



**Midwest Auctioneers Roundup**  
Leslie, MI  
August 7, 2024

**Championship Features**  
**\$3,500 Grand Prize!\***  
Becomes one of the premier championships in the country  
\*See Rules for details and requirements

**Education Opportunitites!**  
Important Firearm Law Updates!  
Connect with Industry Leaders!  
Specialists in Artwork, Jewelry & Decoys!

**Post Game Analysis**  
Secrets to Winning a Championship from International Champion

**A BIG Legal Loss Affects Realtors**  
*Federal Grand Jury Rules Against NAR; What Does This Mean For Auctioneers?*

# Midwest Auctioneers Roundup \* Leslie, Michigan

Cover Photo: Braun & Helmer Auction Service, MAA 2022 Marketing Competition Winner: Auction Location Photo

**Viewing Instructions:** If you find that some sections are too small to read easily... Go up into your VIEW menu at the top of your screen and scroll down to zoom, or even turn on the "View at Full Screen" option. These are just a few of the simpler options available. Plus, don't forget you can also print the document.



# Midwest AUCTIONEERS Roundup

Leslie, Michigan  
August 7, 2024

## Location Host

Epic Auctions started in 1977 and over its 47 year history has transitioned from primarily live jewelry, antique, and personal property auctions to primarily virtual simulcast and online only specialty collection auctions including jewelry, firearms, toys, and premium antiques. Epic Auctions currently exists in 2 locations in Leslie, Michigan. The Leslie Event Center features just over 4,800 sq. ft. of space that is used for cataloging, shipping, storage, and local auction pickups. Epic also leases a second location in Leslie that is 4,800 sq. ft. that is also used for cataloging, storage, and local auction pickups. The 2nd location is a little more flexible in that we have been able to paint a large section of the floor and one long wall of the building a middle gray color that allows for the photography of larger items such as furniture, large pieces of sculpture, and artwork. Both buildings have been updated with custom energy efficient LED lighting that is color matched to our professional photography lighting. This ensures that the photos we take are color balanced and do not have a yellow or blue tint.



### There are several hotel options in Jackson:

*Hampton Inn, Breakfast included, pool. Rates: \$119 - \$124*

2225 Shirley Drive, Jackson, MI 49202, (517) 789-5151

*Fairfield Inn and Suites, Breakfast included, pool. Rates: \$104 - \$114*

2395 Shirley Dr, Jackson, MI 49202 · (517) 784-7877

*(options also available online)*

*There is no room block. Rates are plus tax and are not guaranteed.*

*\*There are several other options in the Jackson Area.*



You can register online, or mail in the registration forms on the following pages or right from [MidwestAuctioneersRoundup.com](http://MidwestAuctioneersRoundup.com). This event is co-sponsored by the Michigan, Indiana and Ohio Auctioneers Associations. It is managed by the Michigan Auctioneers Association. **Questions? Call the MAA at (616) 785-8288.**

**Get More Info & Register at [www.MidwestAuctioneersRoundup.com](http://www.MidwestAuctioneersRoundup.com)**

# GoToAuction.com Midwest Auctioneer Championship

No Holds Barred Bid Calling Championship

August 7, 2024 \* Approx 6:00 PM

Featuring a \$3500 GRAND PRIZE!



Contestant Name \_\_\_\_\_

Street Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Daytime Phone (    ) \_\_\_\_\_

Email Address \_\_\_\_\_

This entry form and appropriate entry fee must accompany your conference registration to enter.

I agree that the above is true and correct and I agree to abide by all rules and regulations of the Midwest Auctioneer Championship set forth by the committee, Board of Directors & Officers of the Michigan Auctioneers Association. I also understand that if I win over the IRS minimum, I will be required to provide information required for IRS Form 1099.

Signature \_\_\_\_\_



**Midwest Auctioneer  
Champion**  
John Beechy, 2023

## **BID CALLING ALL AUCTIONEERS!**

The GoToAuction.com Midwest Auctioneer Championship has become the purest and one of the most popular contests in the nation! Professional auctioneers across the country appreciate the unique format of this contest because contestants are not burdened with an arsenal of cumbersome rules. Contestants are judged on just one thing - their chant.

