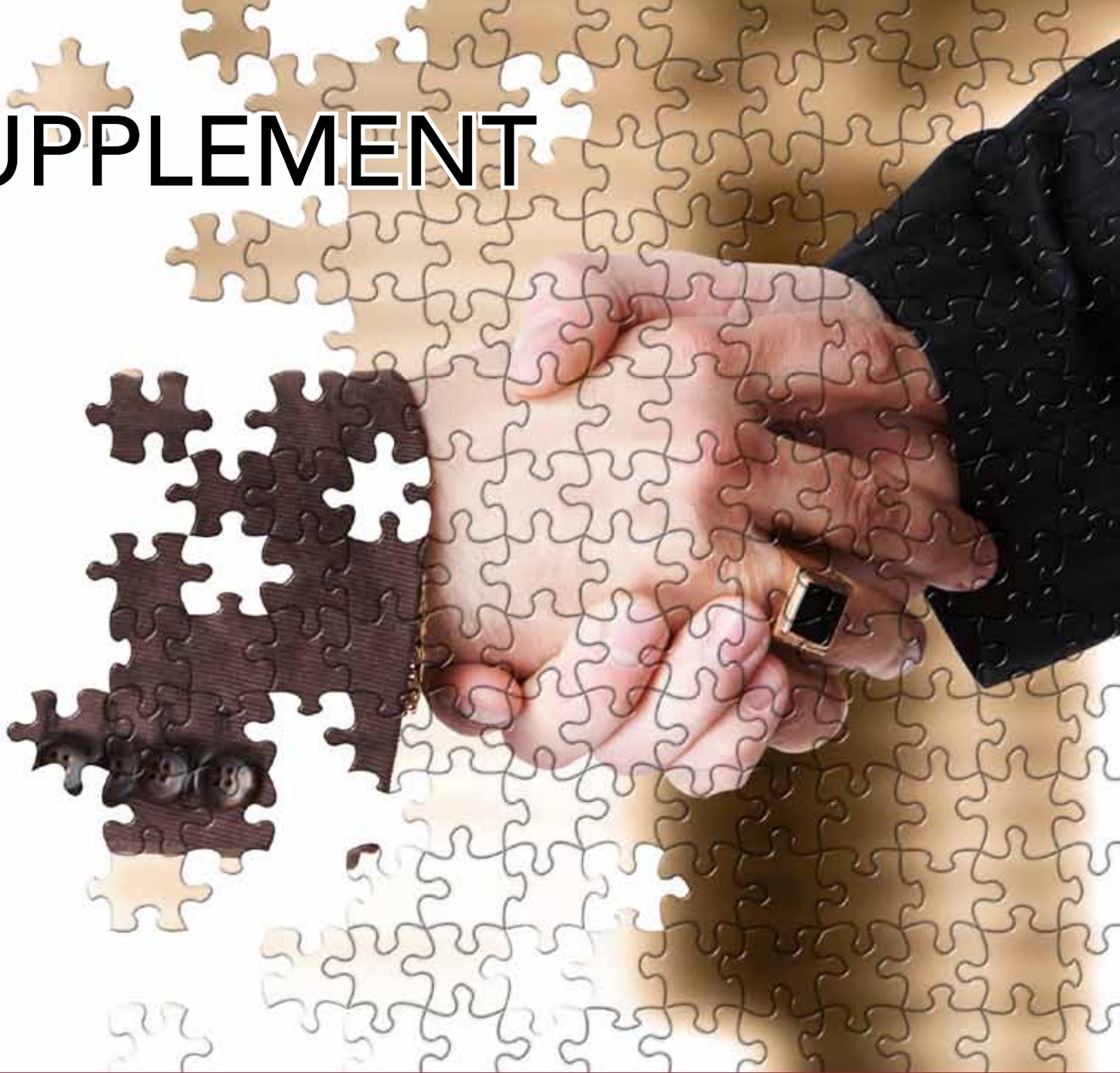


MSAASUPPLEMENT

**Better.
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MSAASUPPLEMENT

August 2011 | Issue 35



Welcome

Thanks for taking the time to read the official web publication of the Minnesota State Auctioneers Association. We take pride in our association and are excited to provide this supplement, to assist our members in gaining a greater understanding of their benefits, and the auctioneering profession as a whole.

