

<h2 style="margin: 0;">Regulatory Analysis Form</h2> <p style="margin: 0;">(Completed by Promulgating Agency)</p> <p style="margin: 0;"><small>(All Comments submitted on this regulation will appear on IRRC's website)</small></p>		<p><b>INDEPENDENT REGULATORY REVIEW COMMISSION</b></p> <h1 style="margin: 0;">RECEIVED</h1> <p style="margin: 0;">MAY 11 2022</p> <p style="margin: 0;">Independent Regulatory Review Commission</p> <p style="margin: 0;">IRRC Number:  <i>3344</i></p>
<p>(1) Agency <b>Department of State, Bureau of Professional and Occupational Affairs, State Board of Auctioneer Examiners</b></p>		
<p>(2) Agency Number: 16A Identification Number: 6412</p>		
<p>(3) PA Code Cite:  49 Pa. Code §§ 1.3, 1.27, 1.28</p>		
<p>(4) Short Title: <b>Licensure by Endorsement</b></p>		
<p>(5) Agency Contacts (List Telephone Number and Email Address):</p> <p>Primary Contact: <b>Jason McMurry, Board Counsel, State Board of Auctioneer Examiners, P.O. Box 69523, Harrisburg, PA 17106-9523 (phone 717-783-7200) (fax 717-787-0251) (jmcmmurry@pa.gov).</b></p> <p>Secondary Contact: <b>Jacqueline A. Wolfgang, Senior Regulatory Counsel, Department of State, P.O. Box 69523, Harrisburg, PA 17106-9523 (phone 717-783-7200) (fax 787-0251) jawolfgang@pa.gov.</b></p>		
<p>6) Type of Rulemaking (check applicable box):</p> <p><input checked="" type="checkbox"/> Proposed Regulation</p> <p><input type="checkbox"/> FINAL REGULATION</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>Section 3111 of 63 Pa.C.S. (relating to licensure by endorsement) requires 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</p>		

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 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.

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.

(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, who pays fees established by the Board by regulation, provided the applicant meets certain criteria for eligibility. 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. 63 P.S. § 734.32 authorizes the Board to adopt rules and regulations necessary for the proper administration and enforcement of the act.

(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, this rulemaking 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 received and considered no licensure by endorsement applications. Based upon the number of applications received, the Board estimates receiving less than 5 applications on an annual basis.

An applicant applying for licensure by endorsement under 63 Pa.C.S. § 3111 would be required to pay the \$50 application fee, which covers the costs of processing the application. This application fee is the same for other applicants.

(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 Exam to demonstrate competency. Additionally, unlike the Board's proposed regulations, 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.)

In drafting the proposal, in July of 2020, the Board solicited comments from stakeholders and interested parties. The Board considered input and information provided by the Pennsylvania Auctioneer Association.

(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 5 individuals will apply for licensure by endorsement.

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 auctioneer application fee of \$50 to apply for licensure. 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 Licensing Examination which is currently \$200.00. 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.

Applicants for licensure by endorsement as an auctioneer will be required to comply with the proposed rulemaking. The Board estimates less than 5 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, as either practicing the profession of auctioneering for two of the last five years immediately preceding the filing of the application or by passing the Pennsylvania Auctioneer examination for those that do not have the required experience. These methods assure competency because an applicant must demonstrate either experience with practice of the profession or passing a written examination demonstrating knowledge of the profession.

The financial impact of the regulation falls primarily on the applicants and the Board and applicants. 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 \$50 application fee, which covers the costs of processing the application. This application fee is the same for other applicants applying by any type of application as authorized by Auctioneer Licensing and Trading Assistant Registration Act. Individuals seeking licensure by endorsement will incur the costs of completing competency requirements, including potentially the cost of the Board-approved skills examination. 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 Board has been accepting licensure by endorsement application for over one year. To date, the Board has received no licensure by endorsement 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.

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, the Board is authorized to select the methods of competency under section 63 Pa.C.S. § 3111 (a)(2) and has provided applicants with two alternatives. Applicants who demonstrate competency through experience in the practice of auctioneering for at least 2 of the 5 years immediately preceding the date of application in the jurisdiction that issued the license will incur no costs to demonstrate competency. Applicants who demonstrate competency by passing the Pennsylvania Auctioneer examination would incur the cost of the examination. If the applicant opts to establish competency by successfully passing the exam, the applicant 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 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.

