of the public comment period:   | <u>30 days</u>   |
| B. The date or dates on which any public meetings or hearings will be held:                   | <u>No public hearings were scheduled or held. The Board discusses its regulatory proposals at regularly scheduled meetings. This rulemaking was discussed at public board meetings on January 6, 2020, March 9, 2020, July 20, 2020, November 8, 2021, September 12, 2022 and May 8, 2023.</u> |
| C. The expected date of delivery of the final-form regulation:                                | <u>Winter 2023-24</u>  |
| D. The expected effective date of the final-form regulation:                                  | <u>Upon publication as final.</u>  |
| E. The expected date by which compliance with the final-form regulation will be required:     | <u>Upon publication as final.</u>  |
| F. The expected date by which required permits, licenses or other approvals must be obtained: | <u>N/A</u>   |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Board continually reviews the efficacy of its regulations, as part of its annual review process under Executive Order 1996-1. The Board reviews its regulatory proposals at regularly scheduled public meetings. In 2024, the Board will meet on the following dates: March 11, May 13, July 8, September 9 and November 18, 2024.

More information can be found on the Board's website:

<https://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/AuctioneerExaminers/Pages/default.aspx>.

# **ATTACHMENT “A”**

**Pennsylvania State Board of Auctioneer Examiners**

P.O. Box 2649  
Harrisburg, PA 17105-2649

**Telephone:** (717) 783-3397; 1-833-DOS-BPOA  
**Fax:** (717) 705-5540  
**Website:** www.dos.pa.gov  
**E-Mail:** ST-AUCTIONEER@PA.GOV

**Courier Address:**  
2601 North Third Street  
Harrisburg, PA 17110

**APPLICATION FOR LICENSURE BY ENDORSEMENT UNDER 63 PA.C.S. § 3111**

**PLEASE NOTE:** If a pending application is older than one year from the date submitted and the applicant wishes to continue the application process, the Pennsylvania State Board of Auctioneer Examiners (Board) shall require the applicant to submit a new application including the required fee.

In order to complete the application process, many of the supporting documents associated with the application cannot be more than six months from the date of issuance. All background check documents cannot be older than 90 days from the date of issuance.

**1. REQUIREMENTS**

- A. Hold a current license, certificate, registration or permit to practice as an auctioneer in good standing to practice auctioneering in a jurisdiction whose standards are substantially equivalent to or exceed those of the Board.
- B. Demonstrates competency by one of the following:
  - Experience in the practice of auctioneering by demonstrating, at a minimum, that the applicant has actively engaged in the practice of auctioneering in the jurisdiction that issued the license, certificate, registration or permit for at least 2 of the last 5 years immediately preceding the filing of the application with the Board.
  - If the applicant does not have experience in the practice of auctioneering for at least 2 of the 5 years immediately preceding the filing of the application with the Board, achieve a passing score on the Pennsylvania Auctioneer Licensure Examination within the 5 years immediately preceding the filing of the application with the Board.
- C. Has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certification, registration or permit to practice auctioneering under the act (63 Pa.C.S. § 734.20(a)) and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit.
- D. Has paid the \$ 50 certification, licensure or registration fee.
- E. Provides a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license. The copy of the applicable law, regulation or other rule must include the enactment date. If the applicable law, regulation or other rule is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule shall be translated by a professional translation service and verified to be complete and accurate.

**2. APPLICATION CHECKLIST**

**Persons licensed in other jurisdictions who possess a current license, license, certificate or permit in good standing:**

- Complete pages 1, 2 and 3 of the application.  
*If any documentation submitted in connection with this application will be received in a name other than the name under which you are applying, you must submit a copy of the legal document(s) indicating the name change (i.e., marriage certificate, divorce decree which indicates the retaking of your maiden name; legal document indicating the retaking of a maiden name, or court order).*
- \$ 50 Application Fee – Check or money order made payable to the Commonwealth of Pennsylvania. Fees are not refundable or transferable. If you do not receive the Board's approval to sit for the examination within one year from the date your application is received, you will be required to submit another application fee. A processing fee of \$20.00 will be charged for any check or money order returned unpaid by your bank, regardless of the reason for non-payment.

- Have the out-of-state licensing authorities in which you hold or have held a license to practice auctioneering (s) submit a letter of good standing directly to the Board with a state seal affixed to the letter.
- A Criminal Background Check from the state in which you reside must be submitted. The criminal background check must be completed within 90 days of submission of this application to the Board. Pennsylvania background checks may be obtained at <https://epatch.state.pa.us> or from the Pennsylvania State Police Central Repository, 1800 Elmerton Ave., Harrisburg, PA 17110-9758, (717) 783-5593. (If you reside outside of Pennsylvania, you must contact the State Police from your jurisdiction.)

### **3. INFORMATION**

- A. Any change in disciplinary status between the date of submission of the application and the date of passing the examination must be reported to the Board in writing.