Viewing Instructions

After the first issue it was brought to our attention that some sections may be too small to read easily. A quick way to remedy this is to 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.

Upcoming Events

2012 MSAA Conference & Show

- Minnesota State Champion Auctioneer Contest
- Training Sessions
- Networking

Thursday, January 26—Saturday, January 28, 2012
 Marriott Southwest, Minnetonka, Minnesota

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Announcements

OBITUARY

MSAA Member Charles (Chuck) Hermann passed away on Thursday, August 4, 2011. Chuck was a highly respected and decorated member of the Rochester Fire Department for 30 years beginning August 19th, 1981. He received numerous awards, including the Mayor's Medal of Honor, and had reached the rank of Battalion Chief. His loss to the department will be felt by the countless firefighters that he worked with throughout the years. Chuck was an instructor for the National Fire Academy, and was an active advocate of Fire Fighters for Christ which allowed him to serve two of his biggest passions in life: serving his Lord and Savior and fire-fighting. He was also co-owner of the family auction business, Hermann Auctions, founded in 1972. Funeral services were held Tuesday August 9, 2011 at Autumn Ridge Church in Rochester, MN.

THANK YOU

On behalf of the entire Imholte family, I want to sincerely thank so many members and friends who showed us support last month when my grandfather passed away. From visits, to condolences, to beautiful floral arrangements, the MSAA has shown once again just how close this family is. Thank you from the bottom of our hearts.

—Andrew L. Imholte

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Summer Picnic 2011 Recap

Family Fun, Minnesota Sun



That's how we roll Members gear up for the first-ever MSAA Motorcycle Run.

Once again, the month of August is upon us and with it comes a busy auction season. It was also time to celebrate a MSAA tradition - the summer picnic. A few years ago, past president John Schultz wanted to put “family” back into our annual get-together. As word of camping and bonfires spread throughout the association, it was clear that many people were excited to enjoy some food, fun, and fellowship.

It all began on Saturday, July 30, 2011 when our hosts, Frank and Peggy Imholte, as well as Black Diamond Auctions, hosted a customer appreciation open house/ barn dance and welcomed MSAA members to join in on the fun. With line dancing and socializing, the fun lasted late into the night.

As Sunday morning rolled around, it was time for the day of fun to begin. Jerome, Natalie, and Hunter Hansen came rolling in to the Imholte ranch for our first-ever MSAA Motorcycle Run. Joined by President Andrew Imholte, Jessica Imholte, Peggy Imholte, and lead by Black Diamond team member John Norell, this team of riders headed out for a beautiful run around central Minnesota. In the early afternoon the sounds of paintball guns could be heard as eight members and friends spent some time on the Imholte paint ball course. It was painful for some, but enjoyed by all. As the afternoon wound down the sounds of shotguns rang out as members began trap shooting. Many very competitive rounds of Annie Oakley were played, and as the sun set, the members who were camping could be found around the campfire sharing stories . . . and swatting mosquitoes.

Monday morning began with our yearly auditing committee meeting, followed by a brief informal board meeting and open town hall meeting for all in attendance. With a major thunderstorm threat, the first MSAA Golf Scramble had to be cancelled. Luckily, a great seminar on liability and contract review was provided by MSAA board member Tony Elfelt. His presentation was a wonderful opportunity for members to ask questions of an attorney without having to pay a fee for the conversation. Meanwhile, the MSAA Auxiliary was busy sewing small gift bags for children at a Minnesota hospital.

For lunch, we were treated to a marvelous spread, the centerpiece of which was 75 pounds of beef roast that had been slow cooking on a spit by Wally and Bob Laumeyer all morning. During lunch, the MSAA Hall of Fame and the MSAA Auxiliary Hall of Fame met for their annual meeting to discuss candidates for induction.

After lunch, MSAA Champion Auctioneer Kurt Johnson sold a number of items provided by the MSAA board members to help offset the cost of the weekend. As he concluded, president Andrew Imholte spoke on behalf





Sew good

MSAA Auxiliary members put their skills to use for a worthy cause.