The auctioneer crowned the 2024 GoToAuction.com Midwest Auctioneer Champion will receive a Grand Prize of \$3,500\* and an impressive trophy! *Even those that don't claim the championship will receive a cash payout if they are a Top 5 Finalist.*

The 'rules' are simple. You can leave your suit and tie behind and slip into your pair of your most comfortable Wranglers and boots because there isn't a dress code - other than, you need to wear a hat. You have two minutes to sell as many items as you brought - if you run past the two-minute timer, the distinctive sound of the copper-based alloy gong will be smacked with a mallet indicating you just lost 10 points from your score. Interview questions? There aren't any interview questions, just straight-up auctioneering.

You'll never have more fun participating in an auctioneer championship than the GoToAuction.com Midwest Auctioneer Championship! **The contest is limited to a maximum of 40 contestants so don't drag your boots and get registered right now.**

Register Online at [www.MidwestAuctioneersRoundup.com](http://www.MidwestAuctioneersRoundup.com) or send in the registration forms.

## **CONTEST GUIDELINES:**

1. Entries close on Wednesday, August 7, 2024 at 4:00pm
2. Contestants must pay for registration to the Midwest Auctioneers Roundup along with contest entry fees.
3. \$75 early entry fee, \$85 after July 22.
4. There is a cap of 40 contestants - Register EARLY or you may not be able to compete!
5. You have TWO minutes to sell what you bring for your preliminary items, point deduction for exceeding time limit.
6. Ringmen are allowed and encouraged, but you must bring your own.
7. Contestant briefing after dinner between 5-6 pm to draw for selling order and review procedures.
8. Contestants cannot sell in the Fun Auction until contest concludes or they have been eliminated.
9. By registering, contestant agrees to be photographed and/or videotaped and understands that the contest may be broadcasted via the internet. Contestant also agrees that the MAA may use your name, voice and/or image for informational, educational, advertising or promotional purposes relating to the MAA, the Competition and the Industry.
10. Top 5 preliminary scores advance to the finals. Items will be provided for the finalists. No finals interview.
11. Champion will be announced based upon highest total of combined score.
12. Tie scores will be settled based upon high score of individual score sheet criteria.
13. \*The Champion will receive the Title, trophy and \$2500 prize. If the Champion is a Michigan Auctioneers Association Member AND a YEARLY PLATINUM Member of GoToAuction.com, they will receive \$3500 (\$2500 + \$1000 Bonus detailed above)!
14. Cash prizes for all finalists!!!

**Contestants registered as MAA Members AND GoToAuction Yearly Platinum members will be eligible for an additional \$1000 payout to the champion (\$3500 Total)!!!**

[www.MidwestAuctioneersRoundup.com](http://www.MidwestAuctioneersRoundup.com)

# August 7, 2024 \* Networking Events



## Events Schedule

- 9:00 AM Golf Outing  
Eldorado Golf Course, 3750 W. Howell Rd, Mason, MI 48854
- 9:00 AM Clay Shoot  
Onondaga Sportsman Club, 5124 Gale Rd, Onondaga, MI 49264
- 2:00 PM Midwest Auctioneers Roundup Registration Opens  
Leslie Event Center, 169 S. Main, Leslie, MI 49251
- 3:00-4:45 Education: Site Tour of Epic Auctions & Estate Sales  
Ted Talks including: Firearms, Jewelry, Decoys, Photo Staging Hands on setup
- 5:00PM BBQ Dinner
- 6:00 PM GoToAuction.com Midwest Auctioneer Championship Prelims
- 8:00 PM Midwest Junior Auctioneer Championship & Kids Auction  
GoToAuction.com Midwest Auctioneer Championship Finals

\*All Schedules are Subject to Change

## 9:00 AM Golf Outing

### Eldorado Golf Course

3750 W. Howell Rd. Mason, MI 48854  
www.eldorado27.com \* 517-676-2854

From the nine-hole layout of the 70' to the current 27-hole Jerry Matthews reconfiguration completed in 1996, Eldorado has truly come of age. The large multi-level driving range and clubhouse, which seats up to 200 provides a clean, comfortable place to relax. Eldorado's mission is to provide an atmosphere that will guarantee your experience will be one to remember and bring you back time after time.