**Pennsylvania State Board of Auctioneer Examiners**

P.O. Box 2649  
Harrisburg, PA 17105-2649

**Telephone:** (717) 783-3397; 1-833-DOS-BPOA  
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2601 North Third Street  
Harrisburg, PA 17110

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**APPLICATION FOR LICENSURE BY ENDORSEMENT UNDER 63 PA.C.S. § 3111**

**INITIAL APPLICATION FEE:** \$50 PAYABLE TO THE COMMONWEALTH OF PENNSYLVANIA. FEES ARE NOT REFUNDABLE OR TRANSFERABLE. IF YOU DO NOT RECEIVE THE BOARD'S APPROVAL TO SIT FOR THE EXAMINATION WITHIN ONE YEAR FROM THE DATE YOUR APPLICATION IS RECEIVED, YOU WILL BE REQUIRED TO SUBMIT ANOTHER APPLICATION FEE. A PROCESSING FEE OF \$20.00 WILL BE CHARGED FOR ANY CHECK OR MONEY ORDER RETURNED UNPAID BY YOUR BANK, REGARDLESS OF THE REASON FOR NON-PAYMENT.

1. Name _____ (Last) (First) (Middle)
2. Will any documentation submitted in connection with this application be received in a name other than the name under which you are applying? YES <input type="checkbox"/> NO <input type="checkbox"/> If yes, please provide the other name or names: _____
3. Address _____ (Street) _____ (City) (State) (Zip Code) <i>The address you provide is the address that will be associated with this application to which all correspondence will be mailed. Please note that licenses are <b>not forwardable</b>.</i>
4. Telephone _____ Fax _____
5. E-Mail Address _____
6. Date of Birth _____ Social Security Number: _____
7. Select the license for which you are applying: <input type="checkbox"/> Auctioneer
8. Competency Requirement <u>Experience:</u> Have you actively engaged in the practice of auctioneering in the jurisdiction that issued the license, certificate,



registration or permit for at least 2 of the last 5 years immediately preceding the filing of this application?

**Provide a curriculum vitae demonstrating this experience.**

Examination:

Have you achieved a passing score on the Pennsylvania Auctioneer Licensure Examination if you have not been practicing for at least 2 of the last 5 years immediately preceding the filing of the application with the Board?

**Provide proof of your examination scores.**

9. Name state where initial license to practice as an auctioneer was issued.

\_\_\_\_\_

Date initial license was issued \_\_\_\_\_.

List any other state, territory or country where you hold or have held a license/certificate to practice auctioneering.

\_\_\_\_\_

**Have the licensing authority listed above submit a letter of good standing (verification of licensure) directly to the Board with state seal affixed to the letter. Provide a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license.**

		YES	NO
10.	<p>Do you hold, or have you ever held, a license, certificate, permit, registration or other authorization to practice any other profession in any state or jurisdiction?</p> <p>If you answered YES to the above question, please provide the profession and state or jurisdiction. Please do not abbreviate the profession.</p> <p>_____</p> <p>_____</p> <p>The Board must receive verification of any license, certificate, permit, registration or other authorization to practice any other profession directly from the state or jurisdiction. <i>PLEASE NOTE: The Board does NOT need to receive verification for licenses issued by one of the licensing boards within the Pennsylvania Bureau of Professional and Occupational Affairs.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>
<b><i>If you answer YES to any of the following questions, provide complete details as well as copies of relevant documents to the Board office.</i></b>		YES	NO
11.	Have you had disciplinary action taken against a professional or occupational license, certificate, permit, registration or other authorization to practice a profession or occupation issued to you in any state or jurisdiction or have you agreed to voluntary surrender in lieu of discipline?	<input type="checkbox"/>	<input type="checkbox"/>
12.	Do you currently have any disciplinary charges pending against your professional or occupational license, certificate, permit or registration in any state or jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>
13.	Have you withdrawn an application for a professional or occupational license, certificate, permit or registration, had an application denied or refused, or for disciplinary reasons agreed not to apply or reapply for a professional or occupational license, certificate, permit or registration in any state or jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>
14.	Do you currently have any criminal charges pending and unresolved in any state or jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>

NOTICE: Disclosing your Social Security Number on this application is mandatory in order for the State Boards to comply with the requirements of the Federal Social Security Act pertaining to Child Support Enforcement, as implemented in the Commonwealth of Pennsylvania at 23 Pa.C.S. § 4304.1(a). At the request of the Department of Human Services (DHS), the licensing boards must provide to DHS information prescribed by DHS about the licensee, including the social security number.

**Applicant's Statement:**

I verify that this application is in the original format as supplied by the Department of State and has not been altered or otherwise modified in any way. I am aware of the criminal penalties for tampering with public records or information under 18 Pa.C.S. § 4911.

I verify that the statements in this application are true and correct to the best of my knowledge, information and belief. I understand that false statements are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) and may result in the suspension, revocation or denial of my license, certificate, permit or registration.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

# **ATTACHMENT “B”**

**AUCTIONEER EXAMINERS**  
**STAKEHOLDER LIST**

Kimberly K. Douglass, GG, GPPA  
Executive Director  
Pennsylvania Auctioneers Association  
P.O. Box 686  
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Venango Campus  
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[gmichak@michak.legal](mailto:gmichak@michak.legal)

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10 South Second Street  
Reading, PA 19602  
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Wesley Rish, Esq.  
Rish Law Office, LLC  
2431 North 2nd Street  
Suite 201  
Harrisburg, PA 17110  
[wesley@rishlawoffice.com](mailto:wesley@rishlawoffice.com)

Marlene Wilson  
Executive Director  
Pennsylvania House Professional  
Licensure Committee  
Main Capitol  
Harrisburg, PA  
[mwilson@pahouse.net](mailto:mwilson@pahouse.net)

