

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 2786** Session of  
1980

INTRODUCED BY POLITE, JUNE 24, 1980

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JUNE 24, 1980

AN ACT

1 Amending the act of September 29, 1961 (P.L.1745, No.708),  
2 entitled, as amended, "An act to define license and regulate  
3 resident and nonresident auctioneers and apprentice  
4 auctioneers in this Commonwealth, and revising, consolidating  
5 and making the law uniform relative thereto; conferring  
6 certain powers and duties on the Board of Auctioneer  
7 Examiners, the Commissioner of Professional and Occupational  
8 Affairs, the Secretary of the Commonwealth and on certain  
9 other departments and officers of the State; providing for  
10 the keeping of records and the inspection thereof; repealing  
11 certain inconsistent laws, and providing penalties,"  
12 providing for hearing examiners.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. Subsection (b) of section 20, act of September  
16 29, 1961 (P.L.1745, No.708), known as "The Auctioneers' License  
17 Act," reenacted and amended June 15, 1972 (P.L.399, No.119), is  
18 amended to read:

19 Section 20. Investigation of Complaints; Grounds of  
20 Suspension or Revocation of Licenses; Hearings.--\* \* \*

21 (b) Before refusing, suspending or revoking any license the  
22 board shall, in writing, notify the applicant or licensee of the

1 charges against him, accompanying the notice with a copy of the  
2 complaint, if any, filed and the board shall accord the  
3 applicant or licensee ample opportunity to be heard in person or  
4 by counsel. [If the applicant or licensee shall desire, the  
5 board shall grant a hearing upon the charges to be held on not  
6 less than ten days prior notice in writing to the applicant or  
7 licensee given, and shall furnish licensee at the time of giving  
8 the notice with copies of any and all communications, reports,  
9 affidavits and dispositions in the possession of the board  
10 touching or relating to the matter in question. At the hearing,  
11 the applicant or licensee shall be entitled to examine, either  
12 in person or by counsel, any and all persons complaining against  
13 him and as well all other witnesses whose testimony is relied  
14 upon to substantiate the charges made. He shall also be entitled  
15 to present such evidence, oral and written, as he may see fit  
16 and as may be pertinent to the inquiry. The hearings may be held  
17 by the board, or any member thereof, or by any of its duly  
18 authorized representatives or by any other person duly  
19 authorized by the board for that purpose in any particular case,  
20 and they shall be held in Harrisburg, Pennsylvania. At the  
21 hearings, all witnesses shall be duly sworn by the duly  
22 authorized representative before whom the hearing is held and  
23 stenographic notes of the proceedings shall be taken and filed  
24 as part of the record in the cause. Any party to the proceedings  
25 desiring it shall be furnished with a copy of such stenographic  
26 notes upon the payment to the board of a fee as the board shall  
27 by general rule or regulation prescribe not exceeding fifty  
28 cents (50¢) per folio.] The board shall appoint, with the  
29 approval of the Governor, such hearing examiners as shall be  
30 necessary to conduct hearings as may be required under this

section. The board shall have the power to adopt and promulgate  
rules and regulations setting forth the functions, powers,  
standards and duties to be followed by the hearing examiners.  
The hearing examiners shall have the power to conduct hearings  
in accordance with the regulations of the board, and to issue  
subpoenas requiring the attendance and testimony of individuals  
or the production of, pertinent books, records, documents and  
papers by persons whom they believe to have information relevant  
to any matter pending before the examiner. Such examiner shall  
also have the power to administer oaths. The hearing examiner  
shall hear evidence submitted and arguments of counsel, if any,  
with reasonable dispatch, and shall promptly record his  
decision, supported by findings of fact, and a copy thereof  
shall immediately be sent to the board and to counsel of record,  
or the parties, if not represented. If application for review is  
made to the board within twenty days from the date of any  
decision made as a result of a hearing held by a hearing  
examiner, the board shall review the evidence, and if deemed  
advisable by the board, hear argument and additional evidence.  
As soon as practicable, the board shall make a decision and  
shall file the same with its finding of the facts on which it is  
based and send a copy thereof to each of the parties in dispute.

Section 2. This act shall take effect in 60 days.