(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 paying the \$50 application fee, and paying the costs associated with demonstrating competency if taking the exam which would be \$200. Since the effective date of Act 41 of 2019, the Board has received no licensure by endorsement applications. Based upon this information, the Board anticipates less than 5 licensure by endorsement applications per year.

(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 Board will incur increased operational costs to implement the licensure by endorsement. The costs incurred by the Board should be recouped in the form of application fees paid by the 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 Criminal History Records Check (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 five (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 20-21</b>	<b>FY +1 21-22</b>	<b>FY +2 22-23</b>	<b>FY +3 23-24</b>	<b>FY +4 24-25</b>	<b>FY +5 25-26</b>
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
<b>Regulated Community</b>	\$250	\$250	\$250	\$250	\$250	\$250
<b>Local Government</b>						
<b>State Government</b>						
<b>Total Savings</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>COSTS:</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Regulated Community</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Local Government</b>						
<b>State Government</b>						
<b>Total Costs</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>REVENUE LOSSES:</b>						

<b>Regulated Community</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Local Government</b>						
<b>State Government</b>						
<b>Total Revenue Losses</b>	\$0	\$0	\$0	\$0	\$0	\$0

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

<b>Program</b>	<b>FY -3 2018-2019 (actual)</b>	<b>FY -2 2019-2020 (actual)</b>	<b>FY -1 2020-2021 (actual)</b>	<b>Current FY 2021-2022 (budgeted)</b>
<b>State Board of Auctioneer Examiners</b>	\$315,672.83	\$336,579.86	\$354,735.32	\$376,000

(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.
- (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.
- 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: **30 days.**

B. The date or dates on which any public meetings or hearings will be held:

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, and November 8, 2021.

C. The expected date of the final-form regulation: **Fall 2022**

D. The expected effective date of the final-form regulation: **Upon publication as final.**

E. The expected date by which compliance with the final-form regulation will be required: **Upon publication as final.**

F. The expected date by which required permits, licenses or other approvals must be obtained: **N/A**

(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. The Board will meet on the following dates in 2022: January 10, March 14, May 9, July 11, September 12, and November 14. More information can be found on the Board website: [dos.pa.gov/ProfessionalLicensing/BoardsCommissions/AuctioneerExaminers](https://dos.pa.gov/ProfessionalLicensing/BoardsCommissions/AuctioneerExaminers).

# 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  
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**

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 not forwardable.</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"/>
<p><b>If you answer YES to any of the following questions, provide complete details as well as copies of relevant documents to the Board office.</b></p>		YES	NO
11.	<p>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?</p>	<input type="checkbox"/>	<input type="checkbox"/>
12.	<p>Do you currently have any disciplinary charges pending against your professional or occupational license, certificate, permit or registration in any state or jurisdiction?</p>	<input type="checkbox"/>	<input type="checkbox"/>
13.	<p>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?</p>	<input type="checkbox"/>	<input type="checkbox"/>
14.	<p>Do you currently have any criminal charges pending and unresolved in any state or jurisdiction?</p>	<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

FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU  
(Pursuant to Commonwealth Documents Law)

RECEIVED

MAY 11 2022

Independent Regulatory  
Review Commission

DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p><b>Amy M. Elliott</b> BY: <u>Amy M. Elliott</u> (DEPUTY ATTORNEY GENERAL)</p> <p><small>Digitally signed by Amy M. Elliott DN: cn=Amy M. Elliott, o=Pennsylvania Office of Attorney General, ou=Chief Deputy Attorney General, email=elliott@attorneygeneral.gov, c=US Date: 2022.05.03 13:06:33 -0400</small></p> <p><u>5/3/22</u> 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><u>State Board of Auctioneer Examiners</u> (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>16A-6412</u></p> <p>DATE OF ADOPTION: _____</p> <p>BY: <u>Nevin B. Rentzel</u> Nevin B. Rentzel</p> <p>TITLE <u>Board Chair</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: _____</p> <p><u>April 4, 2022</u> DATE OF APPROVAL</p> <p>Deputy General Counsel (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  
PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF AUCTIONEER EXAMINERS

TITLE 49 PA CODE, CHAPTER 1

§ 1.3, 1.27 and 1.28

LICENSURE BY ENDORSEMENT

The State Board of Auctioneer Examiners (Board) proposes to amend Chapter 1 of Title 49 Pennsylvania Code, by amending Section 1.3 (relating to definitions) and adding Sections 1.27 (relating to licensure by endorsement) and 1.28 (relating to 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. 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 Title 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 proposed rulemaking is needed to effectuate 63 Pa.C.S. § 3111, which requires the Board to issue a license, certificate, registration or permit to applicants who meet 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 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 of competency, including passing a Board-approved skills examination or 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 establish, by regulation, the expiration

of provisional endorsement license.