CDL-1

**FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU**



**(Pursuant to Commonwealth Documents Law)**

**RECEIVED**

Independent Regulatory  
Review Commission

April 19, 2024

DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>BY: _____ (DEPUTY ATTORNEY GENERAL)</p> <p>_____ DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy below is here by certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p>_____ State Board of Auctioneer Examiners (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>16A-6412</u></p> <p>DATE OF ADOPTION: _____</p> <p>BY: <u></u> NEVIN B. RENTZEL</p> <p>TITLE <u>BOARD CHAIRPERSON</u> (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p>BY: <u></u></p> <p><u>4/16/2024</u> DATE OF APPROVAL</p> <p>(Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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**PROPOSED RULEMAKING**

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF AUCTIONEER EXAMINERS**

**TITLE 49 PA CODE CHAPTER 1**

**§§ 1.3, 1.27, 1.28**

**LICENSURE BY ENDORSEMENT**

The State Board of Auctioneer Examiners (Board) hereby amends § 1.3 (relating to definitions) and adds §§ 1.27 and 1.28 (relating to licensure by endorsement; and provisional endorsement license) to read as set forth in Annex A.

*Effective Date*

The amendments will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

*Statutory Authority*

The provisions of 63 Pa. C.S. § 3111 (relating to licensure by endorsement) require licensing boards and commissions to issue a license, certificate, registration or permit to an applicant to allow practice in this Commonwealth provided the applicant meets the following criteria: holds a current license, certificate, registration or permit from another state, territory or country whose licensing requirements are substantially equivalent to or exceed the requirements in this Commonwealth; demonstrates competency; has not committed any act that constitutes grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice that profession or occupation in this Commonwealth, unless the board or commission determines such conduct is not an impediment to granting the license, certificate, registration or permit; is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration or permit unless the board or commission determines such conduct is not an impediment to granting the license, certificate, registration or permit; and the applicant pays fees, as established by regulation. Additionally, 63 Pa.C.S. § 3111 authorizes boards and commissions to issue a provisional license, certificate, registration or permit while an applicant is satisfying remaining requirements for licensure by endorsement, for which the Board must set by regulation the terms of expiration. Further, section 32 of the Auctioneer Licensing and Trading Assistant Registration Act (act) (63 P.S. § 734.32), authorizes the Board to adopt rules and regulations necessary for the proper administration and enforcement of the act.

The act of July 1, 2020 (P.L. 575, No. 53) added 63 Pa.C.S. § 3111 as part of the consolidation of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) into 63 Pa.C.S. Chapter 31 (relating to powers and duties). The text of 63 Pa.C.S. § 3111 was originally added to Act 48 by the act of July 1, 2019 (P.L. 292, No. 41).

*Background and Need for the Amendments*

This final-form rulemaking is needed to effectuate 63 Pa.C.S. § 3111, which requires the Board to issue a license to an applicant licensed in another jurisdiction who meets the requirements for licensure by endorsement as set forth in 63 Pa.C.S. § 3111. Under 63 Pa.C.S. § 3111, the Board must determine whether the other jurisdiction's standards for licensure are substantially equivalent to or exceed those established by the Board. Additionally, 63 Pa.C.S. § 3111 requires the Board to

determine the methods by which an applicant can demonstrate competency, such as completion of continuing education or having experience in the profession or occupation for at least 2 of the 5 years immediately preceding the filing of the application. Under 63 Pa.C.S. § 3111(b)(2), the Board must also establish, by regulation, the expiration of provisional endorsement licenses.

This final-form rulemaking sets forth the Board’s criteria for eligibility for licensure by endorsement, including the specific methods required for an applicant to demonstrate competency. It also sets forth the requirements for granting a provisional endorsement license. Under 63 Pa.C.S. § 3111, the Board may establish appropriate fees for this licensure. Accordingly, the Board has determined that the fee for submission of an application for licensure by endorsement shall be the same as the corresponding application fee for initial licensure under § 1.41 (relating to schedule of fees).

A notice of proposed rulemaking was published at 52 Pa.B. 2969 (May 21, 2022), for 30 days of public comment. The Board received one public comment from the Pennsylvania Auctioneers Association. The House Professional Licensure Committee (HPLC) submitted comments and separately submitted a joint letter co-signed by the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). As part of its review under the Regulatory Review Act, the Independent Regulatory Review Commission (IRRC) provided comments and recommendations. The following represents a summary of the comments received and the Board’s responses.

#### *Summary of the HPLC Comments and the Board’s Responses*

The HPLC commented on § 1.27(a)(1)(i) which requires the applicant to provide a copy of the current law and regulations, including the scope of practice, from the jurisdiction where the applicant holds an active license. The HPLC expressed a concern that such a requirement is not explicitly stated in the statute and suggested it should be Board Counsel’s responsibility to research the laws and regulations of the jurisdiction from which the applicant is applying.

