

**From:** [Elizabeth Jones](#)  
**To:** [Trisha Linebarger](#)  
**Subject:** FW: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Tuesday, June 23, 2020 5:06:40 PM

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From: sunset@sunset.texas.gov On Behalf Of Texas Sunset Commission  
Sent: Tuesday, June 23, 2020 5:04:48 PM (UTC-06:00) Central Time (US & Canada)  
To: Sunset Advisory Commission  
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS DEPARTMENT LICENSING AND REGULATION

First Name: Martin

Last Name: Pessink

Title: Business Owner-Licensed Auctioneer

Organization you are affiliated with: USV LLC

Email:

City: Gladewater

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

I am writing concerning the recommendation to abolish the requirement for a license to be an auctioneer.

I am opposed to this recommendation and hope that the State will give due consideration to the recommendations made by the Texas Auctioneers Association in regards to this matter. I wish I had statistics and factual documented information to share to bolster my argument but I do not. This will be my opinion based on my observations as a professional auctioneer and as someone who has been a licensed professional in my chosen vocations for almost 40 years.

Without a doubt TDLR has had a lot of responsibility dumped on it by the legislature in the past several sessions when they could not find another agency to take on the task or when another agency effectively lobbied to have something removed to lessen their load. This has caused a heavy work load for TDLR with not only regulating the specific profession but to hire and maintain staff etc. that goes along with it all.

If I were put forth the task of cutting programs one of the factors I would look at would be those that had the least call for staff interaction, the ones with the fewest complaints, and the least call for regulation. I am willing to bet that the Auctioneers licensing falls within this list. If that is the case I would also ask why and the primary reason is that a system was put in place to ensure professional conduct and a fail safe of accountability for inappropriate behavior. The system is designed to protect the consumer as well. The only crooks I have run across in the Auction business are those that take advantage of the loop hole of no license being required for "On-Line" only sales. I am certain that this was put in for the eBay sellers but has resulted in an assortment of both in state and out of state sellers marketing everything from collectibles to major equipment inventories who have a reputation of running up bids and other unethical behaviors because there is no accountability. One of these auctioneers told me he would do what ever he wanted because TDLR couldn't touch him. The only recourse is for the consumer to sue and this will be the case across the board if the State does away with licensing and accountability.

Your study outlined how much revenue licensing brought in as opposed to the cost associated with regulating these licensees. Reading that it sounds like there is little question as to whether it is cost effective or not to keep the program. I believe a big portion of that revenue picture is missing though. To get my auctioneers license I first had to get a sales tax number and I along with every other licensed auctioneer collect a lot of sales tax revenue each year.

I know a lot of "Estate Sales" coordinators that do not collect sales tax, their argument is that it is the individual who

owns the items that is selling them and by law they do not have to collect sales tax. On the converse, if I conduct an "Estate Auction" I must collect the appropriate sales taxes. If you do away with the licensing requirement for auctioneers you are undoubtedly going to see a reduction in sales taxes collected because there will not be any measures in place to ensure it is being done.

I stated at the onset that I had been licensed a licensed professional for almost 40 years. I was a police officer for 32 years (10 of those as a Chief), 4 years in private security, and 3 as a licensed auctioneer. I also have a degree in Organizational Leadership, have graduated from the Bill Blackwood Management Institute, and have served in leadership roles for local and state law enforcement associations. I lobbied many years to maintain professional standards for law enforcement.

When I started in law enforcement there was not a licensing requirement, training standards were basically left up to the local agencies, and there was no threat of losing ones license as an accountability factor. I was fortunate in the fact that I was hired by an agency that had its own academy and had adopted the training standards as outlined by the International Association of Chiefs of Police. It was agencies like this along with like minded professional associations and legislators that lobbied for licensure and training standards to bring the field up to a professional standard rather than a vocation. Can you imagine what chaos it would be to do away with that licensing requirement?

I believe if you do away with the licensing requirement for auctioneers you will see it devolve into a system so fraught with corruption and consumer complaint that you will be back at the table within a few years trying to re-implement standards. What will that cost?

Any Alternative or New Recommendations on This Agency: Identify the real aspect if any of this program that is the most time and/or resource consumptive and address that specifically rather than eliminating the license.

My Comment Will Be Made Public: I agree