Pricing: \$70.00 per person (Sign up on the registration form). Price includes 18 holes of golf w/ cart and lunch at the turn. Golf Games, prizes & fun! *\*Please arrive by 8:30AM to be ready to start on time.*



## 9:00 AM Clay Shoot

### Onondaga Sportsman Club

5124 Gale Rd, Onondaga, MI 49264  
(517) 628-3343

Onondaga Sportsman Club has skeet, trap, and wobble trap! Be sure to sign up early! Space is limited! \*\*\*Pre-Registration is required - please let us know how many in your party will be attending this event on the registration form. Ear and eye protection is required. Safety review and waiver required. Please bring your own ammunition, as it is NOT available at the club. Please be sure it is 7 1/2, 8 or 9 shot. \*Pay at the club. \$7 per round. *\*Please arrive by 8:30 to be ready to start on time.*

*\*All Times/Events are subject to change.*

**Get More Info & Register at [www.MidwestAuctioneersRoundup.com](http://www.MidwestAuctioneersRoundup.com)**

# August 7, 2024 ☆ 3:00PM - 4:45PM Education



The education this year will be in a TED Talk type format, with several short presentations to quickly give you the most important info you need on each subject. Topics will include: artwork identification, jewelry, decoys, photo staging & lighting as well as a panel discussion about the changes to Michigan's firearm laws that went into effect February 13, 2024, and lessons learned from the trenches.

**Brad Stoecker, Dimondale, MI**

**"Firearms Update" and "Photo Staging/Lighting: Hands on setup"**

Brad Stoecker, along with his wife Rachel, has owned Epic Auctions and Estate Sales since July 2018. He has assisted auctioneers with simulcast auctions all over the country and has been invited to present classes at auctioneer conferences in multiple states. He is currently the Class 3 Advisor for the NAA CAI designation program. Epic focuses primarily on specialty collections, jewelry, firearms, and high end antique and art auctions.



**John Peck, Gladwin, MI**

**"Firearms Update"**

John Peck has 25 years of experience as an auctioneer. He was raised in the industry by father John Peck Sr. John is an 8 year Navy veteran, a Federal Firearm License holder, a formerly educated gunsmith, and a previous retail gun store owner in Michigan and Virginia.



**Kelly O'Connor, Marshall, MI**

**"Firearms Update"**

Kelly L. O'Connor is the co-owner of Two Alpha Auctions, LLC, a firearm and sportsman auction company located in Marshall, Michigan. She is also the founding partner of O'Connor & Bennett Law Firm, PLC. Kelly's practice focuses on real property law and all things probate including estate planning, compliance with federal and state firearm laws, probate and trust administration, and litigation. Kelly is a licensed Michigan Real Estate Broker and has held a Michigan Real Estate Salesperson license since 1996.



**Paul Shore, Lansing, MI**

**"Masterpiece or Mass Produced?" Identification of Art, Prints, Lithography and more.**

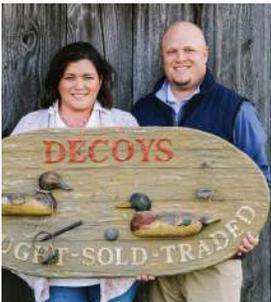
Paul is the Lead Curator and Consultant at Epic Auctions and Estate Sales. He earned his BFA at the University of Michigan with a focus on fine arts and design. He has worked in the art and antiques world since 1986 with his own shop in Ann Arbor and at shows in Michigan and New York City. He creates the catalogs for the Premier Art and Antiques auctions at Epic where he has worked since 2016.



**Bob Howe, East Lansing, MI**

**"Jewelry at Auction" – Gold, Silver, Diamonds and Precious Gems come in very small packages that can make you big commissions. This will be a primer in what to look for, how to sell it, the tools you might need, how to market and when to get help.**

Bob Howe has been an auctioneer since 1977 and though he sold his auction business continues to sell live and simulcast auction across the State. He was trained at the Missouri Auction School and has served on the Board of Directors of both CAI and MAA. He specialized in the sale of estates and jewelry and received advanced training in diamond grading and gem identification from the Gemological Institute of America (GAI).