For the following reasons, the Board has not amended § 1.27(a)(1)(i) in the final-form regulation: 1) it is the applicant’s burden to prove to the Board that qualifications for licensure are met; 2) applicants, as a practical matter, generally have access to the laws and regulations of the jurisdiction in which they are licensed, and as such – particularly when an applicant is licensed outside of the United States – are in a position to obtain those laws and regulations and provide them to the Board; and 3) placing the responsibility on the Board and its legal counsel to research the laws and regulations of other jurisdictions, particularly other countries, will likely be burdensome and costly to the Board. That financial burden, in turn, would have to be passed along to the Board’s licensees in the form of increased biennial renewal fees, or alternatively, if the costs were applied towards application fees, the cost to apply for a license would have to be increased. While the Board will take steps to verify the laws and regulations of other jurisdictions, the Board believes having the applicant provide that initial information is the most appropriate, efficient and cost-effective approach.



The HPLC next commented on § 1.27(a)(4), recommending that the Board clarify this subsection by specifying the type of discipline that may preclude licensure and the timeframe for when such discipline occurred. While the HPLC suggested that the Board distinguish between formal discipline and a complaint, the Board does not think it is appropriate to make this type of distinction because a complaint is neither formal nor informal discipline. Additionally, the Board does not believe it is appropriate to predetermine the type of discipline or the timeframe within which the discipline occurred. Instead, the Board believes it is appropriate to evaluate discipline on a case-by-case basis in accordance with subsection (c).

As indicated in § 1.27(c), the Board is authorized to determine that prohibited acts and disciplinary actions are not an impediment to licensure under 63 Pa.C.S. § 3111. In determining whether a prohibited act or disciplinary action is an impediment to licensure, the Board is dutybound to apply the caselaw and other applicable laws. See *Secretary of Revenue v. John's Vending Corp.*, 453 Pa. 488, 309 A.2d 358 (1973); *Bethea-Tumani v. Bureau of Professional and Occupational Affairs, State Board of Nursing*, 993 A.2d 921 (Pa. Cmwlth. 2010). As part of that analysis, the Board may consider the facts and circumstances surrounding the prohibited act or disciplinary action, and other factors such as an increase in age or maturity of the individual since the date of the prohibited act or disciplinary action, any disciplinary history or lack of disciplinary history before and after the date of the prohibited act or disciplinary action, the successful completion of education and training activities relating to the prohibited act or disciplinary action, and any other information relating to the fitness of the individual for licensure.

The HPLC also commented on § 1.28(b)(1), which would allow the Board to issue a provisional license for less than a year. Section 3111(b)(2) of 63 Pa.C.S. requires the Board to establish an expiration date for provisional licenses in its regulations. The Board, along with most of the other boards and commissions under the Bureau of Professional and Occupational Affairs (Bureau), has determined that an expiration of 1 year is generally an appropriate timeframe for most – but not necessarily all – applicants. In the interest of public safety, the Board determined that providing some discretion is necessary for instances where the remaining licensure requirements can and should be completed in less than a full year. For example, if an applicant merely needed to complete 10 additional continuing education credits, it generally should not require a full year to obtain such credits. Another example would be an applicant who needs 2 additional months of experience to meet the competency requirements. A provisional license of a duration that is less than a full year, such as one that expires after perhaps 4 or 6 months, would typically be a sufficient amount of time to meet such requirement.

It is in the public interest to ensure that a licensee becomes qualified or competent as expeditiously as possible. While the Board certainly will provide a full year when the facts warrant it, the Board wants its licensees to be qualified and competent as soon as practicable. The Board anticipates this discretion would be utilized in a situation where an applicant's obligations to meet any remaining requirements are minimal. To allow a full 12 months in all situations opens the door for an individual to practice for many months before they even attempt to meet the remaining

requirements. In the interest of public safety, the Board believes it is best for applicants who have been issued a provisional license to meet the remaining requirements within a time period closely tied to the length of time reasonably necessary to meet the specific requirements in question.

The final comment by the HPLC suggests an amendment to § 1.28(d) to remove the language that would preclude an individual from being issued more than one provisional license. A provisional license is an unrestricted license that is issued to provide a short period of time to an applicant to practice while simultaneously working to meet the Board’s licensure-by-endorsement requirements. While the Board would typically not issue an unrestricted license to an applicant who has not met the licensure standards or who has not proven competency, the General Assembly gave boards the discretion to do so via a provisional license, as long as there was an established expiration for the provisional license. The Board is concerned that allowing for multiple provisional licenses could be used as a mechanism to circumvent licensure standards, and as such, does not believe it is necessary or appropriate to allow multiple provisional licenses.

The Board’s regulations do allow a provisional license holder to request an extension of the provisional license for up to 1 additional year, which the Board believes provides a more than sufficient timeframe. Moreover, there is nothing that prevents an applicant who held a provisional license that expired from reapplying for a license by endorsement under § 1.27. However, the applicant in that instance would not be eligible for an additional provisional license. Ultimately, the Board determined that protection of the public warrants the limitation of one provisional license per applicant to ensure the citizens of this Commonwealth are receiving services from qualified and competent licensees.

*Summary of IRRC’s comments and the Board’s responses*

IRRC, in its comment, identified the comments provided by the HPLC, and indicated that it will consider the HPLC comments and the Board’s responses to the issues raised in determining whether the regulation is in the public interest. The Board’s responses to the HPLC comments are set forth above.