Some like it hot
Cooking meat and carting kids. Just another day in Manville.



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of his 2011 charity, the Gillette Children’s Hospital. In the fall, the MSAA will send a representation of auctioneers to the hospital to conduct a children’s auction and in January the MSAA and Auxiliary will present the hospital with a donation on behalf of the membership. Seven positions at the children’s auction were sold and helped raise money for this wonderful cause.



Legal advice

MSAA board member Tony Elfelt shares tips on contracts and other legal matters.



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Gillette Children's Auction

This year MSAA and MSAA Auxiliary is partnering with Gillette Children's Hospital to help raise money for the children of Minnesota.



If you would like to support our efforts, please contact Andrew Imholte today. andy@solditatauction.com

Every dollar makes a difference

Just after 1 p.m. it was time to start the bi-annual business meeting. Topics ranging from finances to awards, as well as committee reports were discussed. The meeting was brief and stayed on task and by 2 p.m. many auctioneers were saying their goodbyes and heading home. As in past years, many memories were shared and attendees are already looking forward to 2012. ■



Hot shots Blasts could be heard around the grounds as members partook in friendly competition.



Can We As Auctioneers Restore Mankind?

Give Peace a Chance

Mark Rime
Vice President, MSA
[Contact](#) 



Greetings to all the members of the MSA. I have a story that I'd like to share with you.

In February of 2010, we conducted our spring antique advertising auction. Roughly two weeks before the auction, I was getting my oil changed and the gentleman behind the counter asked me if I had some room to sell about twenty lots of gas and oil items. I told him I could probably take twenty more lots, but that it was too late to advertise any of the items.

He said not to worry about it and that it was just some items he had lying around in the garage. I told him to bring his articles to the VFW club on Friday afternoon along with the rest of the consignors. He showed up about six o'clock that evening and I helped him unload his auction items. That evening there were about twenty guys hanging around; some were helping me while others were looking at the items early for the Saturday auction.

I went out to his truck, he opened the back, and in it were a couple of signs, a windshield wiper cabinet, and some rusty five gallon gas cans from Grandpa Jones farm. I informed the client that these were not really the kind of items I was looking for because we had signs inside and other items that were worth hundreds, even thousands, of dollars. He then said, "I've got a can you might like." And out of his cab he pulled a five gallon Rocker can that said "Midwest Oil Company and Ace High Gasoline" with the picture of a bi-plane on it from the 1920's. Its condition was probably a nine out of ten. I have been collecting gas station memorabilia, going to swap meets, and doing auctions for over twenty years, and

I have never seen this can before. Since I thought that I couldn't just take the good stuff, and that I had to take it all, I brought everything inside the building. As I walked through the door of the VFW club with the Rocker can, the guys that were inside couldn't believe what they saw. We put lot numbers on all of his items and set them out on the tables.

About fifteen minutes later, the gentleman walks up to me and says, "This guy over here just offered me four hundred dollars for the Rocker can and I'm going to sell it to him. It's not advertised, and I need the money since I'm getting divorced." I talked to him and assured him that on Saturday the right people would be here to bid on his Rocker can. And I told him that I could guarantee that he would get at least a thousand dollars for it. He replied that he thought I was crazy, but he would take the chance and give us the opportunity to sell his Rocker can.

Saturday morning came and he showed up at the auction, as did several of my long-time buyers. About five of them asked me why I didn't advertise the can. And I replied that it had walked in





“I told them they had a unique opportunity because this can walked in the door at six o’clock last night.”

the door at six o’clock the night before. On Saturday, about forty-five minutes into the auction, I asked one of my workers to bring the can up to sell. A hush came from the crowd and I told them that they had a unique opportunity today because this can walked in the door at six o’clock last night. It was not advertised on the auction flier or on the web sites, and that only you folks in the room have an opportunity to purchase this can. The end result was that after some spirited bidding by about four individuals, it sold to a gentleman for \$3,100 dollars. At the end of the auction, the gentleman who purchased the can said, “Mark, I couldn’t believe that that can was here. I was hoping to get it for \$1,500 but you blew by \$1,500 so fast, I told myself, ‘I’m stopping at \$3,500.’” He was very happy that he got it for \$3,100.