**Grant Cole, Beulah, MI**

**"Michigan's Mason Decoy Factory, A Detroit Dynasty"**

Grant and his wife Megan have two children, daughter Harper age 12 and son Wyatt age 10. Grant and Megan conduct typically 4-6 auctions per year specializing in antique duck decoys and sporting collectibles. They have specialized in this field since 2016 and transitioned the family auction company into a nationally recognized decoy auction firm with over 100,000 decoys sold and generating over 7 million in sales to date. Grant and Megan are very active in the decoy world and attend 10-12 decoy shows throughout North America. Grant also serves as a board member for the Great Lakes Decoy Association.

# 6:00PM *Midwest Auctioneers Roundup* *GoToAuction.com Midwest Auctioneer Championship!*

Leslie Event Center  
169 S. Main, Leslie, MI 49251



Epic Auctions & Estate Sales have generously offered to host this year's Midwest Auctioneers Roundup at the Leslie Event Center! Join us to view and tour their facilities, network with other auctioneers and some good old fun!

The MAA, OAA and IAA are coming together for a great networking opportunity! Join us for this unique event and a chance to network with auctioneers from other areas! Want to work with other auctioneers, expand your knowledge base, or just make friends? This is an awesome opportunity to break down the barriers and get to know others in your industry in an easy going and fun event. The Midwest Auctioneers Roundup

Committee has lots planned, including networking time and lots of fun! A highlight of the event is the coveted GoToAuction.com Midwest Auctioneer Championship! With BIGGER prizes, the event is sure to be a crowd pleaser.

This time includes awards from the day's events, food, time to network and an auction (Remember to bring your auction donations)! It will make your entire trip worthwhile!



## Approx. 8:00PM *Midwest Junior Auctioneer Championship!* *Kids Auction ~ After Preliminaries*



Midwest Junior Auctioneer Championship! Back by popular demand! After several years of offering the Kids Exhibition Auction, we recognize that some of these kids are tough competitors! So again this year, we are offering two segments of bid calling for the kids. The Midwest Junior Auctioneer Championship is for kids ages 12-17. They will be judged on the same criteria as the adults, but they don't have to wear a hat (unless they want to!). Placings will be awarded to the top 3 and a ribbon for all entrants.

We haven't forgot about the littles! Back by popular demand is the Kids Exhibition Auction for the 11 and under crowd! Bring your young auctioneers and have them sell items they have brought during the fun auction. No judging for this group, just lots of fun,

encouragement and goating grandpa into bidding high and often!

This portion of the event is sure to be a crowd pleaser. Each contestant will take home an award to memorialize their achievement. *Please sign your young auctioneers up on the registration form for the MJAC as well as the kids exhibition auction so we have enough awards for everyone.*

**Platinum Sponsor**



Would you like to sponsor the Midwest Auctioneers Roundup or sign up for a FREE booth space? Contact the MAA today at 616-785-8288 or [info@msaa.org](mailto:info@msaa.org)!

**Host Sponsor**



*Want to learn how to really Network? Sign up now @ [www.MidwestAuctioneersRoundup.com](http://www.MidwestAuctioneersRoundup.com)*

# Midwest Auctioneers Roundup \* August 7, 2024 \* Registration

Please check all that apply:

- MAA(MI) Member     OAA(OH) Member  
 IAA(IN) Member     Not of Member of any of these states

Name \_\_\_\_\_

Badge Name \_\_\_\_\_  
 (As you wish it to appear on your name badge)

Company \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Ph (    ) \_\_\_\_\_ Email \_\_\_\_\_

**First Time at a Roundup?** If Yes, Check  Yes

*\*Please be considerate of others: If you have recently been sick or are sick, please be stay home. Thank you.*

## Spouse / Significant Other / Guests Attending:

Spouse/Significant Other \_\_\_\_\_

Kids \_\_\_\_\_

Employee of Member \_\_\_\_\_

Non-Member/Guest \_\_\_\_\_

Non-Member/Guest \_\_\_\_\_

**Clay Shoot:** \_\_\_\_\_

Please indicate the number in your party who will be attending the Clay Shoot . Clay Shoot participants pay at the course.

**Kids Auction:** \_\_\_\_\_

Please indicate how many of your kids will be participating in the kids auction (11 & under).  
 \*Kids 12 and over may sign up below for the Midwest Junior Auctioneer Championship.