This proposed rulemaking sets forth the criteria for eligibility for licensure by endorsement, including the specific methods required for an applicant to demonstrate competency as well as requirements for granting a provisional endorsement license. Applicants for licensure by endorsement will pay the application fee as provided in section 1.41 (\$50).

#### *Description of the Proposed Amendments*

The Board proposes to amend Chapter 1, Section 1.3 (relating to definitions) by adding a definition for the term “jurisdiction” consistent with 63 Pa.C.S. § 3111. Proposed Section 1.27 requires an applicant to satisfy six criteria required for licensure by endorsement. The first criterion, as set forth in proposed subsection (a)(1), requires an applicant to have a current license, certificate, registration or permit in good standing to practice auctioneering in another jurisdiction whose standards are substantially equivalent to or exceed standards under 63 Pa.C.S. § 734.3(e) and § 1.24 (relating to requirements for licensure). Proposed subsection (a)(1) further requires an applicant 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, certificate, registration or permit. This proposed rulemaking would also require that the copy of the applicable law, regulation or other rule include the enactment date. Additionally, because 63 Pa.C.S. § 3111 is applicable to territories and other countries that use languages other than English, where the applicable law, regulation or other rule is in a language other than English, the Board would require, at the applicant’s expense, translation of the applicable law, regulation or other rule by a professional translation service.

Proposed subsection (a)(2) requires demonstration of competency. Under this provision, an applicant must provide proof of competency by demonstrating experience in the practice of the profession or occupation or passing a Board-approved skills examination. To demonstrate competency by experience, an applicant must demonstrate active engagement in the practice of profession or occupation for at least 2 of the 5 years immediately preceding the filing of the application in the jurisdiction that issued the license, certificate, registration or permit. If an applicant does not have the requisite experience, competency may be demonstrated by passing a Board-approved skills examination, an applicant must achieve a passing score on the Pennsylvania Auctioneer Licensure Examination within the 5 years immediately preceding the filing of the application with the Board.

Proposed subsections (a)(3) and (a)(4) incorporate the statutory prohibitions in 63 Pa.C.S. § 3111 pertaining to conduct that would constitute grounds for refusal, suspension or revocation of a license, certificate, registration or permit to practice the profession or occupation and prior discipline by the jurisdiction that issued the license.

Next, proposed subsection (a)(5) provides for payment of an application fee, as required under 63 Pa.C.S. § 3111(a)(5). The applicable fee for licensure by endorsement under 63 Pa.C.S. § 3111 is the application fee for auctioneer license in § 1.41 (relating to fees) of the Board’s current fee schedule (\$50).

Finally, proposed subsection (a)(6) requires applicants to satisfy application requirements,

as set forth in the act and Chapter 1 in the manner and format prescribed by the Board.

In proposed § 1.27(b), the Board may require a personal interview or additional information to assist the Board in determining eligibility and competency. When a personal interview is necessary, the applicant may request the interview to be conducted by video teleconference for good cause shown.

Consistent with 63 Pa.C.S. § 3111(a)(3) and (4), proposed § 1.27(c) authorizes the Board, in its discretion, to determine that an act prohibited under 20(a) of the act (63 P.S. § 734.20(a)), or disciplinary action by a jurisdiction are not impediments to the granting of a license, certificate, registration or permit by endorsement under 63 Pa.C.S. § 3111.

Consistent with 63 Pa.C.S. § 3111(b), proposed § 1.28 provides that the Board, in its discretion, may issue a provisional endorsement license while an applicant is satisfying remaining requirements under 63 Pa.C.S. § 3111 and proposed § 1.27. Proposed § 1.28 sets the expiration of a provisional endorsement license at 1 year, unless the Board determines that an expiration date of less than 1 year is appropriate. Additionally, upon a written request, the Board may extend the term of the license upon a showing of good cause. Proposed § 1.28 sets forth reasons for which a provisional endorsement license will be terminated by the Board, including when the Board denies or grants a license, or the provisional endorsement license fails to comply with the terms of a provisional endorsement license. Finally, proposed § 1.28 clarifies that while an individual may reapply for a license by endorsement under proposed § 1.27, the Board will not issue a subsequent provisional endorsement license to an applicant who previously held a provisional endorsement license that expired or was terminated.

