

Auctioneer

SEPTEMBER 2015

The official publication of the National Auctioneers Association

2015 IAC Winners

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Spanky Assiter
NAA President

National Auctioneers Association President Spanky Assiter, CAI, AARE, has a long history with the NAA since joining the Association in 1985. Now a life member, Assiter won the NAA IAC title in 1991 - the same year he won the Texas State Champion Auctioneer crown. His first tenure with the NAA Board of Directors, as a Director, came in 1994.

In the summer of 2007, Assiter's global impact on the auction industry was recognized when he became one of the youngest inductees into the NAA's Hall of Fame and TAA Hall of Fame.

He is Chairman and Founder of Assiter Auctioneers in Canyon, Texas, where he makes his home with his family.

It's time to work!

To use a phrase that John Nicholls used in his campaign - I am a blessed man.

One of the main reasons is what is contained in this issue of *Auctioneer*. It features some of the men and women who have made this organization great - International Auctioneer Champions, members of the NAA and Auxiliary Hall of Fame. Many of these people are my friends, and that's why I am blessed.

Two years ago when I decided to run for vice president, our CEO, Hannes Combest, asked me why I wanted to run. Among her reasons: You are already an IAC Champion. You were fortunate in 2007 to have been inducted into the NAA Hall of Fame.

I responded that I didn't want to be the NAA Vice President/President. I needed to be.

I needed to serve you the NAA members, the people who have made this organization a way of life. I needed to serve the auction industry and help promote this great method of sale. I needed to pay back what had been given to me.

When the gavel was passed to me in Addison, Texas at the President's Gala, I felt the weight of the responsibility of this office. I looked down the line at the leaders who had come before me, and I thought about my first convention. I looked at Bob Penfield and remembered listening to Bob talk and my taking notes on what he had to say about being successful in this business. I looked at the friends I have made in this industry and knew that I had made the right decision.

The individuals featured in this magazine are special - they have served. They have given us all their time, and their talents and their stories will make a difference in your life.

But, we can't stop there.

We have work to do! At press time, your NAA Board of Directors is in Grand Rapids, Michigan, beginning to plan for the 2016 year. It is reviewing the work of the Education Institute Trustees, the Advocacy Committee and

the Promotions Committee and integrating all of that into a plan that will lead us to advance the vision of this organization: "National Auctioneers Association members will be the preferred auction professionals used in the marketplace."

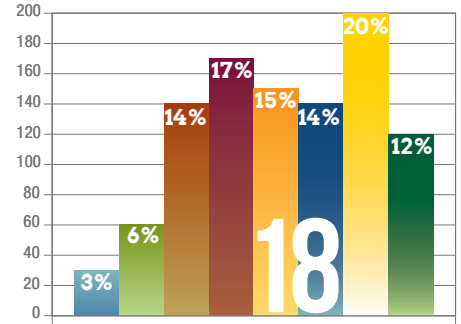
Later, in September, we will be focusing on legislative issues at NAA's Day on the Hill - this is the first time in a long time we've gone to Washington, D.C., and we are using this time to thank long-time NAA members Congressman Billy Long (R-MO) and Congressman Jeff Duncan (R-SC) with a reception Sept. 9. Few organizations are fortunate enough to have a congressman as a member - and NAA has TWO! Both individuals are outstanding advocates for NAA and for the auction industry. We plan to capitalize on that commitment. If you can't be in Washington with us this year, plan to join us next year. Prior to that event, the Advocacy Committee will be meeting to discuss and develop the public policy agenda that will be discussed and approved by the NAA Board in October. It is a busy time for Advocacy.

The three strategic imperatives are moving along. But, as we said at Conference and after, we can't do it without you. We are a small organization, but we can make a mighty impact on the auction industry. We have a plan, and we are moving forward. This year, the Board is going to focus on measuring our progress and then reporting it to you - our members.

You have questions or comments? Just send them on to headquarters - we will make sure we talk about them! And through *Auctioneer*, we'll report what is happening. And, with all of us on the same page, we will make progress.

Love ya, love ya! ❖

Love ya
Love ya
Spanky



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COVER: The 2015 NAA IAC Champions

Peter Gehres and Tammy Tisland won the 2015 International Auctioneer Championship men's and women's titles, respectively. We find out more about who the new champs are.

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On the cover: 2015 NAA IAC champions Peter Gehres and Tammy Tisland pose in Addison Circle Park the morning after winning their respective titles.

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NAA nearing St. Jude \$500k, asking for member input

As the NAA's \$500,000 commitment to fund a post-doctoral research fellowship at St. Jude Children's Research Hospital nears its goal, the NAA is once again accepting member recommendations regarding the association's official philanthropic partnership.

NAA members are asked to submit their suggestions for a charitable partner for the association to support and promote for the next five years. Members interested in submitting a charitable organization for consideration should contact Brandi McGrath Kong at bmcgrath@auctioneers.org by Nov. 1, 2015.

In order to be considered, the proposed charity must:

1. Be a nationally recognized 501(c)3 organization.
2. Have fundraising costs at or below \$0.20 for every dollar raised, according to CharityNavigator.org.
3. Utilize auction professionals and auctions in its fundraising efforts.

4. Actively use public relations and other tools to promote itself at the national level.

The NAA Board of Directors established a policy in April 2011 requiring the distribution of a Request for Proposal to philanthropic organizations every five years or within a period when the major goal has been met. This was designed to ensure that the philanthropic partnership helps advance the mission and vision of NAA and the organization with which NAA partners.

Staff will work with a special member group to evaluate the charities submitted for consideration. The top three organizations will then be invited to submit a request for proposal and make a presentation to the NAA Board of Directors. The NAA Board will be responsible for making the final decision. ❖

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New credit cards: Are you ready?

Merchants must have EMV-ready terminals by Oct. 1 or face potentially steep consequences.

By James Myers



Credit card company Visa says it has adopted the new EMV technology because it makes it "virtually impossible to counterfeit cards."

The swipe-and-sign method of paying for goods and services with a credit card is coming to an end. Due to pervasive credit card fraud, a new technology has been developed to help fight against the billions in dollars of unauthorized transactions that occur every year.

The question: Is the auction industry ready to adopt the new technology?

Fraudulent credit card use grew to \$14 billion globally in 2013, according to BI Intelligence. To curb this epidemic, the magnetic stripe will take a back seat to a microchip embedded in credit and debit cards, offering a more secure method of payment.

The technology is called EMV, which stands for Europay, MasterCard and Visa. It has become the global standard for cards enhanced with a microchip that is used to authenticate transactions. Card issuers welcome this new technology as it shows promise in protecting against fraud. Unfortunately, the cards require a new payment terminal that can read the chip.

Beginning Oct. 1, merchants who have failed to upgrade to the new terminals that can read the EMV chips will be liable for any fraudulent or counterfeit transactions if they swipe a chip-enabled card.

As Visa explains on its website, the company has adopted the new technology because the chip embedded in the card protects in-store payments by “generating a unique, one-time code needed for the transaction to approved,” making it “virtually impossible to counterfeit cards.”

The liability for in-store fraud will shift to the issuing financial institution or the merchant that has not brought in the new payment terminals that can read the chip-enabled cards. For instance, if a chip card is used at a traditional magnetic terminal where the card is swiped, and the purchase is fraudulent or counterfeit, the merchant who has not upgraded to a chip reading terminal will be liable – not the credit card company.

Randy Bregman, who manages the NAA Credit Card



Program/Cardmaster Solutions, said many NAA members already know about the new technology and the liability shift, but he's trying to get the word out to those who remain uninformed.

“The only people who need to worry about it are people who have (payment) terminals,” he said. “People who are online [or] doing online auctions don't have to worry about it because the service provider is the one that has to be compliant.”

These new EMV-chip enabled readers differ in that the card is inserted into a slot where the microchip can be read instead of the traditional swipe method, which only reads the magnetic stripe.

There are just a few machines available that take the EMV card, Bregman said. The new terminals that use a phone line or a hardwired Internet connection cost around \$200. Merchants who want the wireless terminal have two choices, one of which costs \$415 and another that runs \$600.

“We're selling the machines at cost,” Bregman said. “It's not like some kind of a scam. We want people to understand that.”

Furthermore, Bregman is taking this opportunity to make sure merchants using payment terminals are PCI compliant. The PCI Security Standards were put in place to protect cardholder data and are enforced for merchants of all sizes, and all major credit card companies endorse the standard. Merchants who are compliant understand and adhere to a list of 12 requirements, which can be found at www.myci.com.

Merchants become PCI compliant by filling out a questionnaire online, again at <http://www.mypci.com>. Bregman warns that merchants who fail to fill out the questionnaire and do not become PCI compliant will be subject to a monthly \$24.95 fee from processors, who face risks when their merchants are non-compliant.

Anyone with questions or problems regarding the PCI questionnaire can call Bregman at (866) 324-2273. ♦

According to CreditCards.com:
[http://www.creditcards.com/credit-card-news/
emv-faq-chip-cards-answers-1264.php](http://www.creditcards.com/credit-card-news/emv-faq-chip-cards-answers-1264.php)

86

Percent of financial institutions plan on issuing EMV debit cards in the next two years.

\$500

The average cost of an EMV-compliant payment terminal.

48

Percent of debit cards that will be issued as EMV chip-enabled by the end of 2015.

59

Percent of retail locations that will be EMV-compliant by the end of 2015.

\$3.50

The average cost for issuing a new EMV card.

70

Percent of credit cards in the U.S. that will be issued as EMV cards by the end of 2015.

575,000,000

EMV cards issued by the end of 2015.

78,800

The current number of EMV chip-activated merchant locations.





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UCC: Where does it apply?

Question: Does the Uniform Commercial Code apply to most auctions?