On Monday, I went down to pay the client for his items and he said

to me, “Mark, thank you very much. You restored my faith in mankind. I thought everybody in this day and age was out to get the most for themselves, but you would not let me sell that can on Friday night for \$400 dollars even though I wanted to. I am getting divorced and this money really pulled me out of the hole.” I felt wonderful about his comments of my auction company and myself, and word about what I did for this gentleman has spread around to a lot of different people. So we, as auctioneers and members of the MSAA, can restore people’s faith in mankind. Be honest and up front with your sellers and buyers and you will have a successful auction career. ■

Sincerely,

Mark Rime
Vice President MSAA
763-434-5769
rimeauctioneering@gmail.com



What Exactly is Opportunity Agility?

Four Trends and How to Respond

Hannes Combest, CAE

Chief Executive Officer
National Auctioneers Association

Contact 



In April 2011, the Council on Future Practices, a committee appointed by then-President B. Mark Rogers, CAI, AARE, whose objective was to determine the future of the auction industry, provided a white paper to the Board of Directors of the National Auctioneers Association. This paper outlined their thoughts as to how the auction industry would respond to four macro-level trends that are occurring in society: economic uncertainty, developing technology, government regulations, and the emergence of a new business model called “Freemium.”

While these four trends may have negative connotations, the Council on Future Practices noted that auction professionals have the ability to adapt to and take advantage of sales opportunities because of these trends. This ability to use your business intuition and flexibility is a cornerstone in the auction industry and as a result, auction professionals have an opportunity to develop new markets within this industry and stay relevant. They coined the term “Opportunity Agility” to describe this capability.

While the members of the Council on Future Practices acknowledged that times are tough, Opportunity Agility will keep small and mid-sized auction companies competitive and profitable.

So what do you need to do to keep your business profitable?

First, don't wait until you are NOT profitable to look at the trends that are identified in this paper. According to the Council, speed is of the utmost importance. While home sales are lagging and businesses are closing, these negatives can be turned into an opportunity for auction professionals. There are more

opportunities today than ever before for business liquidation auctions, including the sale of commercial properties. There is also potential for more liquidation of household items.

But as everyone knows, an auction requires both buyers and sellers. And while these opportunities are available for the seller, where are the buyers?

One opportunity identified by the Council focuses on those buyers who live internationally. This may mean identifying people within your community who have access to a global market or it may mean taking your auction online. The Council listed other opportunities about potential buyers, as well as other opportunities in their paper.

If you are a member of NAA, go online and read the Council's paper in the June/July issue of Auctioneer or go to www.auctioneers.org/member-resources/download. And if you are not a member of NAA and would like to see a copy of the white paper that the Council on Future Practices developed, just e-mail me: hcombest@auctioneers.org. I'll be glad to send you a copy.





“You have access to education through formal classes and informally through a great network of auction professionals.”

As a member of your state association or the National Auctioneers Association, you have an edge on your competitor. You have access to education through formal classes and informally through a great network of auction professionals. Now more than ever is the time to use these resources.

At NAA, we have a series of free, 30-minute education webinars for NAA members who can participate via the Internet at any time, night or day. Industry Insights will provide you with short, business-related programs that will help you advance your business. They cover topics like how to conduct a storage unit auction, using Craigslist to market your auction,

and many, many more. Use these resources—they are free to NAA members!

And use the resources provided by your state association. Whether it is reading the newsletter, picking up the phone and calling one of your association members, or attending their state convention, today more than ever is the time you need to make sure you are current in your education—not because a license requires it, but because your future business demands it! ■

Hannes Combest, CAE
Chief Executive Officer
913-563-5423
hcombest@auctioneers.org



Auction Houses?

A Minnesota Tax Recap

John D. Schultz
President, MSA
Schultz Auctioneers
Contact 



Does an auction house that conducts auctions on a weekly basis need to collect sales tax if selling for non-business clients?