#### *Fiscal Impact and Paperwork Requirements*

This proposed rulemaking will 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 will be recouped through fees paid by applicants. Applicants who apply for licensure by endorsement will be impacted by the \$50 application fee in section 1.41. Additionally, if an applicant does not have the requisite experience, the applicant would incur the cost of taking the Pennsylvania Auctioneer Licensing Examination which is currently \$200.

#### *Sunset Date*

The Board continuously monitors the cost effectiveness of the Board's 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 this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the House Professional Licensure Committee (HPLC). A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days from the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) that have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor.

*Public Comment*

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Jason McMurry, Board Counsel, at P.O. Box 69523, Harrisburg, PA 17106-9523 or by e-mail at [RA-STRegulatoryCounsel@pa.gov](mailto:RA-STRegulatoryCounsel@pa.gov) within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference 16A-6412 (Licensure by Endorsement), when submitting comments.

Nevin B. Rentzel  
*Chairperson*

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:

• • • • •

*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 satisfy all of the following conditions:

- (1) Have a current license, certification, registration or permit in good standing to practice auctioneering in another jurisdiction whose standards are substantially equivalent to or exceed those established under section 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).
  - (i) An applicant must 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, 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) Demonstrates 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, 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 any act that constitutes grounds for refusal, suspension or revocation of a license, certification, 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 by § 1.41 (relating to 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. Notwithstanding subsections (a)(3) and (4), the Board may, in its discretion, determine that an act prohibited under section 20(a) of the act (63 P.S. § 734.20(a)) or

disciplinary action by a jurisdiction is not an impediment to licensure under 63 Pa.C.S. § 3111 (relating to licensure by endorsement).

**§ 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) When the Board completes its assessment of the applicant and denies or grants the license.

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

(d) Reapplication. An individual may reapply for licensure by endorsement under § 1.27 after expiration or termination of a provisional endorsement license; 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

May 11, 2022

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

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

Dear Chairman Bedwick:

Enclosed is a copy of a proposed 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 black ink, appearing to read 'Nevin B. Rentzel', written over a light-colored rectangular background.

Nevin B. Rentzel, Chairperson  
State Board of Auctioneer Examiners

NBR/JEM:bmz  
Enclosure

cc: Arion R. Claggett, Acting Commissioner of Professional and Occupational Affairs  
K. Kalonji Johnson, Deputy Secretary of Regulatory Programs  
Marc Farrell, Deputy Director of Policy, Department of State  
Cynthia Montgomery, Deputy Chief Counsel, Department of State  
Jacqueline A. Wolfgang, Senior Regulatory Counsel, Department of State  
Jason E. McMurry, Board Counsel, State Board of Auctioneer Examiners  
State Board of Auctioneer Examiners

## Zappasodi, Brittany

---

**From:** Barton, Jamie <JBarton@pahouse.net>  
**Sent:** Wednesday, May 11, 2022 1:37 PM  
**To:** Zappasodi, Brittany; Orchard, Kari L.  
**Subject:** RE: DELIVERY: REGULATION 16A-6412

Hi Brittany,

Regulation received. Thank you!

Ms. Jamie Barton  
Senior Legislative Assistant  
Office of State Rep. Frank Burns, Minority Chairman  
House Professional Licensure Committee  
325 Main Capitol  
Harrisburg, PA 17120-2072  
(717) 772-8056 - Phone  
(717) 772-9965 - Fax

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**From:** Zappasodi, Brittany <bzappasodi@pa.gov>  
**Sent:** Wednesday, May 11, 2022 9:00 AM  
**To:** Orchard, Kari L. <KOrchard@pahouse.net>; Barton, Jamie <JBarton@pahouse.net>  
**Subject:** DELIVERY: REGULATION 16A-6412  
**Importance:** High

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

Please be advised that the State Board of Auctioneer Examiners is delivering the following proposed rulemaking:

- 16A-6412: Licensure by Endorsement

**Brittany Zappasodi | Legal Assistant II**  
Office of Chief Counsel | Department of State

Governor's Office of General Counsel  
P.O. Box 69523 | Harrisburg, PA 17106-9523  
Phone 717.783.7200 | Fax 717.787.0251  
bzappasodi@pa.gov | [www.dos.pa.gov](http://www.dos.pa.gov)

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**Zappasodi, Brittany**

---

**From:** Emily Hackman <Eepler@pahousegop.com>  
**Sent:** Wednesday, May 11, 2022 9:13 AM  
**To:** Zappasodi, Brittany  
**Cc:** Nicole Sidle  
**Subject:** RE: DELIVERY: REGULATION 16A-6412

**RECEIVED**

MAY 11 2022

Independent Regulatory  
Review Commission

Received.