IRRC first referenced a joint letter from the Majority and Minority Chairs of the HPLC and the SCP/PLC in which the Board and the Bureau were urged to prioritize the promulgation of this rulemaking. The Board and Bureau wish to make clear that the absence of fully promulgated, final regulations has not impacted the ability of any of the Bureau’s boards and commissions to implement Act 41. The Bureau and the Board are not aware of any instances where the absence of fully promulgated regulations caused a barrier to employment for applicants from other jurisdictions. Similarly, to the Bureau’s and Board’s knowledge, there have not been any delays in moving professionals into the workforce where the delay resulted from the lack of regulations.

In fact, hundreds of licenses have been issued to applicants coming from other jurisdictions via the licensure-by-endorsement provisions of Act 41 (now codified at 63 Pa.C.S. § 3111). When Act 41 was enacted, the boards and commissions immediately drafted interim competency

methods and other policies and procedures related to licensure by endorsement under the newly passed statute. This enabled Act 41 implementation to begin upon the act's effective date, while allowing the necessary time to initiate regulations and move them through the entire rulemaking process, from the drafting of proposed regulations to publication of the final regulations.

The licensure-by-endorsement regulations that have not yet been fully promulgated are not the only rulemakings currently in progress within the Bureau's 29 boards and commissions. There are dozens of others, many of which also require priority treatment, from fee packages that are needed to keep the boards fiscally sound and operational, to many other rulemakings that impact the ways in which professionals train, practice and qualify for licensure. At any given time, the Bureau has well over 100 packages in various stages of the regulatory development and promulgation process. The 23 boards and commissions still working on their licensure-by-endorsement regulations will continue to do so, mindful of the importance of completing them as soon as possible.

IRRC next asked what standard would be used to determine whether a jurisdiction is substantially equivalent for the applicant to show competency via experience under § 1.27(a)(2), and inquired as to whether this provision places an additional burden on the applicant or the Board given that the experience may have occurred in several different jurisdictions. The Board reads § 1.27(a)(2) in conjunction with the substantial equivalency requirement under § 1.27(a)(1). If the Board determines that the licensing jurisdiction where the applicant has a current license in good standing has licensing standards that are substantially equivalent to those established by the Board for purposes of § 1.27(a)(1), substantial equivalency will also be established for purposes of assessing competency via experience under § 1.27(a)(2). If the applicant wishes to have the Board consider experience gained in one or more additional jurisdictions, the Board would make the same substantial equivalency analysis. In the same way that the Board would not grant a license by endorsement under 63 Pa.C.S. § 3111 to an individual who is licensed in a jurisdiction with requirements that are not substantially equivalent, the Board does not believe that experience gained in a jurisdiction that falls short of being substantially equivalent should be counted towards the years of experience for purposes of establishing competency. Other than providing a copy of the laws and regulations of the other jurisdiction(s), there is no initial burden on the applicant to actually provide its own substantial equivalency analysis, nor is the applicant expected to make a comparison between the Board's laws, rules and requirements on the one hand, versus the laws, rules and requirements of another jurisdiction on the other. The Board will perform that analysis.

IRRC also asked whether the Board has considered creating and publishing an annual determination of those jurisdictions in the United States which have laws and regulations substantially equivalent to Pennsylvania. The Board would initially note that since the inception of Act 41, the Board has not received any applications for licensure by endorsement. Not all jurisdictions license auctioneers, and those that do periodically update and change their licensing requirements. The Board cannot assume that the laws and regulations of a given jurisdiction will remain the same for any extended period of time. The Board does an individual assessment of each applicant at the time the application is submitted. This ensures that the Board is using the most up-

to-date and accurate information available when making decisions on these applications, to best ensure that all auctioneers licensed under 63 Pa.C.S. § 3111 are competent and safe to practice the profession. As such, and given the low volume of expected applications for licensure by endorsement under 63 Pa.C.S. § 3111, the Board believes that these provisions in the final regulation balance the protection of the public health, safety and welfare with the burden and cost to applicants and the Board.

IRRC also requested that the RAF be updated to include a list of specific persons and groups involved in developing and drafting the proposal. The Board has attached a list of stakeholders to the final RAF.

IRRC asked the Board to provide a specific estimate of the costs to the regulated community for translation of an applicable law, regulation or rule, and to address the cost of the Criminal History Record Check (CHRC) fee. Translating the law, regulation or other rule to English is a necessary part of the application process. If the Board is unable to understand the other jurisdiction's requirements, it will not be able to determine whether those requirements are substantially equivalent. The Board does not anticipate that many applicants will incur this cost. Nevertheless, the Board anticipates the cost for translation would be approximately \$25 per page to translate from the most common languages. With regard to the CHRC costs, the Pennsylvania fee (\$22) and Federal Bureau of Investigation fee (\$18) have been included in the RAF as requested. The Board is unable to determine with certainty the CHRC fees that would be assessed by other states, territories or countries. The RAF has been updated to reflect these costs to the regulated community.

*Summary of the Pennsylvania Auctioneers Association's public comment and the Board's response*

The Pennsylvania Auctioneers Association provided its support for the proposed regulation but commented that the regulation may have a negative impact on slowing down the licensing process currently in place for reciprocity. The Board determined that due to the projected low number of applicants applying for licensure by endorsement under 63 Pa.C.S. § 3111, that the review and processing of these applications would not have a negative impact on the current licensing processes of the Board. The Association also asked the Board to consider adding a residency requirement to the regulation. The Board considered these comments at its public meeting on September 12, 2022, at which the Association was in attendance. After discussion, it was decided that the Board did not have the authority to amend the regulation as suggested because residency is not a requirement to practice as an auctioneer in Pennsylvania under the Auctioneer Licensing and Trading Assistant Registration Act (63 P.S. §§ 734.1—734.34).

