

11736 Newcastle Avenue, Bldg. 2, Suite C  
 Baton Rouge, LA 70816  
 Telephone 225.295.6420 Fax 225.372.8584  
 Website: [www.lalib.org](http://www.lalib.org) Email: [admin@lalib.org](mailto:admin@lalib.org)

### AUCTIONEER 2016 RENEWAL APPLICATION

**RENEWAL FEE:** \$150. \$225 for Mississippi residents based on the Reciprocal Agreement.  
 Send check or money order payable to LA Auctioneers Licensing Board or use the credit card processing section below.  
**DUE:** Nov 1<sup>st</sup>. Must be postmarked on or before December 31, 2015 or a delinquent fee of \$75.00 must be included.

Martin Davis  
 1130 S. Braddock Ave, Ste 200  
 Pittsburg, PA 15218

License #: 1306

**Information currently on file:**

**Please make changes below:**

Mailing Address: 1130 S. Braddock Ave, Ste 200	Mailing Address:
City, State, Zip: Pittsburg, PA 15218	City, State, Zip
Cell Phone Number: (412) 889-0993	Cell Phone Number:
Business Number: (412) 521-5751	Business Number:
Email Address: mdavis@mdavisgrp.com	Email Address:
Current Bond valid through: 12/31/2015 30582835 Fidelity & Deposit Co of MD	If your current bond is valid until 12/31/2016 or later, it is not necessary to submit any bond documents at this time.

**BOND:** Original proof of a bond valid until 12/31/16 or longer **MUST** be submitted with your renewal form (unless already on file) If your renewal form arrives without a valid bond, your renewal cannot be processed and will be returned to you. Your current bond info is above in red.

Please list the names of all Louisiana auction businesses you are currently affiliated with below:

M. Davis Group, LLC

Are you currently licensed in another state?  
 If yes, are you currently in good standing? (If no, you must attach an explanation)  
 What states are you currently licensed in, other than Louisiana?

Yes  No  
 Yes  No

In what state is your legal residence located? PA

Have you had an auctioneer license suspended, revoked, or denied within the past year? (explain if yes)

Yes  No

Have you been disciplined by the licensing authority in another jurisdiction within the past year? (explain if yes)

Yes  No

Is there any action pending against you in connection with an auctioneer license? (explain if yes)

Yes  No

Are there any lawsuits or unpaid judgments pending against you? (explain if yes)

Yes  No

Have you been convicted of, placed on deferred adjudication, or pled guilty for any misdemeanor or felony in this or any other state? (not including traffic violations) (explain if yes)

Yes  No

**CERTIFICATION**

I attest that the information provided is complete and correct to the best of my knowledge and belief. I understand I may pay the renewal fee with a check, money order, or with a credit card. I understand if I choose to use a credit card there will be a \$5.00 processing fee added to my renewal fee each time this card is used. (This amount has been set by the Treasurer of the State of Louisiana.)

**Signature:**

Martin Davis is currently on active probation without license revocation for the State of Ohio due to a minor violation related to advertising. The matters have been resolved and all of Martin Davis's licenses are in good standing.

Over 25 years ago (1985), while employed with a different company, Martin Davis was subject to a 6 month license suspension in North Carolina relating to the actions of other employees. Fines/reprimands were issued by Maine, Wisconsin and Pennsylvania for failing to list the North Carolina suspension on applications or renewal applications.

It is the intention of both Martin Davis and the M. Davis Group to fully comply with the laws and regulations of each state licensing boards and it is respectfully requested that this be taken into account in passing upon this application.