EMILY EPLER HACKMAN | ADMINISTRATIVE ASSISTANT II

**David S. Hickernell, Majority Chairman**

Professional Licensure Committee  
98<sup>th</sup> Legislative District  
Room 43, East Wing  
Harrisburg, PA 17120-2098  
717-783-2076

**Representative Mindy Fee**

37<sup>th</sup> Legislative District  
Room 47, East Wing  
Harrisburg, PA 17120-2037  
717-772-5290

---

**From:** Zappasodi, Brittany <bzappasodi@pa.gov>  
**Sent:** Wednesday, May 11, 2022 9:02 AM  
**To:** Nicole Sidle <Nsidle@pahousegop.com>; Emily Hackman <Eepler@pahousegop.com>  
**Subject:** DELIVERY: REGULATION 16A-6412  
**Importance:** High

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

Please be advised that the State Board of Auctioneer Examiners is delivering the following proposed rulemaking:

- 16A-6412: Licensure by Endorsement

**Brittany Zappasodi | Legal Assistant II**  
Office of Chief Counsel | Department of State  
Governor's Office of General Counsel  
P.O. Box 69523 | Harrisburg, PA 17106-9523  
Phone 717.783.7200 | Fax 717.787.0251  
[bzappasodi@pa.gov](mailto:bzappasodi@pa.gov) | [www.dos.pa.gov](http://www.dos.pa.gov)

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**Zappasodi, Brittany**

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**From:** Blauch, Tammy <tblauch@pasen.gov>  
**Sent:** Wednesday, May 11, 2022 9:28 AM  
**To:** Zappasodi, Brittany; Smeltz, Jennifer  
**Subject:** RE: DELIVERY: REGULATION 16A-6412

**RECEIVED**

MAY 11 2022

Independent Regulatory  
Review Commission

Received, thank you

Tammy Blauch  
Executive Secretary  
Office of Senator Robert Tomlinson  
Room 286 Main Capitol  
Harrisburg, PA 17120  
(717)-787-5072  
Fax: (717)772-2991  
[tblauch@pasen.gov](mailto:tblauch@pasen.gov)

---

**From:** Zappasodi, Brittany <bzappasodi@pa.gov>  
**Sent:** Wednesday, May 11, 2022 9:01 AM  
**To:** Blauch, Tammy <tblauch@pasen.gov>; Smeltz, Jennifer <jmsmeltz@pasen.gov>  
**Subject:** DELIVERY: REGULATION 16A-6412  
**Importance:** High

Ⓢ CAUTION : External Email Ⓢ

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

Please be advised that the State Board of Auctioneer Examiners is delivering the following proposed rulemaking:

- 16A-6412: Licensure by Endorsement

**Brittany Zappasodi** | Legal Assistant II  
Office of Chief Counsel | Department of State  
Governor's Office of General Counsel  
P.O. Box 69523 | Harrisburg, PA 17106-9523  
Phone 717.783.7200 | Fax 717.787.0251  
[bzappasodi@pa.gov](mailto:bzappasodi@pa.gov) | [www.dos.pa.gov](http://www.dos.pa.gov)

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**Zappasodi, Brittany**

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**From:** Rolko, Seth <Seth.Rolko@pasenate.com>  
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**To:** Zappasodi, Brittany; Vazquez, Enid  
**Subject:** RE: DELIVERY: REGULATION 16A-6412

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Good Morning Brittany:

Thank you for sending PRM 16A-6412. Someone from our office will contact you regarding the publication date in the *Pennsylvania Bulletin*. Take care and have a nice day!

Corinne Marut  
Editorial Assistant  
**Legislative Reference Bureau**  
*Pennsylvania Code & Bulletin Office*  
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Harrisburg, PA 17120-0033  
717-783-1530  
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