*Miscellaneous Clarifications*

Twenty-seven Boards under the Bureau are drafting and publishing regulations for licensure by endorsement under 63 Pa.C.S. § 3111. In an effort to keep language in the regulations as

consistent as possible, the Board is amending the regulations based upon comments from the review process of other regulations. The amendments are stylistic and do not have a substantive impact on the regulations.

The Board amended § 1.3 to correct the name of the act.

The Board amended § 1.27(a)(2)(i) to clarify the requirement that the experience required for competency must have been obtained under a license, certificate, registration or permit in a jurisdiction or jurisdictions that have substantially equivalent licensure standards. The amendment makes clear that the Board will consider experience accumulated in more than one jurisdiction when calculating the required experience.

The Board added the term “discipline” to the heading of § 1.27(c) to be consistent with the language in § 1.27(a)(3) and (4) and to clarify that subsection (c) applies not just to prohibited acts but also to discipline.

The Board added § 1.28(c)(3) to clarify that the expiration of a provisional license is a terminating event.

#### *Fiscal Impact and Paperwork Requirements*

This final-form rulemaking should have no adverse fiscal impact on the Commonwealth or its political subdivisions. The costs to the Board related to processing applications for licensure by endorsement under 63 Pa.C.S. § 3111 will be recouped through fees paid by applicants. Applicants for licensure by endorsement under 63 Pa.C.S. § 3111 will pay the same application fee as all other applicants for initial licensure under § 1.41.

#### *Sunset Date*

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 11, 2022, the Board submitted a copy of the proposed rulemaking, published at 52 Pa.B. 2969 (May 21, 2022) and a copy of a Regulatory Analysis Form to IRRC and to the HPLC and SCP/PLC for review and comment. A copy of this material is available to the public upon request.

Under section 5(c) of the Regulatory Review Act (71 P.S. § 745.5(c)), the Board shall submit to IRRC, the HPLC and the SCP/PLC copies of comments received as well as other documents when requested. In preparing the final-form regulation, the Board considered all comments received.

Under section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)), on \_\_\_\_\_, 2024, the Board delivered this final-form rulemaking to IRRC, the HPLC and the SCP/PLC. Under section 5.1(j.2) of the Regulation Review Act, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC on \_\_\_\_\_, 2024. Under section 5.1(e) of the Regulatory Review Act, IRRC met on \_\_\_\_\_, 2024, and approved the final-form rulemaking.

### *Findings*

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), referred to as the Commonwealth Documents Law, and the regulations promulgated under those sections at 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).
- (2) A public comment period was provided as required by law, and all comments received were considered in drafting this final-form rulemaking.
- (3) This final-form rulemaking does not include any amendments that would enlarge the scope of the proposed rulemaking published at 52 Pa.B. 2969 (May 21, 2022).
- (4) This final-form rulemaking is necessary and appropriate for the administration of 63 Pa.C.S. § 3111 and the Auctioneer Licensing and Trading Assistant Registration Act (63 P.S. §§ 734.1—734.34).

### *Order*

The Board, acting under its authorizing statute, orders that:

- (a) The regulations of the Board at 49 Pa. Code, Chapter 1, are amended by amending § 1.3 and adding §§ 1.27 and 1.28 to read as set forth in Annex A.
- (b) The Board shall submit this final-form regulation to the Office of Attorney General and the Office of General Counsel for approval as required by law.
- (c) The Board shall submit this final-form regulation to IRRC, the HPLC and the SCP/PLC as required by law.
- (d) The Board shall certify this final-form regulation and deposit it with the Legislative Reference Bureau as required by law.
- (e) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

Gerald A. Rader  
Chairperson  
State Board of Auctioneer Examiners

## **Commentors List- 16A-6412 Licensure by Endorsement**

Jamie Shearer, 2022 PAA President  
Pennsylvania Auctioneers Association  
P.O. Box 686  
Gilbertsville, PA 19525  
[info@paauctioneers.org](mailto:info@paauctioneers.org)

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 1. STATE BOARD OF AUCTIONEER EXAMINERS**

**GENERAL PROVISIONS**

**§ 1.3. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Act*—The Auctioneer LICENSING and ~~Auction Licensing~~ TRADING ASSISTANT REGISTRATION Act (63 P.S. §§ 734.1—734.34).

*Board*—The State Board of Auctioneer Examiners.

*Jurisdiction*—A state, territory or country.

**LICENSURE**

**§ 1.27. Licensure by endorsement.**

(a) Requirements for issuance. To be issued a license by endorsement under 63 Pa.C.S. § 3111 (relating to licensure by endorsement), an applicant ~~must~~ SHALL satisfy all of the following conditions:

(1) Have a current license, ~~certification~~ CERTIFICATE, registration or permit in good standing to practice auctioneering in another jurisdiction whose standards are substantially equivalent to or exceed those established under sections 3(e) and 5(c) of the act (63 P.S. §§ 734.3(e) and 734.5(c)) and § 1.24 (relating to application for auctioneer license for



individuals). The following apply:

(i) An applicant ~~must~~ SHALL submit a copy of the current applicable law, regulation or other rule governing licensure, certification, registration or permit requirements and scope of practice in the jurisdiction that issued the license, ~~certification~~ CERTIFICATE, registration or permit.