Names/Ages \_\_\_\_\_

Names/Ages \_\_\_\_\_

## How to Register

1. Copy these forms or Register Online at [midwestauctioneersroundup.com](http://midwestauctioneersroundup.com)  
*OR*
2. FAX completed registration forms with credit card info to (616) 773-1375  
*OR*
3. MAIL completed forms with check, money order or credit card info to:

**MAA/Midwest Auctioneers Roundup**  
 4529 Gibbs NW  
 Grand Rapids, MI 49544

## Questions?

Call (616) 785-8288

**Please Pre-Register for ALL Events!**

All event refunds are subject to a \$25.00 processing fee. There will be no refunds after 7/22/2024

### Want to be a Sponsor?

Download the Registration forms at [MidwestAuctioneersRoundup.com](http://MidwestAuctioneersRoundup.com) or  
 Call the MAA @ (616) 785-8288!

## CONFERENCE REGISTRATION

\*Includes Badge, Tour/Education, Entrance to Event and BBQ Dinner for Wednesday.

\*Meals can not be guaranteed for late registrations! Please register EARLY.

Does NOT include Special Events (Competitions, Golf, etc.)

Quantity	On or Before		
	July 22, 2024	After July 22, 2024	
_____ Roundup Registration / Dinner	\$60	\$70	\$ _____
_____ Midwest Auctioneer Championship Entry <small>*** Roundup Registration REQUIRED.</small>	\$75	\$85	\$ _____
_____ Midwest Junior Auctioneer Championship	\$10	\$20	\$ _____
_____ Names/Ages _____			
_____ Golf Outing (must pre-register for golf)	\$70	\$80	\$ _____
_____ Golf Partner _____			
_____ Kids Meals (Ages 6-12):	\$15	\$20	\$ _____
_____ Kids 5 and under eat FREE! Qty _____ Wednesday Dinner <small>*Enter Quantity needed for each meal - <b>Limit</b>: 2 free kids meals per registered parent</small>			
_____ Sponsorship (Please fill out the sponsorship form and attach.)			\$ _____

## MAA MEMBERSHIP & ITEMS FOR PURCHASE

_____ MAA Membership Renewal for 2024 <small>*Attach Membership Investment Renewal Form</small>	\$120	\$ _____
_____ MAA Membership Special! Renewal for 2024-2026 <small>*Attach Membership Investment Renewal Form</small>	\$300	\$ _____
_____ MAA Membership for 2024 (if joining for the very first time) <small>*Attach Membership Application</small>	\$75	\$ _____
_____ MAA Legends Trading Cards Set (Includes Series 1&2)	\$21.20	\$ _____
_____ MAA Membership Pin	\$7.95	\$ _____
_____ Auctions Work! Pennant	\$10.60	\$ _____
_____ MAA Hat	\$15.90	\$ _____
_____ MWAC Hat	\$21.20	\$ _____

## CONFERENCE REGISTRATION TOTAL

*\*Event managed by the Michigan Auctioneers Association. All payments payable to the MAA.*

Check Enclosed (Ck# \_\_\_\_\_)

Credit/Debit (See right)

(Checks payable to the MAA. U.S. Dollars drawn on U.S. Bank)

(Note: Registrations will not be accepted without payment)

### Credit Card Payment Info. (Please fill in ALL Info)

For Credit Card Verification, please give the billing address for this card.

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Name as it appears on Card \_\_\_\_\_

Circle Type:  MC  VISA  Discover

Card Number | | | | | | | | | | | | | | | | | | | | | |

Exp. Date (Required) \_\_\_\_\_ 3 digit code on back \_\_\_\_\_

Authorized Signature \_\_\_\_\_

## Volunteers Needed!

(Check below if you would like to volunteer)

- Office & Registration  
 Technology Setup  
 General Onsite Volunteer  
 Bid Calling Contest Volunteer  
 Fun Auction Volunteer

# Sponsorship/Exhibitor Registration Form



# Midwest AUCTIONEERS

## Roundup

Be a Conference Sponsor!  
Promotional Opportunities!

