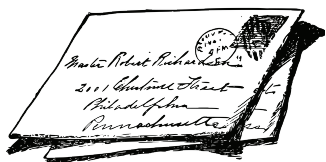




THE VOICE OF THE
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Auctioneers
Association**

APRIL 2018

www.sdaa.net



A letter from the SDAA President

Greetings fellow SDAA Members,

Spring is almost here, and things seem to be as busy as ever in the auction world. Every time I look, I see more ads for auction sales all over South Dakota, so our members are staying active.

I recently attended the NAA State leadership conference in Kansas City along with my good friend, President-elect, Ken Girard CAI. This was a great experience with other auction professionals from many different states across the country. It was full of information sharing and ideas on how other state associations operate. I strongly encourage all future SDAA officers to take advantage of this opportunity.

A major topic of concern was the current Court Battle of *South Dakota vs Wayfair*. This is an area of concern regarding the collection of sales tax that will affect auctioneers across the country and many of our members. To learn more about this topic and better inform yourself, read the insert in this newsletter and visit www.auctiontax.com.

Our convention will be here before we know it. This year's SDAA Convention will be held at the Crossroads Hotel & Event Center in Huron June 14, 15 and 16. A block of rooms has been set aside and will be held until May 15, 2018. To make your reservations call 605-352-3204 and be sure to tell them you are with the South Dakota Auctioneers Association.

I am excited to announce this year's continuing education speakers. Scott Schuman CAI is the current president of the National Auctioneers Association and is a partner with Hall & Hall Auctions. Mr. Schuman has 31 years' experience in the auction industry and will bring a wealth of knowledge to his classes. Also joining us this year is Jon Hamilton. Mr. Hamilton was one of my favorite instructors at the Certified Auctioneers Institute as his presentation is very informative and entertaining. He will be teaching his class on negotiating. I feel these two presenters have a lot to offer all our members and I encourage each and every one of you to take advantage of this education opportunity. My wife Joy and I look forward to seeing you all in June for another great South Dakota Auctioneers Association Convention.

Best wishes,
Ben Meyer CAI, SDAA President



**2017-2018 SDAA
PRESIDENT BEN MEYER, CAI
HURON, SD**

Fill it out, mail it in!

**SDAA
Membership
Application inserted
into this issue**

New Members:

We welcome new members:

Ross Glass of Hebron, ND
Cody Tupper of St. Onge, SD
Wyatt Schaak of Quinn, SD
Jade Harper of Rapid City, SD

Upcoming Events:

May 15 – SDAA State Convention deadline for rooms

May 16 – IAC Deadline. Absolutely NO LATE ENTRIES will be accepted for the IAC contest

June 14 – 16, 2018: SDAA Convention in Huron, SD President Ben Meyer

July 17 – 21, 2018: International Auctioneers Conference and Show in Jacksonville, FL.

September 2 – 2018 SDAA bid Calling Contest at the South Dakota State Fair in Huron, SD

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chisumpeterson@midstatesd.net

Dietterle chosen as Businessman of the Year



South Dakota Auctioneers Association Member Doug Dietterle of Meadows, SD was chosen as the Black Hills Angus Association's Businessman of the Year.

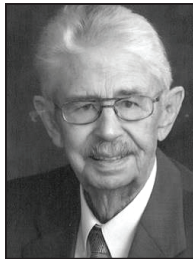
Doug also sells at Livestock Auction Barns in NW South Dakota.

Pictured L To R are son Mason, wife Wendy and Doug Dietterle and TJ Gabriel Black Hills Angus Association. Congratulations Doug on a well deserved award.

PHOTO COURTESY CATTLE BUSINESS WEEKLY

OBITUARY

Robert (Bob) Peterson



Robert (Bob) A. Peterson, age 94 of Brookings, passed away Sunday, January 7, 2018, at the Brookings Hospital following a brief illness. Visitations were Tuesday, January 9, 2018, at

Eidsness Funeral Home. Funeral Services were held at 11 a.m. Wednesday, January 10, 2018, at First Presbyterian Church in Brookings. Memorials can be sent to the Boys and Girls Club of Brookings.

Robert "Bob" Peterson was born June 5, 1923, to parents Howard and Addie (Anderson) at Volga, South Dakota. Bob lived on the farm northeast of Brookings with his parents and six siblings. Bob attended Fountain School in rural Brookings County and graduated from Brookings High School. He married Helen (Nielson) on March 17, 1946. They enjoyed nearly 72 years of marriage together.