Answer: Yes, the Uniform Commercial Code ("UCC") applies to most auctions in some manner. The UCC contains a variety of areas related to commercial transactions. It also covers a broad set of subject matters regulating various aspects of transactions. Article 2 of the UCC applies to the sale of goods. The UCC does not govern the sale of real estate (by auction or otherwise).

However, there are other articles of the UCC that may impact the Auctioneer profession. These articles include Article 3 which governs negotiable instruments (such as checks and promissory notes) and Article 9 which governs secured transactions. There are several important sections in Article 2.

With Reserve v. Without Reserve

Under Article 2 of the UCC, there is a presumption that goods being sold at an auction are subject to a reserve. UCC § 2-328(3) states, in part, that "a sale is with reserve unless the goods are in explicit terms put up without reserve." In order for personal property to be sold at an auction without reserve, the terms must be fairly explicit that the property being sold is without reserve. Explicit terms include things such as: "Absolute," "No Reserve," "Without Reserve," "No Minimums." There have been cases that consider other language used in advertisements and announcements. What about phrases such as "Everything will be sold," "Everything will be sold to the highest bidder," "Everything must be sold," or similar phrases?

Withdraw of the Property

In an auction with reserve, the Auctioneer may withdraw the goods at any time until the Auctioneer announces the completion of the sale. In sales without reserve, once the Auctioneer commences calling for bids, the Auctioneer cannot withdraw the goods unless there no bids are submitted "within a reasonable time." UCC 2-328(3). The phrase "within a reasonable time" is not defined and is not an exact term. Instead, Auctioneers should be aware that what is reasonable will depend upon the circumstances at the time.

Reasonableness will depend, in part, on the

items being sold and the value of the items. If an Auctioneer is selling an original Mickey Mantle jersey that was worn during the 1958 World Series or something of significant value, it may be appropriate to give bidders and opportunity to discuss and put together bids. In this situation, there could be litigation if the Auctioneer withdraws the jersey after only 30 seconds.

Retraction of Bids

Regardless of whether the auction sale is with or without reserve, bidders have the right to retract their bids until the Auctioneer's announcement of completion of the sale. UCC 2-328(3). The retraction of the highest bidder's bid does not revive any previous bid. In other words, a bidder's bid is not irrevocable and bidders have the right to withdraw their bids. However, the withdrawal of the bid does not mean the prior bid will become the active bid.

Completion of the Sale

The sale is complete "when the Auctioneer so announces by the fall of the hammer or in other customary manner." UCC § 2-328(2). There is an exception for late bids where the hammer is falling in acceptance of a previously submitted bid, and on the way down, the Auctioneer receives another bid. The Auctioneer has the discretion to reopen the bidding process to allow additional bidding or to declare the sale final without recognizing the late bid.

Again, the circumstances will influence the Auctioneer's discretion. The current bid price, number of bidders, the number of bids submitted, the value of the item being auctioned, and the remaining number of items to be auctioned will be some of the factors that Auctioneers should consider when exercising their discretion in this situation.

Good Faith

Article 2 has many built-in provisions to help ensure “good faith” and fair dealings in various transactions. Good faith “in the case of a merchant means honesty in fact and observance of reasonable commercial standards of fair dealing in the trade.” UCC § 2-103. For non-merchants, it is a subject standard that will depend on the circumstances.

The duty of good faith and fair dealings, however, will not alter or amend the terms of an agreement. Article 2-328(4) provides, “If the auctioneer knowingly receives a bid on the seller’s behalf or the seller makes or procures such a bid, and notice has not been given that liberty for such bidding is reserved, the buyer may at his option avoid the sale or take the goods at the price of the last good faith bid prior to the completion of the sale.” In other words, the seller is not allowed to bid without providing notice to other bidders first. This is to protect the integrity of auctions and to avoid unjustly inflating the price.

Gaps Fillers

The UCC implies certain terms in every contract for the sale of goods. For example, the UCC implies certain warranties to protect the buyer, unless they are properly disclaimed (where disclaimer is permitted). The UCC also “fills-in” certain terms when there are gaps and establishes some default rules for contract law. Regardless

of whether these terms were contemplated by the parties, they become a part of the contract, unless the parties reject these terms and have agreed to different terms.

Consider a situation where a sale term has been left open either unintentionally or for later agreement. Where the parties agree to a contract but fail to specify the time for delivery, for example, the UCC will require the goods to be delivered within a reasonable amount of time. UCC § 2-309. If the parties fail to agree on the price, the UCC will fill in the gap and state that the parties agreed to a reasonable price at the time of delivery. UCC § 2-305. If the parties fail to agree to the manner for delivery, the UCC will fill-in these gaps as well. UCC § 2-307.

These UCC provisions provide standard terms that are used to fill in the gaps left when the parties enter into a contract that does not specifically address some term. These terms also include the time, manner of payment, the place of delivery, the risk of loss, and many other items.

The UCC was drafted to support and facilitate business and efficiency in business transactions. It is important for Auctioneers to be aware of Article 2 of the UCC and how it will impact their business. Article 2 of the UCC has been adopted in most states and has become a fixture in the business world, including the Auctioneer profession. ♦

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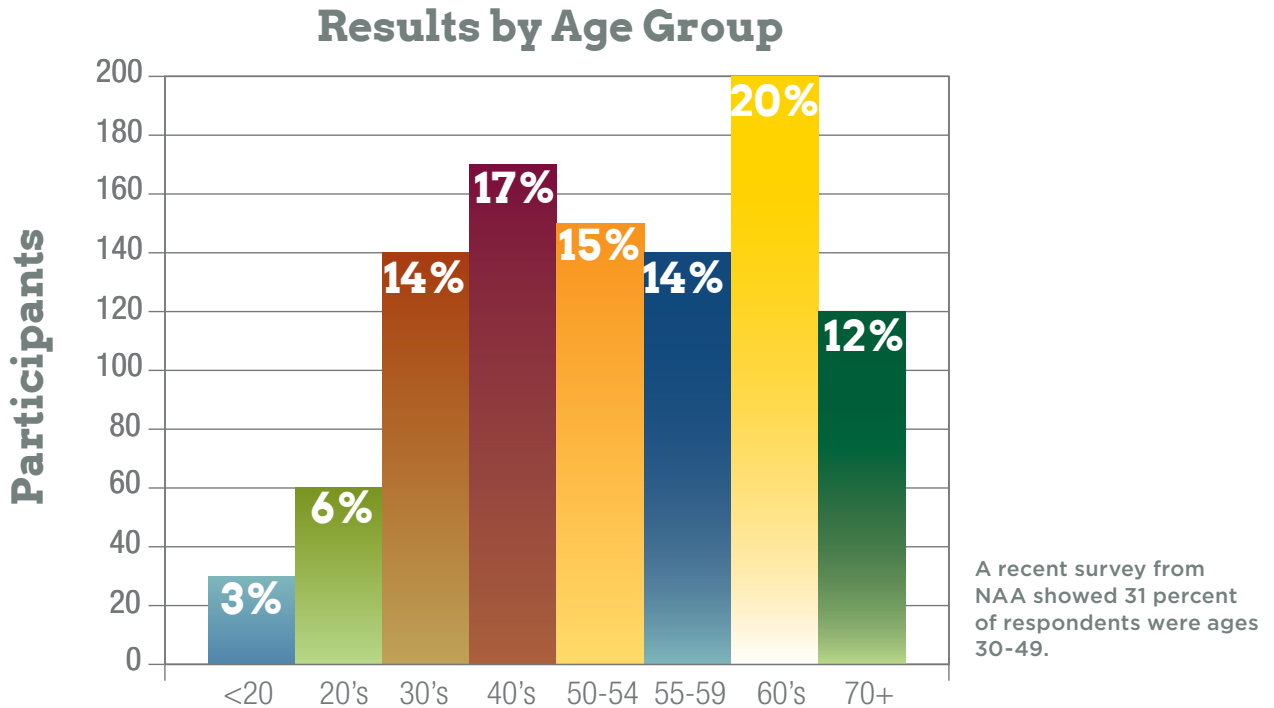
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NAA eyes data

Using tools like Tableau, NAA is visualizing its demographic data, which improves the lead time on effective, efficient decisions.

It doesn't take more than a quick search on "data," "metrics," and "business" to find out how widespread the data conversation now reaches, or how sophisticated it has become. Big businesses and nonprofits alike are discovering ways to sharpen their product delivery based on feedback – numerical and otherwise. Think of it as a tailor taking better measurements for your custom-fit clothing.

Sometimes, though, all of that data comes pouring in on spreadsheets, jumbled emails or maybe even on a good ol'-fashioned notepad. Instead of inspiring new ideas or direction, it inspires a headache or a glazed look from a board or committee member, or even you.

That's why the National Auctioneers Association has jumped into the data collection pool and is coming at it from a data visualization mindset. At-event feedback forms, surveys, membership demographic data drives – all of that information is being collected in order to better measure the true makeup of the NAA membership, and

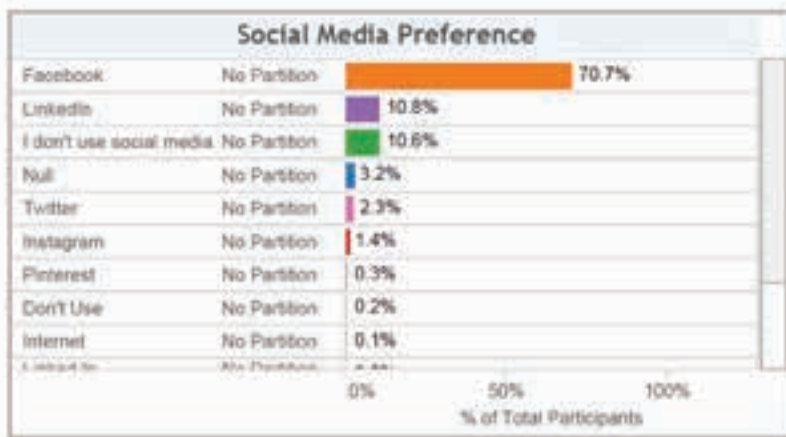
what the membership's needs and wants truly are. And, by using data visualization tools – it makes processing data a much more enjoyable task that can be done more effectively and more efficiently, which is a win for both leadership and membership.