Name: \_\_\_\_\_ Company: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_ Website: \_\_\_\_\_  
Product/Service: \_\_\_\_\_

Enclosed is my check for \$ \_\_\_\_\_

Sponsorship

Check # \_\_\_\_\_ (Payable to MAA)

I would like a free booth space

We have multiple needs and will place your sponsorship where we need it most! If you would like to check the availability of any particular event, please contact the MAA at 616-785-8288 or [info@msaa.org](mailto:info@msaa.org)

## Sponsorship:

- Silver Level (multiple available) Up to \$299
- Gold Level (multiple available) \$300 - \$999
- Diamond Level (multiple available) \$1000 - \$2499
- Platinum Level (multiple available) \$2500 & Up

## Exhibit Space:

Exhibitors are FREE! We have limited space for vendors. If you would like to join us for the evening and setup a small space, we will provide a table. Keep in mind that this is a working auction facility, not a conference space, so the amenities and setup are different than you are used to.

Note: Meals are not included. Please register for the Roundup on the Registration form for dinner tickets.

Registrants for the free exhibit space agree to abide by the standard exhibitor terms and conditions set forth by the Michigan Auctioneers Association, the Midwest Auctioneers Roundup and the Host facility. Terms may be found at [www.midwestauctioneersroundup.com](http://www.midwestauctioneersroundup.com).

## Do you want to be a Featured Sponsor on a particular event? **Contact the MAA ASAP!**

There is limited spacing for Premier Diamond and Platinum Level Sponsorships! Showcase your business in front of Auctioneers from at least 3 states! Featured Sponsors will be predominantly displayed on promotion and at the event!

## Sponsors & Exhibitors will be highlighted in the following ways:

1. Company Contact info published a subsequent issue the Michigan Auction Gavel.
2. Company Contact info published on the Midwest Auctioneers Roundup website.
3. Recognition at the Midwest Auctioneers Roundup.
4. Each sponsor and cosponsor will receive an attractive Certificate of Appreciation.

**Sponsors & Exhibitors! Email your logo to the MAA at [info@msaa.org](mailto:info@msaa.org) to publish on the website [www.midwestauctioneersroundup.com](http://www.midwestauctioneersroundup.com)!**

**Other Sponsorships available including:**  
Name Tag Lanyards, Overall Conference Sponsor, and more! Call the MAA for details.

Please return this form by July 19, 2024 to:  
MAA, 4529 Gibbs NW, Grand Rapids, MI 49544.  
Ph: 616-785-8288 Fax: 616-773-1375  
E-mail: [info@msaa.org](mailto:info@msaa.org)

# Midwest Auctioneers Roundup

*Midwest Auctioneer Championship & Auction!*



Wednesday, August 7, 2024 \* 6:00 PM

(Following Dinner)

Please copy this form as needed for multiple items ~

Please use only one form per item.



We are looking for donations from ALL ATTENDEES  
for this year's fundraiser auction!

Please complete and return this form as soon as you can determine  
what you would like to donate to represent your company.

Donations of *all* sizes are welcome *and* needed!

Donor Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Donation (Please Include Description & estimated value of item)**

Item: \_\_\_\_\_

Value (\$25 or more): \_\_\_\_\_

I will be unable to attend please accept my cash donation of: \_\_\_\_\_

Clerking Section (Office Use ONLY):

**Lot #**

Buyer Number: \_\_\_\_\_ Price: \_\_\_\_\_

## Need Item Ideas?

*Tickets to a great event! \* Advertising! \* Items you've seen sell with enthusiasm!*

*Something you'd like to buy! \* A valuable service by you or your company.*

*Hunting/Fishing trips or vacations!*

# Thank You for Your Support!

# Making money and/or helping clients?

by Mike Brandy



Auctioneers generally work for sellers. In this agency relationship, they must conform to fiduciary duties including *obedience, loyalty, disclosure, confidentiality, accounting, and reasonable care.*

As such, they must be loyal to their clients and advocate for their interests. This involves putting the client's interests ahead of (and hopefully in concert with) the agent's interests.

So, could an auctioneer make compensation or help a client? Rather, they would have to help their client regardless and make money as a result (thus making money and helping the client.)

Could an auctioneer take "with reserve" property in on consignment, knowing it likely won't sell, but charge a \$1,000 entry fee, a \$500 advertising fee, and a \$750 fee if the high bid is rejected? This would be \$2,250 for not selling anything.

Of course, that's all perfectly fine if the client has knowledge and consents — but the question remains did the auctioneer inform (disclose to) his or her client that the lot would likely not sell? If not, it may suggest the auctioneer is not being loyal to the client, and rather just looking to profit (\$2,250) otherwise.