Department of  
Agriculture

Governor John R. Kasich • Lt. Governor Mary Taylor  
Director David T. Daniels

Legal Office

8995 East Main Street, Reynoldsburg, OH 43068  
Phone: 614-728-6430 • Fax: 614-995-4585  
www.agri.ohio.gov • legal@agri.ohio.gov

December 24, 2014

Martin I. Davis  
1130 South Braddock Avenue  
Pittsburgh, PA 15218

*Sent Via email: mdavis@mdavisgrp.com*

Re: Settlement Agreement with the Ohio Department of Agriculture

Dear Mr. Davis,

Enclosed please find a fully executed settlement agreement that you reached with the Ohio Department of Agriculture concerning alleged violations of Ohio auction law. This is a copy for your records. If you have any questions concerning the enclosed settlement agreement, please contact me.

Sincerely,  
OHIO DEPARTMENT OF AGRICULTURE

David D. Gorman  
Senior Staff Counsel

Enclosure

cc: Donna Potter, Auctioneer Program Manager



**BEFORE THE OHIO DEPARTMENT OF AGRICULTURE**

In the Matter of:     Martin I. Davis  
                          Auctioneer License # 2013000144,

Respondent.


**SETTLEMENT AGREEMENT**

This Settlement Agreement is entered into between Martin I. Davis ("Respondent") and the Ohio Department of Agriculture ("ODA") as a compromise between the parties of all claims, differences, and causes of action and to resolve the administrative enforcement proceedings arising out of ODA's Notice of Opportunity for Hearing ("Notice") to Respondent dated September 19, 2014, which is attached as Exhibit A.


1. The parties stipulate to the jurisdiction of ODA over this matter pursuant to Ohio Revised Code Chapter ("ORC") 4707.
2. The terms of this Settlement Agreement are binding upon the parties hereto, their agents, assigns and successors in interest.
3. As a result of an investigation conducted by ODA, Respondent was notified by the attached Notice that ODA proposed to assess a civil fine against Respondent pursuant to ORC §4707.19 and Ohio Administrative Code ("OAC") §901:8-2-08 for violations of ORC §§4707.15(H), (J), (K), (L), and (P); ORC §707.20 and OAC §901:8-2-06(A) in which Respondent aided an unlicensed entity in providing auction services and by failing to enter into a contract with a consignor.
4. ODA and Respondent agree that this Agreement is not an admission of civil liability or guilt. This Agreement is made solely to address the notice and accommodate an expeditious settlement of these administrative proceedings.
5. The parties stipulate and agree to the following:
  - A \$200.00 civil penalty is imposed against Respondent, however, the entire \$200.00 is held in abeyance for a period of one (1) year.
    - (a) If during the one year period ODA determines, after an investigation and after an opportunity for an administrative hearing, and after all judicial review and appeals, that Respondent has violated any provision of R.C. §4707.15, the \$200.00 civil penalty shall be immediately enforced. This suspension shall be in addition to any further penalty, as described in subsection (6)(a)(ii) below. The \$200.00 civil penalty suspension shall be imposed even if the final determination is made outside the one year period, so long as the violation occurred within the one year period

following the signing of this Agreement.


- (b) Nothing in this Agreement shall preclude ODA from seeking further disciplinary action against Respondent's license for any such future violation, in addition to the \$200.00 civil penalty. As already set forth in this Agreement, Respondent shall be afforded administrative hearing rights for any such further disciplinary action in accordance with R.C. Chapter 119.
- (c) The one year probationary period commences upon the full execution of the Agreement between Respondent and ODA.
6. Respondent's failure to timely comply with the foregoing terms of this Agreement shall render this Agreement void and shall subject Respondent to enforcement action as set forth in the Notice.
  7. This Settlement Agreement shall apply only to the parties hereto and does not create any rights or obligations on the part of any person or entity who is not a party to the Settlement Agreement.
  8. This Settlement Agreement shall not be binding upon the parties until it has been fully signed and executed by the parties below.
  9. The terms of this Settlement Agreement are binding upon the parties hereto, their agents, assigns and successors in interest.
  10. Respondent waives any and all claims or causes of action they may have against the State of Ohio, ODA, officers, employees and/or agents of either, arising out of the matters which are the subject of this settlement agreement.
  11. This document is a public record in accordance with O.R.C. 149.43 and shall be released by ODA if requested or is otherwise required by law.