(ii) If the applicable law, regulation or other rule is in a language other than English, at the applicant's expense, the applicable law, regulation or other rule shall be translated by a professional translation service and verified to be complete and accurate.

(iii) The copy of the applicable law, regulation or other rule must include the enactment date.

(2) Demonstrate competency by one of the following:

(i) Experience in the practice of auctioneering by demonstrating, at a minimum, that the applicant has actively engaged in the practice of auctioneering under a license, certificate, registration or permit in a ~~substantially equivalent jurisdiction, or jurisdictions~~ THAT HAVE SUBSTANTIALLY EQUIVALENT LICENSURE STANDARDS, for at least 2 of the 5 years immediately preceding the filing of the application with the Board.

(ii) If the applicant does not have experience in the practice of auctioneering for at least 2 of the 5 years immediately preceding the filing of the application with the Board as provided in subparagraph (i), achieving a passing score on the Pennsylvania Auctioneer Licensure Examination within the 5 years immediately

preceding the filing of the application with the Board.

(3) Have not committed an act that constitutes grounds for refusal, suspension or revocation of a license, ~~certification~~ CERTIFICATE, registration or permit to practice auctioneering under section 20(a) of the act (63 P.S. § 734.20(a)).

(4) Have not been disciplined by the jurisdiction that issued the license, certificate, registration or permit.

(5) Have paid the application fee for auctioneer license as required under § 1.41 (relating to schedule of fees).

(6) Have applied for licensure in accordance with this chapter in the manner and format prescribed by the Board.

(b) Interview and additional information. An applicant may be required to appear before the Board for a personal interview and may be required to submit additional information, including supporting documentation relating to competency and experience. The applicant may request the interview to be conducted by video teleconference for good cause shown.

(c) Prohibited acts AND DISCIPLINE. Notwithstanding subsection (a)(3) and (4), the Board may, in its discretion, determine that an act prohibited under section 20(a) of the act or disciplinary action by a jurisdiction is not an impediment to licensure under 63 Pa.C.S. § 3111.

**§ 1.28. Provisional endorsement license.**

(a) Provisional endorsement license. The Board may, in its discretion, issue a provisional endorsement license to an applicant while the applicant is satisfying remaining requirements for licensure by endorsement under § 1.27 and 63 Pa.C.S. § 3111 (relating to licensure by endorsement).

(b) Expiration of a provisional endorsement license.

(1) An individual holding a provisional endorsement license may practice for up to 1 year after issuance of the provisional endorsement license. The Board, in its discretion, may determine that an expiration date of less than 1 year is appropriate.

(2) Upon a written request and a showing of good cause, the Board may grant an extension of no longer than 1 year from the expiration date of the provisional endorsement license.

(c) Termination of a provisional endorsement license. A provisional endorsement license terminates if any of the following occurs:

(1) The Board completes its assessment of the applicant and denies or grants the license.

(2) The holder of the provisional license fails to comply with the terms of the provisional endorsement license.

(3) THE PROVISIONAL ENDORSEMENT LICENSE EXPIRES.

(d) Reapplication. An individual may reapply for licensure by endorsement under § 1.27 after expiration or termination of a provisional endorsement license. ~~The~~; HOWEVER, THE individual may not be issued a subsequent provisional endorsement license.



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
**STATE BOARD OF AUCTIONEER EXAMINERS**  
Post Office Box 2649  
Harrisburg, Pennsylvania 17105-2649  
(717) 783-3397

April 19, 2024

The Honorable George D. Bedwick, Chairman  
INDEPENDENT REGULATORY REVIEW COMMISSION  
14<sup>th</sup> Floor, Harristown 2, 333 Market Street  
Harrisburg, Pennsylvania 17101

Re: Final Regulation  
State Board of Auctioneer Examiners  
16A-6412: Licensure by Endorsement

Dear Chairman Bedwick:

Enclosed is a copy of a Final rulemaking package of the State Board of Auctioneer Examiners pertaining to Licensure by Endorsement.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

A handwritten signature in cursive script, appearing to read "G. Rader".

Gerald A. Rader, Chairperson  
State Board of Auctioneer Examiners

GAR/MJF: jpp  
Enclosure

cc: Arion R. Claggett, Acting Commissioner of Professional and Occupational Affairs  
K. Kalonji Johnson, Deputy Secretary of Regulatory Programs  
Michael McDonald, Policy Directory, Department of State  
Cynthia Montgomery, Deputy Chief Counsel, Department of State  
Marc Farrell, Regulatory Counsel, Department of State  
Shawn J. Jayman, Board Counsel, State Board of Auctioneer Examiners  
State Board of Auctioneer Examiners

## Worthington, Amber

---

**From:** Vazquez, Enid <enid.vazquez@pasenate.com>  
**Sent:** Friday, April 19, 2024 10:58 AM  
**To:** Worthington, Amber; Dimm, Ian  
**Subject:** RE: DELIVERY NOTICE: REGULATIONS: 16A-7104 & 16A-6412

Amber,

Received.