In July, NAA's largest recent data collection project came in the form of a survey conducted during the NAA International Auctioneers Conference and Show in Texas. Those results – which focused on areas such as personal demographics, business sizes, legislative or civic involvement, and social media preferences – were collected and through Tableau, provided leadership with specific feedback including that a touch more than 70 percent of respondents prefer Facebook as their social media tool of choice.

Why is something like that important? Considering the second tool was LinkedIn, at just under 11 percent, it would suggest NAA may want to spend most of its social media concentration on Facebook channels when it wants



Data visualization helps decision makers turn a room full of attendees' wants and needs into faster, more meaningful strategy development and execution, including knowing where to best communicate via social media channels (see below).



All of this is just a beginning point for data efforts. More questions will be asked in the future, and it will be key for NAA members to supply data so that those in leadership positions can remain connected to the association's pulse.

to engage its members. Data takes the guesswork out of future initiatives and tactics.

Another interesting piece to consider is the NAA's age makeup. According to the survey, which included 982 participants (roughly 24.6 percent of the total membership), 55 percent of respondents were age 54 or below. Forty percent indicated they were in their 40s or younger. In other words, the future looks very bright.

All of this is just a beginning point for data efforts. More questions will be asked in the future, and it will be key for NAA members to supply data so that those in leadership positions can remain connected to the association's pulse. That has happened thus far, and the numbers are outlining a strong, committed membership base setting up for long-term relevancy. ❖



By Carl Carter, APR

Carl Carter is President of NewMediaRules Communications, which has provided public relations and marketing communications services to auction companies throughout the U.S. since 1994.

Make sure your callers have a great ‘phone experience’

We should all call ourselves now and then. Just to see what the person on the other end is hearing.

It’s an occupational hazard that I obsess about our public images — what we seek to project, and what people perceive. We spend thousands on websites, brochures, quality clothes and wrappers for our trucks, trailers and toppers.

And then we answer the phone and create an impression — a lousy one, in many cases. That’s not good when the caller may be your next consignor, or somebody who may be bidding on an asset. With more people going to your website, callers may decrease, so you don’t want to blow it. So, here are some simple steps to make sure you make the most of every caller opportunity:

Test the technology. Most of us use Voice Over Internet Protocol (VOIP) for our office phones these days, for good reason. Just make sure you have enough Internet bandwidth to support your voice as well as data traffic so you don’t get warbles and distortion. Then test every phone in the office — every single one — including wired and wireless headsets.

One of my phones works perfectly with a wired headset, but a different extension of the same system sounds terrible. Find and fix your weak links.

Commit to courtesy. With leaner staffs, fewer of us have calls going through a central switchboard, so the phone may be answered by anybody around the office. Or it may go straight to your cell. This can be great as long as you answer the phone politely. Make sure everybody in your office — including you — is committed to a good caller experience and knows how to transfer a call without cutting people off.

Spare the speakerphones. When you call somebody, do you want them to answer on a speaker? Neither does anybody else. Even with a very high quality speakerphone, your caller hears an echo or may feel intimidated, not knowing who might be listening in. Get permission first. Otherwise, use a quality headset or pick up the phone. If you know in advance you’ll have multiple people on the call, use a web meeting service or audio bridge.

Put the music on hold. I was on a recently on a conference call with more than 30 colleagues from all over the country. We’d planned the call for weeks, and it was going well. Then somebody got distracted and hit the hold button, forgetting the “music on hold” feature. Suddenly, we were all drowned out by country music, and the chairperson had to end the call with unfinished business. I’m not sure who the culprit was, but I heard him called a few uncomplimentary things later. (Note: A web meeting service can prevent this, enabling you to isolate and mute the offender.)

Quiet the background noise. Obviously, you want as little background noise as possible. Many of us work in home offices at least part of the time. Some home noises are unavoidable. Just arrange the geography so that your callers don’t hear barking dogs or crying kids. And when there’s a noise, acknowledge it and apologize.

Avoid singing the Bluetooth blues. Finally, there’s the Bluetooth earpiece. These are great when you’re driving and want to be able to answer the phone safely, and at times they can sound better than you would talking directly into the telephone (especially if you have a sloppy habit of holding your phone incorrectly). But different devices work better in different environments. Some have better speakers than

Getting it right isn't much work and doesn't have to cost much money, but when you remember that caller just may be your next big seller, it's worth the effort.

microphones, so it may sound good to you and awful to your caller.

Note that price doesn't always assure quality. (The best Bluetooth I've had cost \$29.) The only answer I know is to test yours in different settings (with an honest friend on the other end) and ask each caller if the connection is OK. Nobody minds being asked. Everybody hates static.

Getting it right isn't much work and doesn't have to cost much money, but when you remember that caller just may be your next big seller, it's worth the effort. ❖



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“My fellow Auctioneers, these awards were not received alone. It takes each of our national and state officers, and the rules and regulations that they establish, to give us guidance in conducting our auction business. This is done in service for those whom we are conducting the auction and those in attendance.”

Martin “Barney” Barnhart

At age 94, Barney Barnhart attended his first Conference and Show in 2015. He appears here with NAA President Spanky Assiter.

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Sept. 22, 1920: Martin “Barney” Barnhart is born on the family farm in Reading, Michigan. His mother asks: *“What will this puny little son make of himself?”*

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- Michigan Auctioneers Association Hall of Fame & Lifetime Achievement Award winner.
- At age 94, Barney still auctioneers every Saturday at the Sale Barn in Hillsdale, Michigan.
- A proud member of the National Auctioneers Association and Michigan Auctioneers Association.
- Attended first NAA Conference and Show in 2015 in Addison, Texas.

One passion.



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2015 IAC Winners



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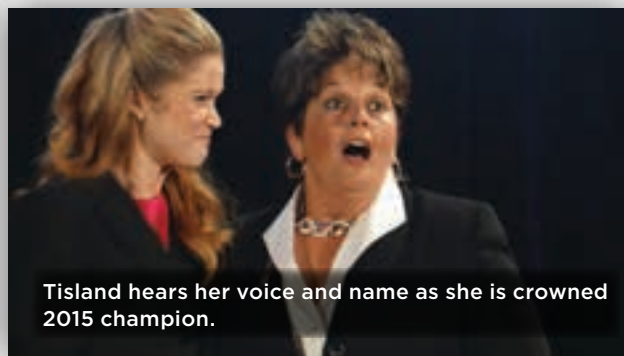
2015 IAC Winners



Veteran support

2015 Women's IAC champ Tammy Tisland's win was aided by mentor advice, but she also supports veterans in a different sense.

By Nancy Hull Rigdon



Tisland hears her voice and name as she is crowned 2015 champion.

Fourteen years ago, Tammy Tisland left behind life as an accountant and antique mall owner to chase the thrill of an Auctioneer on auction day.

“The reasons I became an Auctioneer are not the reasons I am an Auctioneer today,” said Tisland, the NAA’s 2015 women’s International Auctioneers Championship (IAC) winner. “While I still enjoy the thrill of auction day – that’s our reward for all the hard work – I get an extreme thrill and sense of satisfaction from helping folks get from one chapter in life to another.”

The gratification of helping others returns her to work every day, she said.

“It doesn’t matter if you’re helping someone after a death, with an item on consignment or a farm retirement,” Tisland said. “When I’m helping solve a person’s situation, I feel my eyes brighten and

a smile spread across my face, and that’s what it’s about for me.”

Tisland is an Auctioneer with United Country Aasness Auctioneers in Fergus Falls, Minnesota, and specializes in selling real estate, commercial turf equipment, farm equipment, antiques and estates as well as benefit auctions. Also, she serves on the Minnesota State Auctioneers Association Board of Directors.

Outside of Auctioneering, Tisland commits much of her spare time to supporting veterans and their families. She’s a member of the American Legion Auxiliary, American Legion Riders and Patriot Guard Riders. She lives on a small hobby farm and loves to hunt and fish. Above all, she enjoys spending time with her family.

Tisland’s IAC win came during her third year in the competition,



“There is no other industry where professionals so openly share their talents,” Tisland says.

and it was her second big competition win of the year. In January, she was won the title of Minnesota State Auctioneers Association Champion Auctioneer – a win that fueled her IAC confidence.

She said her IAC success was a culmination of evolving as a competitor, following the advice of mentors including JillMarie Wiles, CAI, BAS, and Cary Aasness, and growing not only her involvement with the NAA but also learning to be a giver within the NAA.

Tisland joined the NAA about five years ago, and during her year of serving as an NAA ambassador, she has a message: “Young Auctioneers should not do as I did. Instead, they should be involved in the NAA as early as possible. Not only will the NAA involvement catapult your career, but you’ll learn that the more you give, the more you receive.”

The giving doesn’t end with work, she stresses. Tisland has found great rewards in her community involvement with veterans organizations.

“Through the vets groups and the NAA, the amazing thing is that people you don’t even know you’ve impacted will say, ‘You have been such an inspiration to me,’” she said. “And that is the wonderful part of being a giver.”

Auctioneers are fortunate to have an industry and association where helping others is embraced.

“There is no other industry where professionals so openly share their talents, so I encourage young Auctioneers to give to the industry. Let’s make sure Auctioneering goes on into perpetuation,” she said.