  
Martin I. Davis  
1130 South Braddock Ave.  
Pittsburgh, Pennsylvania 15218

12/12/14  
Date

  
David T. Daniels, Director  
Ohio Department of Agriculture  
8995 E. Main Street  
Reynoldsburg, Ohio 43068

12/14/2014  
Date

  
\_\_\_\_\_  
David D. Gorman, Senior Staff Counsel  
Ohio Department of Agriculture  
8995 E. Main Street  
Reynoldsburg, Ohio 43068

12/12/14  
Date

September 19, 2014

Martin I. Davis  
1130 South Braddock Ave  
Pittsburgh, PA 15218

Certified Mail # 91 7108 2133 3939 4685 3865

Dear Mr. Davis:

Pursuant to R.C. 4707.15, the Ohio Department of Agriculture is proposing to impose a civil penalty for violations of the Ohio Auctioneer Law (R.C. 4707). The department has evidence to establish that you committed the following violations:

**R.C. 4707.15 Causes for suspension or revocation of license.**

The department of agriculture may suspend or revoke the license of any auctioneer, apprentice auctioneer, or special auctioneer for any of the following causes:

- (H) Violation of this chapter or the rules adopted under it;
- (J) Any conduct of an auctioneer which demonstrates bad faith, dishonesty, incompetency, or untruthfulness;
- (K) Any other conduct that constitutes improper, fraudulent, or dishonest dealings;
- (L) Failing prior to the sale at public auction to enter into a written contract with the owner or consignee of any property to be sold, containing the terms and conditions upon which such licensee received the property for sale;
- (P) Aiding an unlicensed person in the performance of services or acts that require a license under this chapter.

**R.C. 4707.19. Rules; hearing of testimony; proof of good character.**

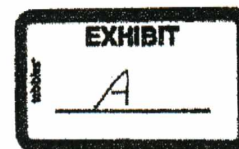
(A) The director of agriculture may adopt reasonable rules necessary for the implementation of this chapter in accordance with Chapter 119. of the Revised Code. In addition, the director shall adopt rules in accordance with Chapter 119. of the Revised Code that establish the portion of license fees collected under this chapter that are to be deposited into the auction recovery fund under section 4707.25 of the Revised Code.

No person shall fail to comply with a rule adopted under this chapter.

(B) The director shall adopt rules that establish a schedule of civil penalties for violations of this chapter, rules adopted under it, or orders issued under it. The rules shall provide that the civil penalty for the first violation of this chapter, rule, or order shall not exceed five thousand dollars and the civil penalty for each subsequent offense shall not exceed ten thousand dollars. In addition, the director, in establishing the schedule of civil penalties in the rules, shall consider past violations of this chapter and rules adopted under it, the severity of a violation, and the amount of actual or potential damage to the public or the auction profession.



Serving Farmers and Protecting Consumers Since 1846



**R.C. 4707.20 Auction contracts or agreements required.**

- (A) Except when conducting an auction under division (B)(5)(b) of section 4707.02 of the Revised Code, no person shall act as an auction firm, auctioneer, or special auctioneer until the person has first entered into a written contract or agreement in duplicate with the owner or consignee of any property to be sold, containing the terms and conditions upon which the licensee receives or accepts the property for sale at auction. The contracts or agreements shall, for a period of two years, be kept on file in the office of every person so licensed. No apprentice auctioneer shall be authorized to enter into such a contract or agreement without the written consent of the apprentice auctioneer's sponsoring auctioneer, and all contracts or agreements shall be made in the name of and on behalf of the sponsoring auctioneer. In addition, an apprentice auctioneer shall not enter into an auction contract for the sale of real property in the name of the sponsoring auctioneer regardless of whether the apprentice auctioneer is licensed as a real estate broker or salesperson.