There are certainly auctioneers who use "no-sale" fees as a sort of inducement to get the seller to accept the high bid. In other words, "We'll waive the \$750 fee if you accept the high offer." If accepted, the lot is sold, and presumably, the auctioneer then earns a commission.

Alternatively, the no-sale fee could be a bit more than the commission due to accept the offer — thus *further inducing* the seller to accept. Whatever inducement is utilized, it's all fine as long as it's memorialized in the contract with the seller.

Lastly, it's important to repeat that an auctioneer's agency (fiduciary) duty to the seller includes *obedience, loyalty, disclosure, confidentiality, accounting, and reasonable care.* Dealing with reserves requires special attention to these duties regarding these additional obligations.

Mike Brandy, Auctioneer, CAI, CAS, AARE has been an auctioneer and certified appraiser for over 30 years. His company's auctions are located at Mike Brandy, Auctioneer, Brandy Real Estate & Auction, and formerly at Goodwill Columbus Car Auction. He serves as Distinguished Faculty at Hondros College, Executive Director of The Ohio Auction School, and an Instructor at the National Auction Association's Designation Academy and Western College of Auctioneering. He has served as faculty at the Certified Auctioneers Institute held at Indiana University and is approved by The Supreme Court of Ohio for attorney education.

# FindMichiganAuctions.com

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- Cutting-Edge Technology
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YOUR DEMO  
TODAY AT  
APRO.FYI!**



# Post Game: Contest Interview Analysis

by Peter Gehres, 2015 International Auctioneer Champion



Recording your contest performance (bid calling and interview) is a great way to evaluate both strengths and weaknesses. This analysis is also useful if you were interviewed for radio or TV program as those opportunities have a great deal in common with the contest interview. When you look back at the tape there are four questions to ask:

1. **What did you practice that went well?** Keep practicing and repeating that.
2. **What was impromptu that went well?** Start practicing that as well so it can be repeated
3. **What did you practice that did not work?** Improve it or stop it.
4. **What area(s) need continued improvement?** Game plan for next time.

If you struggle with this exercise this is an area where your spouse or mentor(s) can readily step in and make a huge difference and be of great value.

There have been many positive comments about my interview but there is always room for improvement. The interview is provided at <https://iacinsider.com/2016/03/21/post-game-contest-interview-analysis/> with post game notes below.

## 1. What did I practice that went well?

- A. Addressed the interviewer (Joseph Mast) directly and looked at him as he asked the question. This made that huge ballroom seem much smaller and more manageable.
- B. Paused then addressed the judges and crowd with the answer.
- C. Final comments and sentences delivered memorability and with forcefulness and authority; finished strong

## 2. What was impromptu that went well?

- A. Addressed the interviewer with the formal "Mr. Mast". This was not planned but sounded different and interesting.
- B. The use of a prop (the card in my pocket) was not planned. I had it there so I could review it throughout the day. It worked out well.

## 3. What did I practice that did not work?

- A. Hand gestures and purposeful movement have always been something to practice and in this interview they were largely irrelevant at best and maybe slightly distracting.
- B. One area of practice was to stop talking when a thought was complete and to not continue talking. Question two there was discussion of a negative story and that whole line of thought was unnecessary and maybe counterproductive.

## 4. What area(s) need continued improvement?

- A. Several awkward uses of words and grammatical errors.
- B. Factual error – NAA membership is \$300 per year. The IAC entry is \$350. In the moment those numbers were crossed.
- C. Voice quality and sound greatly improved when the mouth is completely opened. Several times I talked out of the side of my mouth. Poor technique for any form of public speaking or bid calling.



"If not for the NAA, I would have never attended Conference & Show in Minneapolis many years ago and met a benefit auctioneer from Chicago named Tim Duggan, who hired me to conduct benefit auctions for him all across America and Canada." - NAA President Lance Walker, CAI, BAS, CES



# Real Estate Industry Update

by Gwyn Besner



*Bear in mind the following is my opinion as a Subject Material Expert in Real Estate. I am not an attorney.*

Unless you have been living under a rock and have no access to the news, you are probably aware of the Burnett, et al vs NAR, et al, settlement.