As an advocate for Auctioneering outside of the industry, Tisland challenges each NAA member to find a way to promote the auction method of marketing. For instance, Tisland spends five minutes a day on a local radio show call where she promotes Auctioneering.

“Advancing Auctioneering begins at the grassroots level with each one of us,” she said.

Tisland is passionate about encouraging young professionals to pursue their goals, and as she motivates NAA members throughout the next year as IAC champ, she plans to emphasize a few quotes she turns to for inspiration. One of her favorites reads, “Live each day with courage; take pride in your work; do what has to be done; be tough but fair; when you make promise, keep it; and always ride for the brand.” ❖

2015 IAC Winners



Connected

As 2015 men's IAC champ, Peter Gehres plans to tout benefits of NAA.

By Nancy Hull Rigdon



Gehres calls a bid during the IAC competition.

Peter Gehres, CAI, CES, tells a powerful example of how NAA membership has benefited his business.

"Almost all of my income is a result of the NAA network," he says.

After winning the 2015 men's International Auctioneers Championship (IAC) at the NAA Conference & Show, Gehres is ready to share that NAA outcome with as many auction professionals as possible as the new champ.

"My big goal with fellow Auctioneers during the next year is to make them aware of the benefits of membership in the NAA, and I can tell them first hand that the connections you make through the NAA are huge," he said.

Gehres dedicated himself to auctioneering fulltime in 2006 and promptly joined the NAA.

"When I initially hung out my shingle, there wasn't a lot of activity. And then my first NAA activity, a Certified Estate Specialist (CES) course, was a big networking event for me," Gehres said. "Ever since, nearly every transaction I make is either through another NAA member or through another NAA route."

"A great auction school is important, although that's just a foundation. When you go out into the real world, you have to have that network."

In addition to promoting NAA membership within the auction industry, Gehres aims to also work with the NAA's promotions committee to publicly advocate for the auction method.



Gehres supports a future auction professional during the Foundation's Children's Fun Auction.

"It's important to focus on assets that are not being sold at auction and work to bring them in so that we can grow the entire auction market," Gehres said.

It's critical for Auctioneers to promote auctioneering in all they do, he said.

"Let everyone within your circle of influence know that you are an Auctioneer," Gehres said. "We as NAA members should be constantly promoting not so much ourselves, but what we do," he said.

Gehres is a Columbus, Ohio, representative for Real Estate Showcase Auction Company and owns Belhorn Auctions, LLC, an auction firm specializing in American Art Pottery. In addition, he is an Auctioneer for Mike Brandly, Brinkman Auctions and the Akron Auto Auction.

Gehres also serves as vice chair of the NAA Education Institute (EI) and teaches at the Ohio Auction School. He has been an instructor at the Certified Auctioneers Institute (CAI) and Reppert School of Auctioneering. He currently serves as the Vice President of the Ohio Auctioneers Association and has served on the Board of Directors of the Michigan Auctioneers Association.

Throughout his career, Gehres has increasingly prioritized competitions. In 2006, he was the Ohio Junior Bid Calling Champion, and then he went on to earn titles including 2010 Michigan Auctioneer Champion, 2011 Indiana Champion Auctioneer, 2012 Michigan Ringman Champion and 2014 Midwest Auctioneers. This year, he was named Ohio Auctioneer Champion in January, and his IAC victory came during his seventh time competing in the annual event. Gehres also regularly competes in the World Automotive Auctioneer Championship.

He's learned that competition experience is key to excelling in competitions.

"Competing in contests has been critical to developing my chant and my overall skills," he said.

Gehres plans to soon team up with Andy Imholte, ATS, BAS, to develop a podcast show focused on competing in competitions. 2015 IAC female champ Tammy Tisland will also join the podcast effort, and the shows will represent collaboration with www.iacinsider.com and www.fasttalkingpodcast.com. The show will feature advice on growing into a champion.

Anyone looking to advance in competitions should first focus simply on entering," he said. "When you enter with the right attitude and work hard at networking, you are on the path to becoming a winner." ♦

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OF FAME



KURT KIEFER,
CAI
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LARRY McCOOL
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HALL OF FAME



"It was a shock and an honor to fill one of those [Hall of Fame] slots," Ford said.

2015 Inductee: Danny Ford

Even after 30 years in politics, negative words about the auction professional are hard to find.

By James Myers

One of the aspects of recent NAA Hall of Fame inductee Danny Ford, CAI, CES, that astounds Steve Lewis is that even after Ford's 30-plus years serving in the Kentucky House of Representatives, Lewis has never heard anything negative about him.

"That's saying something for a politician," Lewis said with a laugh.

Lewis, who was inducted in the Hall of Fame in 2009, did the honors of inducting his friend into the Hall during the 2015 Conference and Show.

"He's given so much time to the association over the years," Lewis said. "He's always there when somebody needs something. He's a huge benefit for the auction industry as a whole."

Ford and his brother, Sam, got into the business in 1968 in their small town of Mt. Vernon, Ky. Ford's introduction to the industry started at the bottom, holding up pots and pans as they were auctioned off. He didn't know if his small community could produce enough business for the organization to take off, but

that's exactly what happened. The business is now celebrating its 50th year, and its offices have expanded into three communities in Kentucky.

Ford said he was surprised when he found out he was being inducted into the NAA Hall of Fame. He thought that honor was reserved for auction professionals who had served on the NAA board in one capacity or another.

"It was a shock and an honor to be chosen to fill one of those slots," he said.

Ford joined the NAA in the mid-1970s and was on the CAI Board of Governors in the early 1980s. At the same time, he followed in the footsteps of his grandfather, who was elected county judge, and ran for public office. Ford was elected to the Kentucky House in 1981. He believed at that time he would serve for a few years and get out.

"I ended up being there for 31 years," Ford said.

Asked what has kept him in the auction business all these years,

Lewis said he knows of instances where his friend has anonymously assisted people, from helping pay for funerals to making donations to various causes.

Ford said it all comes down to the people he meets.

“Each sale is a challenge,” he said. “You’re helping people with a need they have in that particular time, both buyers and sellers. It gives you an opportunity to assist people.”

Assisting people seems to be a theme in Ford’s life.

Lewis said he knows of instances where his friend has anonymously assisted people, from helping pay for funerals to making donations to various causes. Even in the statehouse, where he served as a Republican, Ford was able to make friends with the other party.

A Democratic governor picked Ford to manage surplus properties for the state, Lewis said.

“You never heard any legislator from the other party say something bad about Danny,” Lewis said.

Ford Brothers, Inc. has been around for a half century, and it appears that it will be in business long after Danny and Sam call it quits. The brothers have family members, including sons, daughters and grandchildren, involved in the business.

“I think we’re in the greatest profession there is,” Ford said, “one that has withstood lots of challenges. But it’s an honorable profession, and one we need to protect.” ❖

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HALL OF FAME



2015 Inductee: Sherman Hostetter

He traded in pro golf for auction, and the new Hall of Famer has aced the course.

By Sarah Bahari

Growing up, Sherman Hostetter wanted nothing to do with auctioneering, his father's profession.

A passionate golfer, Hostetter studied business at Penn State then launched his professional golf career in 1978. In 1983, his father, Sherman Sr., suggested it was time to consider auctioneering, and for the first time, Hostetter agreed.

More than 30 years later, Hostetter was into the National Auctioneers Association Hall of Fame this past July at the annual NAA International Auctioneers Conference & Show.

"I was totally amazed and humbled," said Hostetter, 60, who owns Hostetter Auctions in Beaver Falls, a suburb of Pittsburgh, Pennsylvania. "You go through life building a resume and working, and you never think about something like this. You do this because it's fun. To be included on a list like this feels incredible."

Hostetter might have initially resisted the auction business, but he soon found it was an ideal fit. And his golf career only helped

him succeed in business.

"Auctioneering is not like being on an assembly line turning widgets. Everything is new and exciting, and you're constantly negotiating," said Hostetter, CAI, AARE, BAS, CES, GPPA. You don't get an honorable mention in a golf tournament if you don't win or place. It's the same way in business. If you fall down, you don't get a trophy. You get up and try again. You work until you're successful."

Hostetter did just that, building a successful real estate and personal property auction business. Then in 2006, the tanking economy began to rattle Hostetter's company. Over the next couple of years, auctions dried up, and buyers stayed away or had little money to spend.

After two auctions in which earnings did not cover the costs, Hostetter told his employees, "We are going to fix this, or we are getting out of personal property and focus on real estate."

The fix meant turning to online auctions in 2009, and the decision proved wise. Business soon boomed, as the company



Sherman Hostetter pauses to take a look at his large family gathered on stage during his Hall of Fame induction speech at Conference and Show in Addison, Texas.

captured a solid share of the Pittsburgh market. Customers preferred the convenience of online sales, Hostetter said, especially during frigid Pennsylvania winters.

“For us, a difficulty turned out to be a blessing,” he said. “It forced us online, and that was as game changer for our business.”

Hostetter Auctions now conducts 12 to 15 auctions each month, employing 10 Auctioneers and four office workers.

The company is still a family affair. Hostetter’s father, who died in 1996, left the company to Hostetter and his brother, Lee, who is also an Auctioneer in Pennsylvania.

Today, Hostetter’s wife, Kim, works as office manager, and his son, two daughters, two sons-in-law and stepdaughters, work in the business.

“I am fortunate that my father paved the way for me,” he said. “I have fond memories of working with him, so I love the fact that I now get to work with my entire family. That means a lot to me.”

Don Shearer, of Kissimmee, Florida, a longtime friend and Auctioneer, said Hostetter is a natural-born helper.

“Auctioneering is not like being on an assembly line turning widgets. Everything is new and exciting, and you’re constantly negotiating.”