**OAC 901:8-2-06 Contracts, records and other requirements.**

- (A) Written contracts. Licensees shall enter into a written contract with the owner or consignee of any property the licensee intends to offer for sale. The contract shall include but is not limited to...

**OAC 901:8-2-08 Classification of offenses; investigative costs and civil penalties.**

- (A) A minor offense includes but is not limited to:
- (1) Financial harm to the owner, consignor or public in an amount up to one thousand dollars;
  - (2) Failure to produce copies of documents;
  - (3) Failure to display required notices;
  - (4) Minor advertising violations; and
  - (5) Failure to enter into a contract (first offense only).
- (B) The department may assess a civil penalty up to one hundred dollars for the first minor offense and up to two hundred dollars for each subsequent minor offense.
- (C) A major offense includes but is not limited to:
- (1) Financial harm to the owner, consignor or public amounting from one thousand one dollars to five thousand dollars;
  - (2) Repeated minor offenses;
  - (3) Acting without a license as an auctioneer, apprentice auctioneer, corporation, partnership, unincorporated association or auction firm;
  - (4) Moderate or continuing advertising violations; and
  - (5) Bad faith, dishonesty, or failure to return funds or property pursuant to the terms of a contract, or failure to return funds or property within the required fifteen day return period.
- (D) The department may assess a civil penalty of one hundred dollars and up to five hundred dollars for the first major violation. The department may assess a civil penalty of five hundred dollars and up to a thousand dollars for each subsequent major violation.
- (E) A serious offense includes, but is not limited to:
- (1) Financial loss to the owner, consignor or public in an amount of five thousand one dollars and over;
  - (2) Failure to report a conviction of a felony or fraud;
  - (3) Fraud, theft, commingling of funds, bid rigging or misrepresentation;
  - (4) Providing false information on a license application; and



(S) Continued failure to return funds or property pursuant to the terms of a contract, or continued failure to return funds and property within the required fifteen day period.  
(F) The department may assess a civil penalty of one thousand dollars and up to five thousand dollars for the first serious violation. The department may assess a civil penalty of five thousand dollars and up to ten thousand dollars for each subsequent serious violation.

The facts in support of the violations are as follows:

1. You were improper and incompetent in your business dealings when you aided a LLC who was not licensed, M Davis Group LLC, in providing auction services on June 26, 2014. This constitutes a violation of R.C. 4707.15(J), (K), and (P).
2. You were improper and incompetent in your business dealings when you failed to enter into a written contract with either the owner or the consignee of the property to be sold at auction prior to the start of the June 26, 2014 auction. This constitutes a violation of R.C. 4707.20(A), R.C. 4707.15(L) and OAC 901:8-2-07(A).

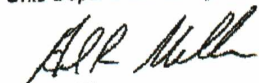
Based on the foregoing facts, the Department proposes to levy a civil penalty in the amount of \$200.00.

Pursuant to Ohio Revised Code Chapter 119, you have the right to request a formal hearing should you disagree with the proposed action. Any request for hearing must be made to the Ohio Department of Agriculture, Attention: David Gorman, Legal Section, 8995 East Main Street, Reynoldsburg, Ohio 43068-3399, telephone (614) 728-6430. Your request for a hearing must be received by the Ohio Department of Agriculture within thirty (30) days of the date of mailing of this notice. This notice is being mailed to you on September 19, 2014.

At the hearing, you may appear in person, be represented by an attorney, or you may represent your position, arguments or contentions in writing. At the hearing, you may present evidence and examine witnesses appearing for and against you to show cause why the proposed action should not be levied against you. The Assistant Attorney General assigned to the Department will represent the Department at this hearing.

The Director of Agriculture will enforce the proposed action if you choose not to request a hearing.

Sincerely,  
Ohio Department of Agriculture



Hal R. Miller  
Agriculture Enforcement Manager