Bob farmed with his family, but was always interested in auctioneering. He very often practiced his skills while doing his farm duties. Bob's skills soon developed to the point where he joined local auctioneers and became co-owners of Burlage Peterson Auctioneers and Realty. Bob auctioneered for Brookings Livestock

and for Sioux Falls Stockyards for over twenty-five years. It gave him great satisfaction to have his son James join the firm and then grandson Scott Peterson to carry on the career he enjoyed.

Bob was a person who always remembered your name and had a gift of wit and conversation while getting bids at his many farm sales. He was a member of the South Dakota Auctioneers Hall of Fame; past president of the South Dakota Auctioneers Association; Director of Bank First; life member of the Brookings Elks Lodge No. 1490; and a member of the First Presbyterian Church in Brookings.

Bob loved tinkering with John Deere tractors as a hobby. He and Helen spent many winters in Arizona always making new friends and enjoying other "snow birds."

Survivors include his wife Helen; son, James (Brenda) of Brookings; daughter, Nancy (Daniel) Quail of St. Cloud, MN; four grandchildren; Eric (Miranda) of Brookings, Scott (Tricia) of Volga, Stacy (Quail) Sundberg of Minneapolis, MN; and Shane (Denelle) Quail of Sioux Falls; seven great-grandchildren: Vincent Sundberg, Erica and Elexa Peterson, Ezra and Eben Quail, Lane Liebsch and Quinn Peterson, as well as many nieces, nephews, and close friends. Bob was preceded in death by his parents; three brothers, Lawrence, Earl and Wayne; and three sisters, Mildred, Helen, and Harriet.

2018 South Dakota Convention



This year's convention is being held June 14, 15 and 16, 2018 in Huron, SD at the Crossroads Hotel and Huron Event Center. Room rates are being held in a block till May 15, so get your room now as when they are released to the public we can't guarantee a room for our \$78.99 rate plus tax. Just tell them you are with the South Dakota Auctioneers Association and if you have problems, let me know. The number for the rooms is 605-352-3204.

Ben and Joy have a great line up for this

year's convention. I will be putting out a letter when I get the schedule as it is incomplete now. We will be having 12 hours of continuing education classes. The fun auction will be Thursday night. You are asked to bring items to sell as this is how we fund the bid calling contest and convention. Friday night is the banquet and will be offering a kid's plate for little ones so make sure you mark your registration form.

We have vendors coming so if you know of a vendor that wants to come, have them

get a hold of me. There is no charge for them to set up, but they need to pay a registration fee if they are taking in the food and hospitality room.

So, don't forget to make your reservations now and I will be sending the rest soon.

Dawn Luckett, SDAA Executive Secretary
luck@venturecomm.net
 605-350-3020-Cell
 605-539-9281-Home
 "Auction is the Only Way"

Meet our Continuing Education Convention Speakers

JOHN HAMILTON



John Hamilton grew up on a dairy farm in the hills of western Pennsylvania. That background

kept him "close to home" for years. College and the US Army broadened his range considerably.

John has held a real estate instructor and broker's license in Pennsylvania for over 40 years and heads his own speaking and

consulting firm.

For over three decades John has lead seminars, workshops and training sessions in 49 of the 50 states and six Canadian provinces. His clients include trade groups, associations, companies, networks and private firms. His signature program, Negotiating: What's Mine Is Mine, What's Yours Is Negotiable has equipped and entertained audiences far and wide.

John and his wife, Virginia currently call Eureka, Montana home from which John continues his robust traveling and teaching schedule.

SCOTT SHUMAN, CAI



Scott is a partner and an Auctioneer for Hall and Hall Auctions. He has more than 29 years

of auction experience attending auction school in 1986 and opening an auction firm shortly thereafter.

Scott is the 2014 Colorado State Champion Auctioneer. He was awarded the 1997, 2002 and 2014 Auction of the Year awards

from the NAA, as well as the prestigious Rose Award presented by the Certified Auctioneers Institute.

Scott has served as an instructor for the Certified Auctioneers Institute and Trustee for the NAA Education Institute. He is a past CAA Board member and currently serves as a director on the NAA Board.