— Sherman Hostetter, cAI, AARE, BAS, CES, GPPA

“When Sherman is doing an auction, he is just as concerned of the buyers as he is the sellers. He goes out of his way to help younger Auctioneers,” Shearer said. “And now he has molded his children into being the same kind of Auctioneer. They do not cut corners. They are always there for the clients.” ❖



HALL OF FAME



According to NAA Past President and 2013 Hall of Famer Tommy Williams, “no one has been more important to the overall financial integrity of the NAA” than Kurt Kiefer (middle).

2015 Inductee: Kurt Kiefer

The Hall of Famer knew early on auction was for him.

By James Myers

Auctions are a big part of life in Kurt Kiefer’s Minnesota community – as they always have been. In that surrounding, though he didn’t come from a family of Auctioneers, Kiefer knew as a teenager it was the profession for him.

“I love the method of selling and it just suits my personality very well,” said Kiefer. “I remember going to my first auction by myself in high school and I thought, ‘what a cool way to make a living.’”

His ancestors were among the settlers of Fargo/Moorehead area dating back to the 1870s. Kiefer, CAI, has operated Kiefer Auction Companies in Fergus Falls, Minn., about 60 miles from where his ancestors landed, for 35 years.

He was inducted into the NAA Hall of Fame at the 2015 Conference and Show by 2013 inductee Tommy Williams, CAI.

When Williams was elected president of the NAA in 2008, he brought Kiefer back to the executive board. Kiefer had served a term as treasurer beginning in 1990 and Williams wanted him back to handle the organization’s finances.

“No one has been more important to the overall financial

integrity of the NAA than Kurt Kiefer,” Williams said. “Kurt has the ability to look at financial situations and prioritize things as well as anybody I’ve ever met.”

Kiefer has bought and sold many businesses over the last 25 years. The process involves digging deep into financial statements and reading between the lines. It’s something he sheepishly says he enjoys.

“I love reading financial statements,” Kiefer admits. “Not many people find that interesting reading. Math is very logical; financial statements are very logical when you have good data going in.”

Apart from Kiefer’s ability to see things that others can’t where finances are concerned, Williams points to Kiefer’s character as another reason he deserves to be in the Hall of Fame.

“When you talk to people who have worked for him,” Williams said, “they say he’s passionately involved. Working with Kurt Kiefer is a lifetime journey if you want to make it that way. If he hires you, he wants to stay and climb the mountain together ... I haven’t met anybody willing to give more and expect less than Kurt Kiefer.”

“That’s the thing, people in the NAA will freely give information ... this is a great group of people. The answer is out there if you know who to ask.”

— Kurt Kiefer, CAI

Kiefer and his company perform live real estate auctions, but he’s taken the majority of his auction business online. He’s specialized in inventory for the last 15 years, but continues his relationships with the people he’s met in the NAA since he got involved in 1980. In fact, he hasn’t missed a Conference and Show since his first one in 1983.

“I go because I enjoy the people and learn a lot,” he said. “Literally, if you have a problem in the industry, you know who to call and find an answer”

Kiefer said he remembers one instance in particular about 20 years ago where calling upon NAA members got him through a tough spot. He was involved in a timeshare auction and was in “big trouble.” Lawsuits were flying in all directions, he said, and the banks were contacting him. Through the guidance of trusted NAA members, he was able to successfully get through the situation.

“That’s the thing,” he said, “people in the NAA will freely give information ... this is a great group of people. The answer is out there if you know who to ask.” ♦

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**FOR A COMPLETE LIST OF UPCOMING
EDUCATION EVENTS, SEE PAGE 58!**



HALL OF FAME



Larry McCool's widow, Cynthia (second from left), said her husband "ate, slept and breathed the auction business." McCool's son, Sterling (far left), is now an auction professional. (Also pictured: Family friends Mike and Lori Jones.)

2015 Inductee: Larry McCool

Self-taught, he "ate, slept and breathed the auction business."

By Sarah Barhari

When business at his Mississippi antique store slowed for a few minutes, Larry McCool would pick up a microphone and practice chanting.

Entirely self taught, McCool would go on to become a tireless advocate for the profession and formal education, eventually helping to write Mississippi's Auctioneer License Law. McCool died in 2003 after a two-year battle with lung cancer, despite never smoking.

In July, McCool was inducted posthumously into the National Auctioneers Association Hall of Fame. His wife, Cynthia, and sons, Sterling and Luke, accepted the award in his honor.

"This would have been Larry's dream come true," said Cynthia McCool. "He ate, slept and breathed the auction business. He loved this profession and all of the people in it so much. He would have been so proud."

A lifelong Mississippian, McCool worked as a history teacher in Jackson public schools before opening an antique store. In 1976, he began considering a career as an Auctioneer and eventually sold his antiques business in an auction.

Mike Jones, President of United Country Auction Services, said McCool was a natural behind the microphone. Within two years, he was conducting real estate auctions and charity events and selling antiques from England and around Europe.

"He learned it the hard way, with no formal training," said Jones, who was a good friend of McCool's. "He just observed others and did his research."

His hard work paid off.

Thanks to his knowledge of assets and appraisals, McCool was chosen to liquidate the bankrupt Andrew Jackson Insurance Company in 1992. In 1995, he became one of the first in the country to sell a casino, Biloxi Belle, by auction. Also an art aficionado, McCool opened his own art gallery, which was the one of the first in Mississippi to show African art.

"He was a local celebrity in Jackson," Cynthia McCool said. "Everyone knew him and loved him."

Although he received no formal education, McCool became a champion for the National Auctioneers Association and urged

In July, McCool was inducted posthumously into the National Auctioneers Association Hall of Fame. His wife, Cynthia, and sons, Sterling and Luke, accepted the award in his honor.

Auctioneers to attend auction school.

He served four terms as President of the Mississippi State Auctioneers Association and later served as the state's first Auctioneers Commission Chairman.

In 1998, he was elected to serve on the NAA's Board and served for four years. McCool was named President in 2003, just months before he died. In his last months, he earned his Certified Auctioneers Institute designation.

To reflect his passion for the industry, McCool's estate started a scholarship fund in his namesake for CAI in Indiana. His son, Sterling, became an Auctioneer, and his wife attended auction school after his death in October 2003.

"Larry's legacy has lived on long after he is gone," said Jones, who nominated McCool for the Hall of Fame. "People cannot forget someone like him. He was a very, very unique individual."

"The bottom line is he was an exceptional Auctioneer and an exceptional person," Jones said. "He connected with his clients, his buyers and everyone he came across."

Cynthia McCool said her family grateful for this honor.

"Larry would have been so ecstatic," she said. "The auction profession meant so much to him. This was one of the most magical moments I have experienced.

"We are so thankful." ❖



"Larry's legacy has lived on long after he is gone. People cannot forget someone like him," NAA Past President Mike Jones said.

Monterey Daytime Auction exceeds \$44 Million

WALWORTH, Wis. – In a jaw-dropping display of some of the finest vehicles ever offered at the Mecum Daytime Auction in Monterey, \$44,335,001 in total sales was achieved as 387 vehicles changed hands in three days of auction action, Aug. 13-15.

Headlined by the multimillion-dollar sales of a 1969 Lamborghini Miura P400 S and a 1970 Plymouth Hemi Cuda Convertible, top sales at the auction included a total of seven cars that sold for \$1 million or higher.

“The level of quality offerings at the Daytime Auction continues to increase year after year, and 2015 was no exception,” comments Dana Mecum, president and founder of Mecum Auctions. “With one of the deepest, most diverse dockets ever offered, the \$10-million increase in sales is a testament to this trend, and we are looking forward to raising the bar once again in 2016.”

The original Lamborghini Miura exceeded its pre-auction high estimate by more than a half-million dollars commanding a high bid of \$2.3 million. The Hemi Cuda, which served the duty of demonstrator for its designer John Herlitz when new, proved as few others have done in the past that there is unquestionably such thing as multimillion-dollar classic American muscle with a hammer price of \$2.25 million.

The much-heralded Turbo Carrera Porsche, originally special ordered by Steve McQueen, was expected to break the one-million-dollar mark with its sale, and it did so with ease at almost twice that amount coming in at a hefty \$1.95 million.

The low-mileage Corvette collection hailing from the garages of Ed Foss did extremely well with 21 of 26 hammering sold topped by an unrestored 2,299-original-mile 1956 convertible, which demanded a high bid of \$275,000. The group overall brought \$2,563,500 in sales. ❖



The complete top 10 sales at the Mecum Daytime Auction in Monterey include (all individual sales reflect hammer prices):

1. 1969 Lamborghini Miura P400 S.....\$2,300,000
2. 1970 Plymouth Hemi Cuda Convertible\$2,250,000
3. 1976 Porsche 930 Turbo Carrera\$1,950,000
4. 2005 Maserati MC12\$1,575,000
5. 1989 Ferrari F40..... \$1,150,000
6. 1963 Shelby 289 Cobra Roadster\$1,000,000
7. 2005 Porsche Carrera GT\$1,000,000
8. 1967 Shelby 427 Cobra Roadster\$950,000
9. 1967 Toyota 2000GT\$925,000
10. 2005 Porsche Carrera GT\$775,000

Bass River Marina nets \$6.1 million



marina owner/operators, investors, and developers each with \$200,000 in certified deposit funds in hand. On behalf of an ownership that had recently reclaimed possession and wished to sell the property quickly in a contingency-free format initiated on their preferred timeline, firm President and Auctioneer, Justin J. Manning opened the spirited bidding at \$4,000,000 and ended with a final purchase price of \$6,100,000.

The “Bass River Marina” complex is a well-established marine service center set on 6.3+/- acres on busy Rt. 28 in the heart of Cape Cod

WEST DENNIS, Mass. – JJManning Auctioneers is pleased to announce the July 16, 2015 sale at auction of the “Bass River Marina” in West Dennis, Massachusetts.