Thank you!

**RECEIVED**

Independent Regulatory  
Review Commission

April 19, 2024

### Enid Vazquez

State Senator Lisa M. Boscola  
One E. Broad Street – Suite 120  
Bethlehem, PA 18018  
O: 610-868-8667  
F: 610-861-2184  
[www.senatorboscola.com](http://www.senatorboscola.com)

---

**From:** Worthington, Amber <agontz@pa.gov>  
**Sent:** Friday, April 19, 2024 8:51 AM  
**To:** Dimm, Ian <Ian.Dimm@pasenate.com>; Kelly, Joseph <joseph.kelly@pasenate.com>; Vazquez, Enid <enid.vazquez@pasenate.com>  
**Subject:** DELIVERY NOTICE: REGULATIONS: 16A-7104 & 16A-6412

EXTERNAL EMAIL

---

**Please provide a written (email) confirmation of receipt of delivery of the attached rulemakings.**

Please be advised that the State Board of Crane Operators and the State Board of Auctioneer Examiners are delivering the below final rulemakings.

Thank you for your attention to this matter.

➤ **16A-7104 – State Board of Crane Operators – Licensure by Endorsement**

Final rulemaking of the State Board of Crane Operators relating to Licensure by Endorsement - This final rulemaking is needed to effectuate 63 Pa.C.S. § 3111 (relating to licensure by endorsement) for applicants licensed in other jurisdictions where the licensure requirements are substantially equivalent to or exceed those established by the Board. Additionally, 63 Pa.C.S. § 3111 requires the Board to determine the methods of demonstrating competency, including completion of continuing education or experience in the profession or occupation for at least 2 of the 5 years immediately preceding the filing of the application, and must establish, by regulation, the expiration of provisional endorsement licenses. This final rulemaking sets forth the criteria for eligibility for licensure by endorsement, the specific methods required for an applicant to demonstrate competency, and the requirements for granting a provisional endorsement license.

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Amber A. Worthington, PLS | Legal Office Administrator 2  
Office of Chief Counsel | Department of State  
Governor's Office of General Counsel  
P.O. Box 69523 | Harrisburg, PA 17106-9523  
Office Phone 717.783.7200 | Fax: 717.787.0251  
[agontz@pa.gov](mailto:agontz@pa.gov) | [www.dos.pa.gov](http://www.dos.pa.gov)

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April 19, 2024

Preferred Pronouns: We/Us, They/Them/Theirs

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## Worthington, Amber

---

**From:** Nicole Sidle <Nsidle@pahousegop.com>  
**Sent:** Friday, April 19, 2024 9:47 AM  
**To:** Worthington, Amber; Francesca Summa  
**Subject:** RE: [EXTERNAL]: DELIVERY NOTICE: REGULATIONS: 16A-7104 & 16A-6412

Hi Amber,

This has been received.

Nicole

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Independent Regulatory  
Review Commission

April 19, 2024

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**From:** Worthington, Amber <agontz@pa.gov>  
**Sent:** Friday, April 19, 2024 8:51 AM  
**To:** Nicole Sidle <Nsidle@pahousegop.com>; Francesca Summa <Fsumma@pahousegop.com>  
**Subject:** [EXTERNAL]: DELIVERY NOTICE: REGULATIONS: 16A-7104 & 16A-6412

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## Worthington, Amber

---

**From:** Orchard, Kari L. <KOrchard@pahouse.net>  
**Sent:** Friday, April 19, 2024 9:35 AM  
**To:** Worthington, Amber; Barton, Jamie; Brett, Joseph D.  
**Subject:** Re: DELIVERY NOTICE: REGULATIONS: 16A-7104 & 16A-6412

Received. Thanks!

**Kari Orchard**  
Executive Director (D) | House Professional Licensure Committee  
Chairman Frank Burns, 72<sup>nd</sup> Legislative District

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April 19, 2024

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**From:** Worthington, Amber <agontz@pa.gov>  
**Date:** Friday, April 19, 2024 at 8:52 AM  
**To:** Orchard, Kari L. <KOrchard@pahouse.net>, Barton, Jamie <JBarton@pahouse.net>, Brett, Joseph D. <JBrett@pahouse.net>  
**Subject:** DELIVERY NOTICE: REGULATIONS: 16A-7104 & 16A-6412

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## Worthington, Amber

---

**From:** Smeltz, Jennifer <jmsmeltz@pasen.gov>  
**Sent:** Friday, April 19, 2024 9:09 AM  
**To:** Worthington, Amber  
**Subject:** RE: DELIVERY NOTICE: REGULATIONS: 16A-7104 & 16A-6412

Received.

*Jen Smeltz*  
*Executive Director*  
*Consumer Protection and Professional Licensure Committee*  
*Office of Senator Pat Stefano*  
*Phone: (717) 787-7175*

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April 19, 2024

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**From:** Worthington, Amber <agontz@pa.gov>  
**Sent:** Friday, April 19, 2024 8:51 AM  
**To:** Smeltz, Jennifer <jmsmeltz@pasen.gov>  
**Subject:** [WARNING: ATTACHMENT UNSCANNED -AMP]DELIVERY NOTICE: REGULATIONS: 16A-7104 & 16A-6412

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Independent Regulatory  
Review Commission

April 19, 2024

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