This is a hot topic in the State of Minnesota. As recently as a few years ago, the Minnesota Department of Revenue began to audit auction companies for compliance with sales tax laws. The audits were not completed uniformly, and different standards were applied. As a result, the Minnesota State Auctioneers Association has had numerous seminars on the topic. Even today, it continues to be an often discussed topic. The question above was most recently addressed to me in an email.

I understand that if selling for a business that would have charged tax, I need to collect on their items. However, it is unclear if I am selling for people downsizing, left over estate items for the deceased or someone just cleaning house...

I am under the understanding from the MSA that tax **MUST** be collected on this type of sale. Yet the first response I received from the state tells me I do not have to collect sales tax.

There are two other auction houses within 30 miles of mine and they are not collecting tax. I am collecting tax and this is creating a conflict with my customers.

Minnesota has rules governing the collection of sales tax. The particular area that applies to auctions of personal property is:

Minnesota Administrative Rules 8130.5800 ISOLATED OR OCCASIONAL SALES AND SALES OF PERSONAL PROPERTY USED IN TRADE OR BUSINESS.

The answer from the state is correct – but only to a point. They are correct that tax is generally not collected in instances where you are selling for that seller and

only that seller (an auction by their definition) not at consignment auction. However, regularly scheduled consignment auctions are not considered auctions (I know it sounds crazy—but that's the law – see Rules 8130.5800 Subp. 10 B.), and are instead considered consignment auctions. As a result, Subp 10 applies.

Subp. 10. Consignment sales and consignment auctions.

- A. For purposes of this part, consignment sales are sales in which a retailer maintains a place of business where tangible personal property owned by others is sold by the retailer in the normal course of business. The retailer may also sell property owned by the retailer. A consignment sale is not an auction, as defined in subpart 8.
- B. Consignment auctions are events that are regularly scheduled, are open to members of the public to sell their items, and are held at the same location. Consignment auctions are not selling events, as provided under Minnesota Statutes, section 297A.87. Consignment auctions are





not auctions, as defined in subpart 8.

- C. The sale of items held in inventory, taxable services, and property primarily used in a trade or business is generally subject to tax, as provided in Minnesota Statutes, section 297A.68, subdivision 25.
- D. Consignment sales and consignment auctions are exempt from tax if:
 - (1) the title to the property passes directly from the owner to the buyer;
 - (2) the payment does not pass through any accounts of the retailer or auctioneer;
 - (3) the retailer or auctioneer does not carry insurance on the property; and
 - (4) the rights to accept or reject any offer are retained by the owner.

If all four of the exceptions apply at consignment auction, you are

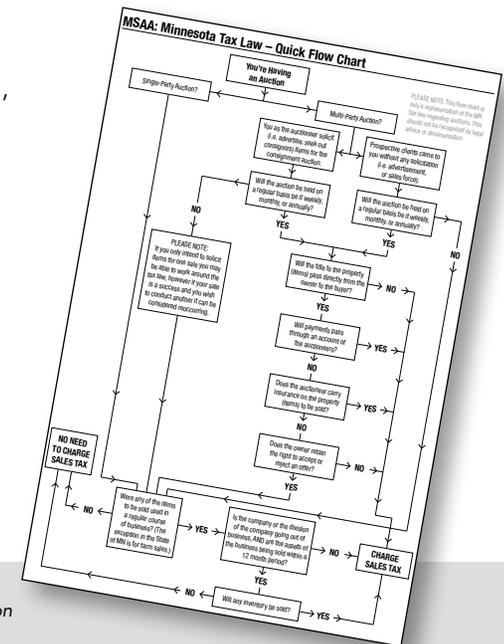
not required to charge tax. If an auctioneer fails to meet any of the four, tax is required to be collected. Of course, there are exemptions that the buyer can have – and most require them to have a tax ID number, and all require them to complete an exemption form.

To answer your question, if it is a regularly scheduled consignment auction, tax should be charged. If it is a standalone auction for a seller, tax is not required to be charged if it meets the exemption explained in the correspondence from the state. In fact, our company has taken the collection one step further, and collects sales tax on all consignment auctions. We have found the term ‘regularly scheduled’ to be unevenly applied, and find it financially prudent to charge tax on all consignment auctions rather than risk an audit and assessment of unpaid sales tax.