Under picture perfect skies, a crowd of over 70 onlookers gathered onsite to watch seven registered bidders compete for this marina property on auction day. The bidders included

with frontage on Horse Foot Cove and access to Nantucket Sound. Improvements on this Mixed-Use zoned turnkey property include 160+/- wet slips accepting boats up to 45 feet, 78 indoor dry slips, 44 outdoor dry slips plus another 62+/- permitted, a 15-ton travel lift, offices & support buildings, boat showroom, restaurant, 12,000+/- sf. retail/office building, and ample parking. ❖

European paintings, French arts offers strong prices in July

PASADENA, Calif. – Drawing a large crowd for in-person preview, John Moran Auctioneers’ July Decorative Arts Auction catalog offered something for everyone.

Contemporary paintings were displayed alongside traditional Continental works of art, art glass by Steuben and Tiffany, French and English furniture and silver. The un-catalogued Discovery sale featured approximately 200 lots of assorted treasures and Decorative items, including Persian and Chinese carpets, American and Continental works of Art, furniture and silver flatware, figures and hollowware. Overall, Moran’s achieved an 85-percent sell-through rate for both sessions, with over 1,000 approved bidders registering through Liveauctioneers, Invaluable and Bidsquare.

A number of the bronze sculptures featured in Moran’s July and June catalogs were consigned from a single private Rancho Palos Verdes collection, and brought excellent prices for their consignor. “Le Travail”, a figural bronze by 19th century French artist Claudius Marioton, depicting a blacksmith holding a forged candle pricket before him, found a buyer for \$1,625, just a hair above the \$1,200-\$1,600 pre-auction estimate.

Hailing from the same collection, an evocative and apparently unsigned sculpture of a mother and child, modeled huddled together and braced against the wind, was expected to bring \$800 to \$1,200 and earned \$1,020. One of a number of intriguing pieces consigned from the Las Vegas Estate of Dr. Paul E. Keith III (which also proffered a number of excellent examples of

\$28,125



\$15,990

contemporary design, the majority of which was sold in Moran's more modern-leaning June Decorative Auction), a wonderfully-modeled bust of winged Mercury by Raymond Sudre (1870-1962 French) brought \$1,440 at the auction block (estimate: \$800 to \$1,200).

A Collection of Lalique art glass from Ventura, CA brought out the serious collectors in droves, with a number of telephone bidders duking it out against interested online buyers. A classic 1920s clear and frosted glass "Eucalyptus" vase with molded eucalyptus leaves surrounding the body of the vase and a eucalyptus seed pod-form base was brought to the block with a \$1,000 to \$1,500 estimate, and sold for \$1,320. A gorgeous example of Lalique's early perfume bottle designs, an "Ambre de Siam" bottle dating to approximately 1919 and retaining approximately half of its original fragrance was sold for an astounding \$7,995, well over the \$2,000 to \$3,000 estimate.

Shortly following, a highly anticipated "Coqs et Raisins" cocktail shaker incited fierce bidder competition between an interested party bidding via Liveauctioneers and a collector bidding from the floor. In the end, the floor buyer proved successful, paying \$4,200 to bring home the shaker (estimate: \$1,500 to \$2,000).

Traditional French decorative arts proved to be ever-popular among floor bidders as well, with a number of pieces bringing excellent prices at Moran's July sale. An enamel and gilt bronze lady's vanity set with inset portraits in the style of Anatole Vely (1838-1882 French) sold to an online bidder for \$3,382 (estimate: \$1,200 to \$1,800). Later in the catalog, an onyx, marble and champlévé pedestal with inset porcelain plaques by maker FizeL Aine earned \$3600 (estimate: \$3,000 to \$4,000), with a floor bidder proving successful. A circa 1880s gilt-bronze mantle

clock surmounted by a patinated bronze figural group depicting putti wrestling with a goat by maker Denière and Cailleaux was a breakout highlight; the clock earned \$28,125, selling to a collector bidding remotely (estimate: \$5,000 to \$8,000).

A charming silvered bronze centerpiece by influential French maker Christofle, dating to the late 19th or early 20th century and featuring silvered bronze putti modeled in the round inspired competition between absentee and telephone bidders; an international phone bidder proved successful, paying \$9600 for the piece (estimate: \$3,000 to \$4,000).

A number of excellent European and Russian paintings were offered up in the July auction, including oil on canvas by Antanas Zemaitis (1876-1966 Lithuanian) depicting far-off campers in a verdant valley landscape. While few of Zemaitis's works have ever been offered at auction, this piece struck a chord with collectors, reaching a final selling price of \$15,990 within seconds of opening (estimate: \$7,000 to \$9,000). Also from the Rancho Palos Verdes collection mentioned previously, a dark horse Russian school oil on canvas signed indistinctly and dated "1839" must have rung some bells with online bidders; the estimated selling price was \$500 to \$700, but the bidding did not top out until it reached the \$43,000 mark.

A select few American paintings were also on offer at the July auction and brought respectable prices; "Near Tasco (sic)", a watercolor by Los Angeles artist Emil Kosa Jr. (1903-1968) depicting figures and lush trees before a Mexican church sold just within estimate, for \$2,040 (estimate: \$2,000 to \$4,000). Another watercolor, this one by Milford Zornes (1908-2008 Claremont, CA) and titled "Back Bay - Newport", was expected to earn \$800 to \$1,200, and outstripped its estimate when it sold

for \$1,708 to a floor bidder. Perhaps most stunning, a colorful townscape in watercolor and gouache by John Haley (1905-1991 Berkeley, CA) was assigned a pre-sale estimate of \$400 to \$600, and flew to a selling price of \$3,437 after a bidding war between an online and telephone buyer.

A number of collectible Steuben glass animals were offered near the end of the auction catalog, and achieved stellar prices. A rather rare dinosaur figure, originally designed in 1964 by David Hills, was estimated to bring \$300 to \$500 and achieved \$1,168 at the block. An ever-popular unicorn bust fitted with a 14k horn and crown earned \$1440 (estimate: \$600 to \$900), while a group of safari animals brought \$1,440 (estimate: \$300 to \$500); both were snapped up by an enthusiastic telephone bidder.

Additional highlights include:

- A set of three Tiffany iridescent yellow Favrite etched cordials and matching decanter, one of a number of lots of iridescent glass by Tiffany and Steuben on offer at Moran's July Decorative Art Auction, inspired aggressive bidding by telephone and absentee bidders; the lot sold for \$2700 (estimate: \$1,500 to \$2,500).
- A Rookwood vase decorated and signed by celebrated artist

Albert Robert Valentein (1862-1925) was brought to the block with a \$1,500 to \$2,000 pre-sale estimate, ultimately selling for \$2,500 to a collector bidding online.

- A pair of gilt-bronze wall sconces, each fitted with a hand-painted porcelain plaque signed "Beitien" depicting a scene from classical mythology appealed to those in the crowd with more traditional tastes, easily earning \$3,600 at Moran's July auction (estimate: \$1,000 to \$1,500). ❖



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Where does liability end?

Can an auction professional still be held liable for a downstream purchase?

By George A. Michak, Esq., special to *Auctioneer*

Not everything that crosses the block is sold “as is, where is.”

Sometimes this is intentional, sometimes not. When an auction professional with recognized expertise in identifying, evaluating and marketing certain types of property represents goods as being of a particular character, quality, or authentication, he or she adds value to the sale and invites reliance by bidders (and, ultimately, the buyer). You may see this in a variety of contexts, and, typically, when there is a catalog sale.

In crossing the threshold from an “as is, where is” auction to one in which the Auctioneer elicits reliance on the Auctioneer’s expertise and authentication, the Auctioneer should be aware of the creation, extent, and consequences, as well as the possible longevity, of representations and warranties to immediate buyers, and beyond.

In this regard, an important question is – “Can a subsequent, downstream purchaser who buys goods from the successful bidder (or, more remotely, from someone who bought from the successful bidder) pursue a claim against the Auctioneer if the

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Under any circumstances, the Auctioneer should become familiar with, and consider purchasing, errors and omissions, or professional liability, insurance.

property turns out to be not as described?” Two recent cases bring this issue into focus.

In *Tony Shafrazi Gallery, Inc. v. Christie’s Inc.*, the auction company authenticated a painting attributed to the deceased artist Jean Michel Basquiat. The auction occurred in 1990 and included the Auctioneer’s warranty of authenticity. In 1991, the auction buyer sold the painting in a subsequent private sale. Years later, in 2006, the subsequent buyer sought to have the painting included in an exhibit, but it was rejected as counterfeit. The subsequent buyer, who had no dealings with the auction company (but apparently relied on the description in the auction catalog), sued the auction company in New York state court claiming fraud and breach of warranty.

While the warranty claim was dismissed based on the statute of limitations, the fraud claim was allowed to proceed. Significantly, the court determined that the auction company made itself part of the provenance, and should have expected that a subsequent purchaser would rely on the catalog description. As such, it was not necessary for the subsequent buyer to have dealt directly with the auction company in order to bring a claim based on fraud or misrepresentation. Although the court ultimately found that there was no fraud (and the auction company won on the merits), the court clearly opened the door for a subsequent

purchaser to raise a claim based on an alleged misrepresentation by the Auctioneer.

In a case with even more remote claims of liability (see *Koch v Christie’s International Inc.*), the auction company cataloged and sold wine that was supposed to have been owned by Thomas Jefferson. Subsequently, the consignor sold similar bottles in a private sale. Claiming that the latter bottles were fake, the subsequent buyer sued the auction company for fraud and conspiracy based on its authentication of the original lot.