Many litigants in a class action suit claimed it was unfair for the sellers to have to pay the buyer's agent a commission. In fact, they were stating it was like providing arms to the enemy. It was also felt that advertising that the listing agent would offer X% of the sales price as cooperative compensation to the agent for the buyer was price fixing. Legal counsel for the plaintiffs stated that the code of ethics required Realtors to have to compensate those with who they cooperate. In fact, I teach Code of Ethics. The Code only states we must cooperate, but that does not require us to compensate.

Regardless, it did hit the wall. The verdict came down that NAR, et al was guilty of price fixing and awarded the class action approximately \$1.8 billion dollars. If NAR appealed to the Supreme Court and lost, the damages could have been tripled. To appeal NAR would have to post a bond for that amount. The budget couldn't handle that, so NAR proposed a settlement of \$418 million over approximately four years.

Also, as part of the settlement, NAR agreed to put in place a new rule prohibiting offers of compensation on the MLS. Offers of compensation could continue to be an option consumers can pursue off-MLS through negotiation and consultation with real estate professionals. And sellers can offer buyer concessions on an MLS (*for example—concessions for buyer closing costs*). This change will go into effect in mid-July 2024. While NAR has been advocating for the use of written agreements for years, in this settlement we have agreed to require MLS participants working with buyers to enter into written agreements with their buyers. This change will go into effect in mid-July 2024.

OK, you ask, how does this affect an auctioneer? Well, some auctioneers are members of the Association of REALTORS® and must follow the rules.

The way I see it (*bear in mind, I am not an attorney*) it would be fine under the settlement for the seller to offer to compensate the buyer's agent for bringing a buyer. In the auction industry, a buyer premium has frequently been charged. Those auctioneers who used to advertise that they would sell a property for free, should seek legal advice before doing so again. In a conventional real estate transaction, the buyer will be signing a buyer agency agreement with the agent in which they promise to make sure their agent receives X% of the transaction. They may ask the seller for a seller concession to pay that expense. As we receive a high bid at auction, we may have a bit more paperwork.

For example, if the property sold for \$100,000 and a 10% (*note that is not price fixing, just a random figure*) buyer premium was being charged; if there is no representation for that high bidder, there seems to be no issue. If that high bidder is represented and if that agent wants to get paid, they will need a buyer agency agreement with the bidder, and the high bidder may have to have language in the purchase agreement which asks the seller for a seller concession for that amount. If when the auctioneer lists the property, the seller agrees they want the greatest possible exposure for their property, they will need to offer a seller concession of the amount of the buyer agent compensation. So, in the above

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scenario, the purchase agreement would be written with the price of \$110,000 (*Michigan Department of Treasury said so*) and then the buyer would be requesting their fee of x% of the high bid (\$100,000) be paid on their behalf as a seller concession.

Can we put on our auction ads that we will offer X% to any agent who brings us a buyer? If we are REALTORS®, I would seek legal advice before doing so.

I am going to be closely watching what forms the attorneys for NAR and Michigan REALTORS® come up with this summer. Should we be worried about the change that may be coming? No, but we should be paying attention and making sure we are doing things in such a way that we stay out of trouble.

In closing, NAR has issued the following statement: *“Following recent inaccuracies in media coverage, including the false representation or suggestion that the National Association of REALTORS® (NAR) requires a standard 6% commission, NAR has issued the following statement:*

CHICAGO (March 19, 2024) – The National Association of REALTORS® (NAR) does not set commissions – they are negotiable. The rule that has been the subject of litigation requires only that listing brokers communicate an offer of compensation. That offer can be any amount, including zero. And other rules throughout the MLS Handbook and NAR policy expressly prohibit MLSs, associations, and brokers from setting or suggesting any such amount that should be included in that field. The text of the current rule is linked here (<https://tinyurl.com/45swaak8>), the text of our MLS Antitrust Compliance Policy is linked here: (<https://tinyurl.com/2frz9ybe>).

Again, the current rule that has been the subject of litigation does not set commissions.

As reflected in our release about the proposed settlement agreement, NAR has agreed to put in place a new MLS rule prohibiting offers of broker compensation on the MLS. Commissions remain negotiable, as they have been.”

Source: <https://www.nar.realtor/newsroom/correcting-the-record-nar-does-not-set-commissions> (*Statement/links edited to fit for print*)

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