The rules concerning charging or not charging sales tax will continue to be a matter with which all auctioneers need to take the time to review and fully understand. Simply because you’ve not charged

tax in the past is not a valid reason to the Revenue division of the State of Minnesota. One only need ask around the association to determine that sales tax audits have become common. If you haven’t been audited yet, and you conduct auctions with multiple sellers, rest assured that the audit division of Minnesota Department of Revenue is watching. Not only does it behoove each auctioneer to follow the rules concerning sales tax, but it also benefits the public and association when all parties conform to the same set of rules. ■

“The rules concerning charging or not charging sales tax will continue to be a matter with which all auctioneers need to take the time to review and fully understand.”

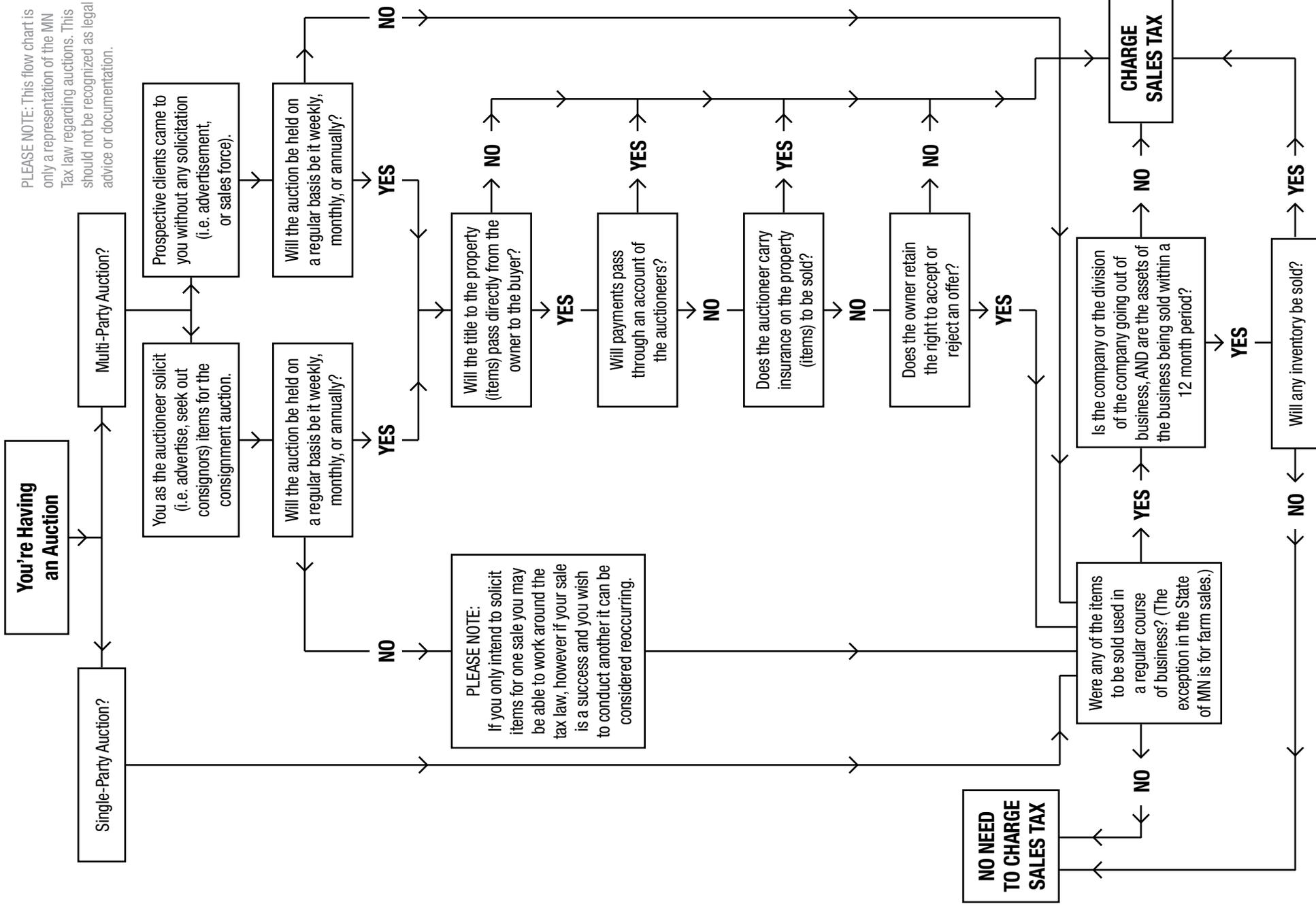


Check out our new MN Tax flow chart displayed on the next page. You can also download a version from the MSAA website documents section.