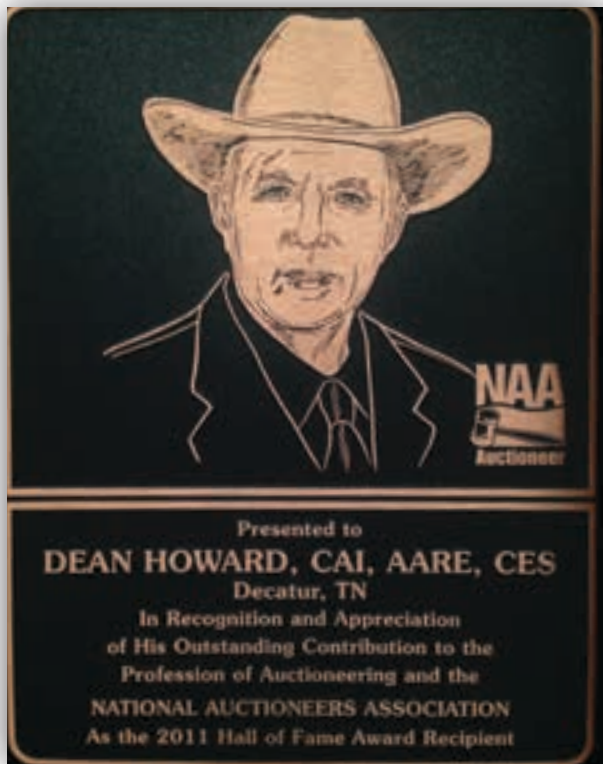
Because the statute of limitations had passed, a federal court in New York dismissed the case and never reached the merits. However, the case raises a concern about possible theories of liability against an Auctioneer regarding goods from the same source as those bearing the imprimatur of the auction company.

So, where does this leave us?

With appropriate disclaimers, other professionals (accountants in particular) have been successful in limiting liability to subsequent users of their work product. This shows the import potential of bidder terms and conditions that restrict the Auctioneer’s relationship (and liability) to the immediate buyer. It should be noted, however, that while an Auctioneer may achieve success in limiting warranty (i.e., contract) coverage to the immediate purchaser at auction, there may be greater difficulty in limiting the recourse of subsequent purchasers based on alleged misrepresentations or professional negligence.

Under any circumstances, the Auctioneer should become familiar with, and consider purchasing, errors and omissions, or professional liability, insurance. Typically, such insurance would not pay damages should actual fraud be determined, but it will usually provide for the costs of defending a lawsuit. Also, as you navigate these waters, you should rely on the advice of a good lawyer. ❖

NAA Hall of Famer Howard passes away



Dean Howard, age 77 of Decatur, passed away Friday, July 31, 2015 in Chattanooga, TN.

Dean was a well-known farmer and Auctioneer. He started his farming career with his father in high school, growing strawberries, tobacco and beef cattle. In high school, he was the recipient of the distinguished FAA American Farmer Award. In 1972, he was awarded the McMinn County Outstanding Young Farmer of the year.

Along with his farming operation, he conducted auctions with

Dean Howard & Daughters Auction Company for 40 years. He was an active member of Tennessee Auctioneer Association and the National Auctioneers Association, conducting numerous education sessions. He is a member of the TAA & NAA Halls of Fame. He was a lifelong member of Short Creek Baptist Church.

He was a son of the late Arthur Howard and Essie Sewell Howard and Eva Bright Howard. In addition to his parents he was preceded in death by his wife of 54 years, Sue Carter Howard; daughter, Sherry Howard; brothers, H.C. Howard and Dobbins Howard.

Survivors include three daughters and sons-in-law, Carol Howard Erwin and her husband, Erec of Athens, Lynn Howard Mashburn and her husband, Carl of Athens, Charlene Howard Miller and her husband, Pat of Decatur; five grandchildren: Brandon Mashburn, Nic Mashburn, Nicole Curtis, Millie Hicks, Olivia Miller all of Decatur-Athens area; six great grandchildren; sister, Joyce Bailey of Etowah and numerous Howard and Sewell cousins.

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Andy Miller

“We are excited to be first-time members of the National Auctioneers Association. We joined the NAA because we are ready to take our auction business to the next level and this partnership was the obvious first step in doing so. I am excited to take advantage of the many resources and first-class educational opportunities that the NAA affords to its members.”

Andy Miller
Harlan, Ind.

Reported sales* in 2014 by NAA members with an Accredited Auctioneer of Real Estate (AARE) designation:

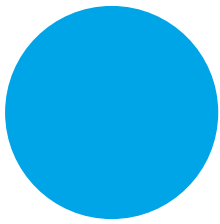
\$1.35

**Results per a survey conducted by the NAA that had an 18.79-percent response rate. Those who responded reported a total of 2,417 sales conducted in 2014. Earn your designation. Start by calling 913-541-8084.*

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Sources: 2012 Mendelsohn Affluent Survey, adults 18 or older, HHI \$100,000 or more; September 2012 ABC Publisher's Statement (print copies only)

New EI Trustees have sights on present, future

NAA Education Institute Trustees – new members

JORDAN COFFEY



Jimmie Dean Coffey, CAI, AARE, MPPA, CES, BAS, plans to eye the future as an Education Institute (EI) Trustee. Specifically, he'd like the NAA to anticipate how technology will affect auctions moving forward.

“Let’s train our members for the future,” he said.

Coffey, an Auctioneer, broker and appraiser with United Country Coffey Realty and Auction in Bloomington, Indiana, entered the auction industry more than 30 years ago. A childhood moment has fueled his passion for the NAA’s Certified Auctioneers Institute (CAI) program.

In 1976, when Coffey was 12, he was carrying a basketball autographed by the ’76 undefeated Indiana Hoosiers NCAA Championship team when an Auctioneer asked if it was for sale. The ball brought \$150 at auction. Fast forward 20 years, and on Coffey’s first day at CAI, he realized his ball turned into a CAI fundraising item before landing in the NAA museum archives. Today, he owns the ball and has served on the CAI committee, including as Chair.

“CAI has always been very special to me,” he said.



Tom Jordan, CAI, AARE, ATS, CES, MPPA, considers the friendships he’s built in six years on the Conference & Show committee as invaluable.

“I’ve enjoyed getting to know my fellow committee members, and know I can always turn to any one of them for an honest opinion,” said Jordan, who’s spent 15 years in auctioneering and serves as president and owner of Carolina Auction & Realty in Raleigh, North Carolina. “I’ve learned a tremendous amount from the others on the committee, and they have called me up with referrals that have been very profitable.

“And I’ve been able to pass on valuable referrals for committee members as well.”

As an Education Institute (EI) Trustee, Jordan plans to help ensure the NAA consistently monitors and evaluates its educational offerings.

“We need to make sure our courses are relevant for the times,” he said. “It’s important we offer the highest quality education possible to our members.”

- Nancy Hull Rigdon

“Oh” so different

Ohio Auction School uses champion summits, live-action training to stand out.

By Sarah Bahari



The Ohio Auction School strives to provide a different sort of education.

“We do not simply focus on bid calling. Any school can teach you how to call bids,” said Mike Brandly, who is the school’s executive director and founder. “There is so much more to auctioneering. We provide a comprehensive picture of the auction industry.”

Students receive lessons on the ins and outs of running a business, from human resources to marketing. The school offers two sessions per year in Groveport, a suburb of Columbus, and occasionally a third session in Glendale, Ariz.

Brandly, CAI, AARE, started the school in 1999, in response to interest from clients and customers. “Little did we know all that is involved in running an auction school or how successful it would be,” he said.

Thanks to its success, the school has branched out to offer continuing education courses for professional Auctioneers,

mostly focusing on auction law and bid calling competitions. It also offers auction exam preparation courses and seminars on various topics, from voice care and gun sales to personal property appraisals.

In August, it hosted the “2nd annual Champion Auctioneer Summit,” a two-day gathering of high-profile Auctioneers.

Housed at Brandly’s auction house, Ohio Auction School provides students with the opportunity to sell at a weekly antiques and collectibles auction. “Our students are right in the thick of it,” Brandly said. “They learn by doing.”

Throughout the 10-day sessions, instructors stress two points, Brandly said. First, a good reputation in one’s community is crucial to success.

“Be careful what you do and how you act,” he said. “You are always on a stage, and you have to be aware of that.”

Second, the better all Auctioneers do, the better each will do individually. “The more auction is accepted as a great way to maximize price in a short time, the more business we will all have,” he said.

Brandly also suggests students consider seeking work in established auction houses or with professional Auctioneers, rather than immediately starting their own business, which can be difficult for novices.

To help students succeed, the school employs a slate of top-notch instructors, including the past two men’s NAA International Auctioneers Champions – Jason Miller, CAI (2014), and Peter Gehres, CAI, CES (2015); and 2015 women’s NAA IAC runner-up, Beth Rose, CAI.

“We have a really talented, motivated and passionate staff here,” Brandly said. “Our students have access to some of the top Auctioneers in the country.” ❖

Southeastern School of Auctioneering



Reppert Auction School



Mendenhall School of Auctioneering



Carolina Auction Academy



Support the kids of St. Jude by participating in *Auction for Hope.*

Five-year-old Mason is a rough-and-tumble boy, always on the go. He loves exploring outdoors and fishing in the river near his family's home. In late 2013, Mason's parents, Matt and Kim, noticed that his color was off, and he had an abnormal number of bruises – even on his back. When bloodwork revealed Mason suffered from acute lymphoblastic leukemia (ALL), his doctor sent the family to St. Jude Children's Research Hospital® the same night. Treatments invented at St. Jude have helped increase the survival rates for ALL from 4 percent before opening in 1962 to 94 percent today.

Mason's treatment at St. Jude includes two-and-a-half years of chemotherapy. "Mason loves it here," said Kim, "and that makes it easier for us, seeing a smile on his face even when he's undergoing chemo." Within weeks of starting treatment, Mason's cancer went into remission. Even while fighting this disease, Mason has regained his energy and is back to being his active and gregarious self. He loves to run around his family's 40 acres of land, ride his pony, meet new people and play with his little brother. "You wouldn't know he's sick," said Matt. "St. Jude is an amazing place."



