

**BEFORE THE ARKANSAS
AUCTIONEER'S LICENSING BOARD**

**IN THE MATTER OF:
GAYLEN MCGEE, LICENSE NO. 1808**

CASE NO.: 23-001

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

A hearing on the above referenced matter was held before the Arkansas Auctioneer's Licensing Board ("Board") on June 19, 2023. The Respondent Gaylen McGee appeared at the hearing pro se. The Board was represented by Deputy Attorney General Doralee Chandler. The Board, from all the evidence presented, makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent has engaged in a continuing course of conduct in which he held himself out as a duly licensed auctioneer competent to perform auctioneering services and conducted numerous auctions with full knowledge that he was not licensed or authorized to conduct auctions.
2. Respondent's actions demonstrated a lack of trustworthiness, good reputation, and competence to transact business as an auctioneer in such a manner that would safeguard the interests of the public.
3. Respondent held himself out as duly authorized to conduct auctions, listed an inactive license number on advertisements and conducted auctions, thereby engaging in deceptive practices and improper, fraudulent, and dishonest dealings.
4. Respondent willfully and admittedly violated the rules of the Board.

5. Respondent did not conduct auctions in a competent manner.
6. Respondent knowingly advertised falsely that he served for five (5) years as the Director of the Auctioneer's Licensing Board.

CONCLUSIONS OF LAW

1. Arkansas Code Annotated § 17-17-105 provides that it shall be unlawful for any person to act as an auctioneer or to advertise or to assume to act as either within this state without a license issued by the Auctioneer's Licensing Board;
2. Arkansas Code Annotated § 17-17-308(7) provides that the Board may impose a civil penalty or suspend or revoke the license of an auctioneer for willfully violating a rule promulgated by the Board;
3. Arkansas Code Annotated § 17-17-308(9) provides that the Board may impose a civil penalty or suspend or revoke the license of an auctioneer any conduct of an auctioneer that demonstrates bad faith, dishonesty, incompetency untruthfulness, or deceptive practices;
4. Arkansas Code Annotated § 17-17-308(10), provides that the Board may impose a civil penalty or suspend or revoke the license of an auctioneer and conduct of an auctioneer that by conduct that constitutes improper, fraudulent, or dishonest dealings;
5. Auctioneer's Licensing Board Rule 16.1.4, provides that the Board may impose a civil penalty, deny, suspend, refuse to renew, or revoke the license of any auctioneer or auction house owner for pursuing a continued and flagrant course of misrepresentation or making false promises through agents, advertising, or otherwise;
6. Auctioneer's Licensing Board Rule 16.1.7, provides that the Board may impose a civil penalty, deny, suspend, refuse to renew or revoke the license of any auctioneer or

auction house owner if the auctioneer/auction houseowner demonstrates bad faith, dishonesty, incompetency, or untruthfulness, or deceptive practices;

7. Auctioneer's Licensing Board Rule 16.1.8, provides that the Board may impose a civil penalty, deny, suspend, refuse to renew or revoke the license of any auctioneer or auction house owner for any violation of the Act or of any rule of the Board;

8. Auctioneer's Licensing Board Rule 16.1.12, provides that the Board may impose a civil penalty, deny, suspend, refuse to renew or revoke the license of any auctioneer or auction house owner for any conduct that constitutes improper, fraudulent, or dishonest dealings; and

9. Auctioneer's Licensing Board Rule 16.1.15, provides that the Board may impose a civil penalty, deny, suspend, refuse to renew, or revoke the license of any auctioneer or auction house owner for failure to demonstrate the standards required by Arkansas Code §17-17-301, and the rules of good reputation, trustworthiness, and competence to transact the business of an auctioneer in such a manner as to safeguard the interest of the public.

ORDER

1. Upon the determination that Respondent Gaylen McGee, through the evidence and Respondent's own admission, conducted auctions without a license and advertised inaccurately that he was a former director of the Board in violation of the Conclusions of Law set out above, Respondent Gaylen McGee is assessed a fine in the amount of \$2,250.00.

2. Upon the determination that Respondent Gaylen McGee, through the evidence and Respondent's own admission, conducted auctions without a license and advertised inaccurately that he was a former director of the Board in violation of the Conclusions of

Law set out above, Respondent Gaylen McGee's license number 1808 is suspended for one and a half (1 1/2) years from this hearing, June 19, 2023, and his license shall only be reinstated after appearing before the Board and establishing that Respondent completed payment of the civil penalty assessed herein; completed all new licensee application requirements, including but not limited to payment of the licensing fee, submission of an application, and completion of the background check; completion of the required continuing education hours to renew a license, and passage of the examination test upon approval of the Board to sit for the examination.

3. Pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-212, Respondent may petition for judicial review of this decision by filing a petition in the Circuit Court in the county in which he resides or does business or in the Circuit Court of Pulaski County within thirty (30) days after service of this order.

IT IS SO ORDERED this _____ day of _____ 2023.

ARKANSAS AUCTIONEER'S LICENSING
BOARD

Chairperson

CERTIFICATE OF SERVICE

I, Kelli Black, Director of the Arkansas Auctioneer's Licensing Board, do hereby certify that I have served a copy of these Findings of Fact, Conclusions of Law and Order by mailing a copy of same, U.S. Mail, postage prepaid, on this ____ day of _____, 2023 to the following:

Mr. Gaylen McGee
1700 N. Center Street
Post Office Box 690
Lonoke, Arkansas 72086

Kelli Black