MSAA: Minnesota Tax Law – Quick Flow Chart

PLEASE NOTE: This flow chart is only a representation of the MN Tax law regarding auctions. This should not be recognized as legal advice or documentation.



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MSAA Membership Application

Our Association is an organization of licensed auctioneers. With the support of its membership, the association works to promote the auction profession. We are governed by an annually-elected president, vice-president, secretary/treasurer, and nine board members. These board members serve in revolving three year terms. All past officers and directors comprise an advisory committee.

Membership Benefits

- Multiple educational seminars on topics pertinent to auctioneering, marketing, appraising, government regulations, small business growth & management, and cultural enrichment
- Complimentary subscription to The Minnesota Auctioneer, the official membership publication with news and informative articles from around the state
- Combined legislative influence as membership grows
- Policing body to maintain ethical practice and thus reputation for the industry as a whole in our state
- Mentoring and problem solving with other auctioneers
- Voting privileges in annual business meeting
- Permission to use the MSAA logo in advertising and compete in marketing competitions
- Updated directory of all MSAA members

Any auctioneer with a current license is welcome to join. New applicants become members by submitting a completed membership application (right) with proper payment.

Members must pledge to be faithful to all buyers and sellers. Members are also expected to show loyalty to the organization by actively participating in state activities and events.

Annual Dues Only \$100

(Include dues check for \$100 in envelope with this application.)

- New Membership
 Membership Renewal
 Membership Reinstatement

Name: _____

Company Name: _____

Address: _____

City: _____ State: ____ Zip Code: _____

County: _____ MN License Number: _____

Email: _____

Work Phone: _____

Home Phone: _____

Cell Phone: _____

Signature of Applicant: _____

Auxiliary Dues - \$5.00

Spouse Name: _____

Membership is from January 1 to December 31. Members who join after October 1 will receive membership for the remainder of the current year and the entire following year. All members are expected to act in a professional manner and conduct an ethical business.

Questions? Call Toll Free! 800-440-9398

To submit this form, fill out then print a copy and attach any extra requirements.

Return with payment to:

Minnesota State Auctioneers Association

c/o Frank Imholte, Executive Vice President
 8160 County Road 138, St. Cloud, MN 56301



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MSAA Hall of Fame Nomination

Nominations must be postmarked no later than July 1 of the year preceding the presentation of the Hall of Fame Award. Mail nomination to:

Lowell Gilbertson, Hall of Fame Committee.

Name of Nominee: _____

Residence Address: _____

Phone: _____

Business Information:

Name of Firm: _____

Position: _____

Number of Associates or Partners in Business: _____

Business Address: _____

Phone: _____

Personal and Family Information:

Name of Spouse: _____

Does spouse participate in the Auction profession? Yes No

If yes, explain: _____

Is spouse a member of the MSAA Auxiliary? Yes No

Give names and ages of children: _____

General Professional Information:

How long has the Nominee been involved in the auction business?

What percentage of the Nominee's time is actively spent in the auction business?

How long has the Nominee been a member of the MSAA?

Has the Nominee specialized in any particular field of Auctioneering?

List educational background of the Nominee. (Include offices held, current and past):

1) _____

2) _____

3) _____

List regular auctions conducted, if any, and/or special individual auctions conducted which have brought attention and credit to the profession of auctioneering.