Sponsored by:



Mason
age 5
Missouri
acute lymphoblastic
leukemia

©2016 ALSAC/St. Jude Children's Research Hospital (22274)

stjude.org/naa



EDUCATION CALENDAR

BENEFIT AUCTIONEER SPECIALIST

Denver, Colorado • Westin Hotel • October 5-7, 2015

AUCTION TECHNOLOGY SPECIALIST

Milwaukee, Wisconsin • Crowne Plaza • November 2-4, 2015

AUCTION TECHNOLOGY SPECIALIST

Boston, Massachusetts • TBD • November 9-11, 2015

ACCREDITED AUCTIONEER REAL ESTATE

Columbus, Ohio • Marriott Northwest • November 22-24, 2015

DESIGNATION ACADEMY

Las Vegas, Nevada • Bally's Hotel & Casino • December 6-12, 2015

AARE (December 6-8)
AARE Extension (December 9-10)
ATS (December 10-12)
BAS (December 10-12)

CES (December 10-12)
GPPA (December 6-10)
Interpersonal Communications
For Auctioneers (8-9)

Expert Witness (December 10-12)
Online Auction
Methods (December 6)
Uspap (December 11-12)

CERTIFIED AUCTIONEER INSTITUTE

Bloomington, IN • Indiana University • March 20-24, 2016

CAI NEXT

(available for current CAI holders only)
Bloomington, IN • Indiana University • March 22-24, 2016



CONFERENCE AND SHOW

Grand Rapids, Michigan • DeVos Place Convention Center • July 19-23, 2016

Pre-Conference Designation Classes • July 17-19, 2016

Please note that the information above is subject to change as events approach. This calendar will be updated as information becomes available.

CONGRATULATIONS!

NAA Designations earned: July 2015

AARE

Mark Woodling

ATS

Clyde "Fred" Wilson

GPPA

Don Alexander



EARN YOUR DESIGNATION!

Check out the Education Calendar for upcoming NAA education opportunities. You can also visit the full education calendar on the NAA website at www.auctioneers.org/education-calendar.



Scott Robertson, CAI, BAS, (left) delivers a fundraising pitch during Conference and Show in Addison.

Cause worthy

Nonprofits think they will make more by spending less (or none) on an auction professional. That’s wrong.

By James Myers

Most nonprofit organizations are in a constant struggle to stay within their budgets as they focus on their cause.

Fundraising events are paramount to the success of most a charity organizations, but is it fiscally responsible to hire someone to organize and manage fundraisers? When partnered with an experienced Benefit Auctioneer, the answer is a definite “yes.”

Scott Robertson, CAI, BAS, has experience with organizations that aren’t sure if they should bring in an auction professional for their event. If he feels Scott Robertson Auctioneers are a good fit, he’ll bring up his company’s track record as proof that it is advantageous to bring in an auction professional.



“The primary reason I see charity auctions fail to achieve expectations is they simply refuse to get out of their own way,” Robertson said. “They focus on the costs of hosting the event instead of the return on investment. Also, they are often more concerned with throwing a party than hosting a fundraising event.”

Kathy Kingston, BAS, is also a Benefit Auction Specialist and has actually written the book on the subject, “A Higher Bid: How to Transform Special Event Fundraising with Strategic Auctions.” She knows skilled Benefit Auctioneers add value, but can back it up with facts – an NAA-sponsored study published a few years ago reveals that Auctioneers with the BAS designation raise about twice as much money for their clients compared to the auction outcomes where the BAS credential was absent.

“It’s imperative that professional Benefit Auctioneers not only sell items,” Kingston said, “but they have to sell the mission of the organization.”

Benefit Auctioneers often begin working a benefit auction months before the night of the event. If it’s done right, their work continues to pay off long after the auction event has ended.

“Asking ‘how can I raise money?’ is the wrong question,” Kingston said. “How can we have more fun? How can we create excitement? How can we create a dynamic culture of giving that engages your guest at your auction and beyond?”

Benefit Auction Strategy

The benefit auction, like any other auction, involves strategy. Robertson compares his events to snowflakes – “no two are alike.” He approaches every client with open and honest communication. They work together to establish goals, financial and otherwise, through an auction committee. The committee should also be focused on audience development and quality item procurement, he said.

“Audience development is a 365-day priority for successful not-for-profit organizations,” Robertson said, “not just something to focus on the last 30 days before the auction.”

Furthermore, Robertson said society today is constantly plugged in, always feeling the need to be entertained (“i.e. checking Facebook at a red light”), which is why the auction gala needs to proceed without delays.

“They can never drag,” he said. “So, an efficient timeline is more important than ever.”

Kingston’s strategy these days weighs heavily on something called “fund-a-need.” She refers to it as the “most powerful” way to raise money. Essentially, auction participants aren’t bidding on a tangible item in a “fund-a-need” auction. Rather, they are moved to give to the cause and go home with a good feeling rather than an item.

“It’s an opportunity for every single guest to raise their bid card to give a straight donation to the cause at a level that is meaningful to them,” Kingston said.

The fund-a-need portion of the benefit auction has been an “epic success,” Kingston said. However, when it comes to strategy, a one-size-fits-all solution doesn’t exist. In some auctions there is no silent or live auction, just a fund-a-need. In others, the fund-a-need will become before the live auction, while in others it comes after. However, one thing she knows no Benefit Auctioneer should do is put the fundraising portion of the event at the end of the night.

“It’s financial suicide,” she said. “Do it much earlier than you’ve ever done it in the past.”

Staying Educated

Robertson and Kingston both agree that Benefit Auctioneers will do themselves a great service when they invest the energy into earning the BAS designation. However, it takes more than a week or so of coursework to become a successful benefit auction professional. Both agree that becoming literate in the terminology of non-profits is extremely important.

“Learn as much as you possibly can about every charity you work for,” Robertson advises. “So, when you’re on stage, you are the goodwill ambassador for the charity that evening.”

Kingston believes an effort should be made to attend the annual BAS summit, look into the various national and international organizations related to fundraising, go to local and regional meetings, and get motivated to learn and stay fresh on benefit auction techniques.

“Work collaboratively with Auctioneers who are accomplished Benefit Auctioneers,” she said. “I think it’s one of the most powerful ways they show their leadership skills in the industry.”

“Auctioneers are leaders. Here’s another whole facet (of their abilities) that Auctioneers can showcase.” ♦

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Auctioneer

IN THE RING

PAGE *“People who are online [or] doing online auctions don’t have to worry about it because the service provider is the one that has to be compliant.”*

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Randy Bregman, on where liability rests regarding new EMV-chip readers and credit cards.

*NAA Credit Card Program/Cardmaster Solutions
Riverside, California*

PAGE *“Be careful what you do and how you act. You are always on a stage, and you have to be aware of that.”*

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Mike Brandly, CAI, AARE, on how auction professionals should conduct themselves publicly.

*Executive Director, The Ohio Auction School
Groveport, Ohio*

PAGE *“The primary reason I see charity auctions fail to achieve expectations is they simply refuse to get out of their own way. They focus on the costs of hosting the event instead of the return on investment. Also, they are often more concerned with throwing a party than hosting a fundraising event.”*

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Scott Robertson, CAI, BAS

*Scott Robertson Auctioneers
Matlacha, Florida*

AROUND the BLOCK

- Drew Dixon, the **second-generation lead Auctioneer for Marietta-based John Dixon & Associates**, has become the fifth individual in the firm to be named to the Georgia Auctioneers Association Hall of Fame.

“It’s a great honor to be inducted, and it was certainly a surprise,” said Dixon. Other John Dixon & Associates personnel in the Georgia Hall of Fame include John Dixon, Joe Tarpley, Mike Loftin and Bob Tucker.

John Dixon and Joe Tarpley also are members of the National Auctioneers Association Hall of Fame.

- “Everything Big Happens Here” boasted the brochure for the 66th International Auctioneers Conference & Show. The words were a perfect fit for the Texas-sized gathering that **drew more than a thousand attendees, including reps from Russell Johns Associates** who were there to tout USA TODAY’s “Auction Showcase.”

The Conference & Show, which took place July 14-18 at the Intercontinental Dallas Hotel, was presented by the National Auctioneers Association, the world’s largest association dedicated to professional auctioneers.

The NAA Conference & Show is the perfect opportunity for auctioneers and vendors of all kinds to meet in person, and I was extremely proud to be able to represent USA TODAY this year,” said Joseph Doner, National Media Development.

- New York-based luxury real estate auction firm Concierge Auctions achieved monumental success during the first half of 2015 and is **on pace to exceed \$1 billion in aggregate sales** by the close of the year.

MEMBERS' CORNER

Learning from the Legends

This year's NAA Conference and Show offered something a bit different on the trade show floor. On Wednesday and Thursday, "Learning from the Legends" took place on the Proxibid + ebay stage, opening the door to terrific insight and stories from some of the auction industry's most legendary figures.



Lockhart and Williams enjoy the first Legends session.



Benny Fisher speaks with the crowd.

The first day's session saw Tommy Williams, CAI; and Cookie Lockhart, CAI, CES, GPPA, share their experiences with an enthusiastic, listening crowd numbering more than 100. The second day followed up with a dynamic trio consisting of Benny Fisher, CAI; Terry Dunning, CAI, MPPA; and Marty Higgenbotham, CAI, CES, who engaged an even larger crowd thanks in part to the first day's buzz.

Early returns from attendee feedback say the "Learning from the Legends" events were a success!



Fisher and Terry Dunning listen as Marty Higgenbotham shares his experiences.

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