Scott and his wife Krista reside in Eaton, Colorado with their three children. Their hobbies include snow skiing and cheering on the Denver Broncos.

Hello State Leaders,

The 2018 International Auctioneer Championship deadline will be here before we know it!

Many of you hold state bid calling competitions that give the winner a complimentary entry into our contest. Now is the time to be working with your champions on getting them registered for Conference & Show and the IAC. (As a reminder, the NAA does not coordinate these efforts- including payment- on your behalf, so you will need to work with your state's champion directly to make sure everything is completed by our deadline.)

ALL ENTRIES MUST BE RECEIVED BY 11 PM ON MAY 16, 2018. ABSOLUTELY NO EXCEPTIONS WILL BE MADE.

Now is the time to encourage your state champion, leadership team and general membership to compete!

Eligibility Overview:

-IAC contestants must be at least 18 years old and current NAA members as of July 20, 2018

-Be registered for Conference by 11 PM on May 16, 2018*

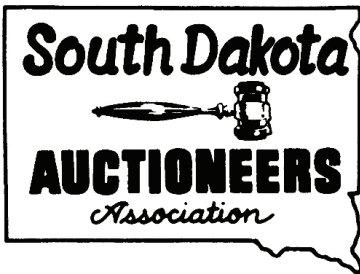
-Submit all entry materials and fees by the May 16 deadline

*In 2018, contestants who wish to enroll in the CAS class during C&S week may do so and still compete in the IAC IF they are enrolled in CAS and have purchased a one day C&S pass for Friday July 20 by 11 p.m. on May 16, 2018.

Other rules and regulations apply, so make sure to visit www.conferenceandshow.com for complete competition and registration information. If you have any questions, they should be directed to conference@auctioneers.org.

I wish all of your competitors the best of luck in Jacksonville!

Sincerely,
 Laina Gunsallus, NAA Membership Coordinator
 (913) 563-5425, lgunsallus@auctioneers.org



Black Hills Stock Show Bid Calling Contest

2018 South Dakota Auctioneers Association Black Hills Stock Show Bid Calling Contest

The 2018 SDAA Black Hills Stock Show Bid Calling contest was held in Rapid City, SD January 28, 2018 at the civic center. This year's master of ceremonies was 2017 champion Casey Perman of Glenham, SD.

This year's event was fantastic, we had 22 contestants that raised \$3150. Each contestant is to bring three items of their choice to be sold with proceeds going to support the South Dakota Auctioneers Association.

The three finalists will auction off the three items each donated with proceeds going to the Central States Fair Foundation. The Central States Fair Foundation also gets donated items to be auctioned off during breaks and tallying scores by past champions and the host. This year we raised \$1892.50.

We always have full seats in the Rushmore room of the civic center. There takes a host of workers from the SDAA serving as ring men, to the five judges who donate their time to judge

the contestants, Joy Meyer for running score sheets, Donna Eckert and her daughters Carissa Alloway and Caitlin Brodrecht for helping clerk.

Again, this was a great contest and a big thanks to the 22 contestants for supporting this event. They came from North Dakota, Minnesota, Wyoming and South Dakota.

This year's winners were: Champion Nick Caspers of Bismark, ND, who won a buckle, plaque and \$50; 1st Runner up Travis Holck of Crystal MN, who won a plaque and \$300; 2nd Runner up Terry Moe of Watford City, ND who won a plaque and \$200.

Hope to see you all at 2018 SDAA State Convention fun auction and if you need Continuing Education Classes, join us June 14-16 in Huron, SD and for the 2018 SDAA State Fair Contest at the South Dakota State Fair in Huron, SD September 2, 2018.



Jade Harper of Rapid City, SD



Jake Lolley of Murdo, SD



Jon Millar of Sturgis, SD



Wyatt Schaak of Quinn, SD



Eric Nowotney of White Lake, SD



Jeff Enquist of Stockholm, SD



John Costello of Sundance, WY



Terry Moe Watford City ND



Winner of the 2018 Black Hill Stock Show Bid Calling Contest L to R: 2018 Champion Nick Caspers of Bismark, ND; 1st Runner up Travis Holck of Crystal, MN; 2nd Runner up Terry Moe of Watford City, ND.