1) _____

2) _____

List at least three individuals who have worked with the Nominee or who have knowledge of the Nominee's worthiness of being considered for this award, whom the Hall of Fame Committee may contact:

1) _____

2) _____

3) _____

Previous recipients of the MSAA Hall of Fame Award have established some general qualifications which they feel each Nominee should possess or have shown. Please reflect your personal assessment of the Nominee with respect to: HONESTY, HIGH ETHICAL STANDARDS, WILLINGNESS TO SHARE WITH OTHERS, STANDING IN HIS OR HER COMMUNITY, AND MASS CONTRIBUTIONS TO THE AUCTION PROFESSION.

Narration: (Attach separate sheet.)

Submitted by: _____

Address: _____

Phone: _____

To submit this form, fill out then print a copy and attach any extra requirements.

Return to:

Lowell Gilbertson, MSAA Hall of Fame Committee
2661 Oak Hills Dr. SW, Rochester, MN 55902



MSAA Auxiliary Hall of Fame Nomination

Qualifications for Nominees:

- Spouse must be a member in good standing in the MSAA (or past member if widowed).
- A member of the MSAA Auxiliary with recent or previous active participation.
- Participation in a related business to the auctioneering profession.
- Active in community, church, charitable or volunteer organizations.

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____

Name of Spouse: _____

Business Name: _____

Business Address: _____

City: _____ State: _____ Zip Code: _____

Business Phone: _____

(Attach separate sheets if necessary.)

Auxiliary Participation:

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____

Community Activities:

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____

Personal Comments: (Attach separate sheet.)

Please include as much detail as possible on all areas. Nominations must be postmarked no later than August 1 of the year preceding the presentation of the Hall of Fame Award.

To submit this form, fill out then print a copy and attach any extra requirements.

Return to:

Deb Ediger, Committee Chairperson
 218 W. Main, Belle Plaine, MN 56011
 952.873.2292 or 952.873.6972



Annual Scholarship Application

**Two Scholarships of \$1,200.00 each (subject to change)
from the MSAA & MSAA Auxiliary
One Scholarship of \$1,200.00 (subject to change)
"Vi and Orlin Cordes Memorial Scholarship"
Deadline: November 1, 2011**

Date: _____

Name _____ Age: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: _____ Date of Birth: _____

Relationship to ACTIVE MSAA or Auxiliary Member:

Child Grandchild Niece Nephew Auctioneer Spouse

An Active Member means he/she should attend MSAA Conventions on a regular basis and be interested/involved in promoting the MSAA/Auxiliary auction profession. Must be a member of the MSAA or Auxiliary for three consecutive years.

Name of Relative: _____

Address: _____

City: _____ State: _____ Zip Code: _____

NOTE: Only one scholarship per candidate. If unsuccessful in your application one year, please reapply.

High School Graduated from: _____ Year: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Name of College or University of enrollment: _____

Address: _____

City: _____ State: _____ Zip Code: _____

CHECKLIST

1. Scholastic Information – GPA: _____

(If senior in high school or current college full-time student. Need not be official.)

2. Honors or Community Involvement:

(List any or all school, community, club, sports and academic activities)

a) _____

b) _____

c) _____

d) _____

e) _____

3. ESSAY: Be unique and creative! Please state what you've learned from your experience in the auction profession and/or what you would do with the scholarship funds. The essay needs to be completed **without** including any names or business names that would identify the applicant or their active MSAA member. **(This is important because the Scholarship Committee is presented the essay with this information removed so the identity of the applicant is not revealed to them. The Committee is judging the content of the essay while avoiding any prejudice by the inclusion of names.)** Please complete on a separate page, sign and ATTACH ESSAY TO THIS APPLICATION FORM.

4. Please attach a copy of the letter of acceptance or proof of enrollment in your school of higher education (required if applying for the MSAA or Vi and Orlin Cordes scholarship).

5. Current letter of recommendation is required for ALL scholarship applicants.

Absolute Deadline – Must be postmarked by November 1, 2011

Relative of winner will be notified before the annual convention. Winner and MSAA Auxiliary member relative are encouraged to attend the Saturday evening President's Banquet at the annual Minnesota State Auctioneers Convention.

To submit this form, fill out then print a copy and attach any extra requirements.

Return to:

Peggy Imholte
8158 Co. Rd. 138, St. Cloud, MN 56301

Scholarship Committee: Alice Goelz (chair), LuAnn Finnila, and Sara Fahey



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