2018 Black Hill Stock Show Bid Calling contestants.



Travis Holck of Crystal, MN



Travis Van Duysen of Wagner, SD



Justin Biesheuvel of Gillette, WY



Justin Dean of Artesian, SD



Ken Wintersteen of Olivet, SD



Nick Caspers of Bismark, ND



Sam McCloud of Hoven, SD



Ted Souvignier of Canton, SD



Clayton Keck of St. Lawrence, SD



Curt Littau of Winner, SD



Eli Pieper of Gary, SD



Alec Whipple of Parmelee, SD

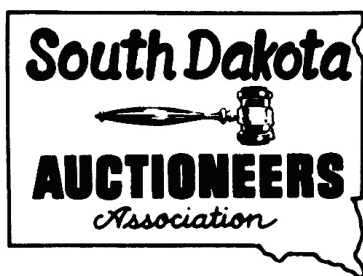


Austin Thayer of Martin, SD

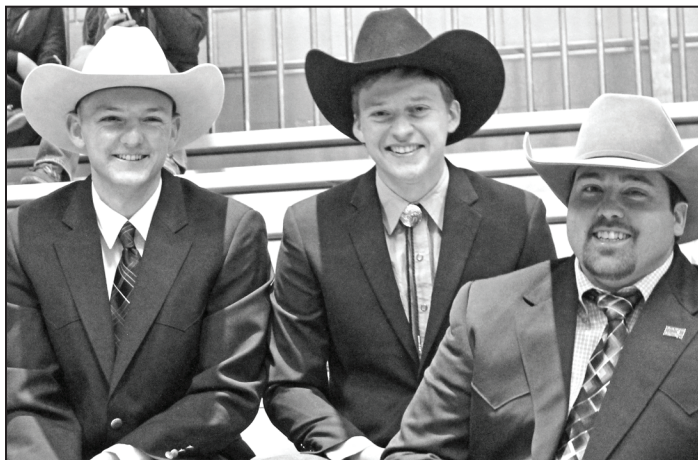


Brad Veurink of Corisca, SD





Black Hills Stock Show Bid Calling Contest



Contestants Jake Lolley, Clayton Keck and Sam McCloud visiting and relaxing before they compete.



Standing Room only to watch the contest and to support the South Dakota Auctioneers Association and Central States Fair Foundation.



Susan Cable of Winner, SD is a big fan and donor of the South Dakota Auctioneers Associations. She works for the Tri State Livestock/Farm & Rancher Exchange. Thanks for all your support



Carissa Alloway of Rapid City, SD clerk the auction with 2017 Champion Casey Perman Glenham SD as the Master of Ceremonies.



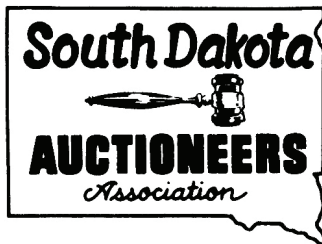
Past Champions Casey Perman, Dace Harper and Ben Meyer came to help with this year's contest.



Caitlin Brodrecht of Presho, SD and Donna Eckert of Okaton SD passed out numbers and took money.



The contestants getting ready.



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WHY IS *SOUTH DAKOTA V. WAYFAIR* IMPORTANT TO THE AUCTION INDUSTRY?

The Supreme Court case deals with who has the authority to regulate interstate commerce in the U.S.

Question: What is the South Dakota v Wayfair, Inc. case? How will this case potentially affect members of the NAA?

Answer: South Dakota v. Wayfair, Inc. is a case currently pending before the United States Supreme Court. It relates to the nature of sales tax for purchases made over the Internet.

BY KURT BACHMAN

This case could affect Auctioneers who sell goods on the Internet as well as traditional live Auctioneers who broadcast their auction over the Internet. South Dakota requests the Supreme Court to abrogate its 1992 decision of *Quill Corp. v. North Dakota*, which decided that under the "dormant commerce clause" states may not collect sales tax from businesses conducting sales online unless those businesses have a physical presence within their state or there is legislation from the United States Congress authorizing the states to collect taxes from others out-of-state.

A. What is this case about? South Dakota and several states adopted legislation to challenge the *Quill* decision. The legislation sought to allow these states to collect sales tax from out-of-state vendors in limited circumstances. The specific legislation required vendors who had sales of over \$100,000 or more than 200 different transactions with residents of the state to collect taxes. The Supreme Court agreed to hear the case on January 12, 2018 and oral argument is scheduled for April. A decision is expected by the end of the Court's term in June.

The case deals with who has the authority to regulate interstate commerce in the United States? The "dormant commerce clause" refers to a constitutional principle that is inferred from the Commerce Clause.

The Commerce Clause in Article 1, Section 8

of the Constitution of the United States gives express authority to the United States Congress "to regulate commerce with foreign nations, and among the several states, and with the Indian tribes." The dormant commerce clause is the concept that exclusive power to regulate interstate commerce is granted to the United States

Congress through commerce clause, therefore the states do not have such authority. It prevents states from having trade wars and passing legislation that improperly discriminates against interstate commerce. For example, could Ohio charge a higher tax on goods from other states in order to encourage people to purchase goods from Ohio? The dormant commerce clause limits the power individual states to legislate on such matters. The dormant commerce clause is not an express clause in the U.S. Constitution. It is, rather, a doctrine developed by the U.S. Supreme Court.

B. What are some of the arguments related to this issue? The battle lines have been drawn, in part, based on big businesses versus small businesses. South Dakota argues: "Today, advances in computing have made it easy for retailers to collect different States' sales taxes. Implementing such technology poses a minimal obstacle for companies, like respondents here, that can instantly tailor

their marketing and overnight delivery of hundreds of thousands of products to individual customers based on their IP addresses; these companies can surely calculate sales tax from a zip code.

In fact, the record here shows that sales-tax collection is now uncomplicated for large-scale Internet retailers ... and that asking today's companies to undertake it when they do substantial business with a State's citizens imposes no undue burden on interstate commerce:•

Wayfair, Inc. responds, in part, South Dakota "argues that software developments make tax collection easier for remote sellers. The truth is that sales tax collection has become more complex as the number of tax jurisdictions has more than doubled since 1992. Moreover, the integration of tax collection software is extraordinarily expensive If *Quill* is overruled, the burdens will fall primarily on small and medium-size companies whose access to a national market will be stifled. Congress can address this issue in a balanced and comprehensive manner through legislation." In addition, Wayfair points out "[t]he system of state and local sales taxes in the United States is highly complex. There are 45 states, plus the District of Columbia, that have a sales tax, and thousands of local taxing jurisdictions. This dizzying array of jurisdictions results in thousands of different tax rates, taxable and exempt products and services,

exempt purchasers, shipping tax treatment, specialized tax rule

(such as sales tax "holidays" and "thresholds" for different products), statutory definitions, registration and reporting regimes, record keeping requirements, and filing systems. In addition to compliance burdens, companies are exposed to potential audit by every state and locality with a self-administered sale or use tax. Remote sellers are only shielded from such inordinate burdens by *Quill*."

C. How will this case affect NAA members? That is uncertain right now. The Court could decide not to address the main issue. There are questions about whether the case is ripe and whether it is appropriate to decide the issue. The Court then has the option of following the *Quill* decision or changing direction. If the Court decides not to uphold the *Quill* case, it will have to give everyone some new standards or parameters. While the legislation as drafted primarily affects larger companies, the Court's decision could open the door to taxation of all sales over the Internet. If the Court agrees with South Dakota and allows states to require remote sellers to collect sales tax, states could potentially adopt legislation requiring all remote sellers to collect sales tax.

D. Who will this case affect? This decision is likely to have an impact on a significant percentage of the NAA

members. It will have an impact on members who sell goods exclusively on the Internet. But, it will also have an impact on members who have live auctions that are simultaneously broadcast over the Internet. It will also have an impact on those members who occasionally sell goods via the Internet. Depending on the decision rendered, this case may also have an impact on everyone who purchases goods via the Internet.

The NAA is getting involved in the case to make sure its voice is heard. The NAA plans to file an amicus brief (friend of the court brief) with the United States Supreme Court. An amicus brief is a legal document filed in appellate court cases by non-litigants with a strong interest in the subject matter. The purpose of the brief is to advise the court of relevant, additional information or arguments that the Supreme Court might wish to consider. In this case, the NAA wants to advise the Supreme Court of how abrogating *Quill* will affect its members.

Stay tuned.



Kurt Bachman
Attorney and licensed
Auctioneer from
LaGrange, Ind.
He can be reached at
(260) 463-4949 or
krbachman@



South Dakota Auctioneers Association

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