



# Public Service Commission

## State of North Dakota

### COMMISSIONERS

Tony Clark  
Brian P. Kalk  
Kevin Cramer

Executive Secretary  
Darrell Nitschke

600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480  
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26 April 2012

Mr. Allen C. Hoberg  
Office of Administrative Hearings  
2911 North 14th Street – Suite 303  
Bismarck, ND 58503

Re: Douglas John Delorme  
Auctioneer License Application  
Case No. AU-12-132

Douglas John Delorme  
Auction Clerk License Application  
Case No. AU-12-133

Dear Mr. Hoberg:

Enclosed is a request for an Administrative Law Judge for the captioned cases. The public hearing on the applications is scheduled to begin 16 May 2012 at 1:30 p.m. in the Commission Hearing Room, State Capitol, 12<sup>th</sup> Floor, 600 East Boulevard Avenue, Bismarck North Dakota. A copy of the Notice of Hearing and the Commission's Order denying licenses are enclosed.

The hearing will be electronically recorded.

If you have any questions, please contact me. Thank you.

Best regards,

Illona A. Jeffcoat-Sacco  
General Counsel

enclosures

c: w/enclosures - Douglas John Delorme

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Douglas John Delorme  
Auctioneer  
License Application**

**Case No. AU-12-132**

**Douglas John Delorme  
Auction Clerk  
License Application**

**Case No. AU-12-133**

**NOTICE OF HEARING**

**April 25, 2012**

On January 17, 2012, Douglas John Delorme filed an application for auctioneer license and an application for auction clerk license, along with the required license fees. The application forms contain questions that must be answered by the applicant. On each application form, Mr. Delorme answered the question about whether he had ever been convicted of, or pleaded guilty or nolo contendere to, a felony. He answered in the affirmative and attached a brief explanation.

On March 2, 2012, Mr. Delorme filed the required auctioneer and auction clerk surety bonds.

On April 11, 2012, the Commission issued an Order Denying License Applications and a Notice of Opportunity to be Heard.

On April 23, 2012, Mr. Delorme filed a Request for Formal Hearing.

The Commission will consolidate the two applications for hearing, under N.D. Admin. Code section 69-02-04-04, because the proceedings involve similar questions of law and facts, and consolidation will not prejudice the rights of the applicant.

A Public Hearing on the applications is scheduled to begin **May 16, 2012 at 1:30 p.m. in the Commission Hearing Room, State Capitol, 12<sup>th</sup> Floor, 600 East Boulevard Avenue, Bismarck, North Dakota.**

The issues to be considered in the hearing on the license applications are:

1. Does one or more of the offenses have a direct bearing on the applicant's ability to serve the public as an auctioneer or auction clerk?

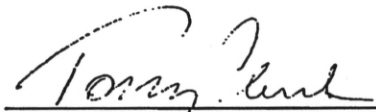
2. Has the applicant been sufficiently rehabilitated from prior criminal offenses under N.D.C.C. section 12.1-33-02.1?
3. Does the applicant bear a good reputation for honesty, truthfulness, and fair dealing?
4. Is the applicant competent to transact the business of an auctioneer or an auction clerk?
5. Other such matters deemed appropriate by the Commission.

For more information, contact the Public Service Commission, 600 East Boulevard Avenue, Department 408, Bismarck, North Dakota 58505-0480, 701-328-2400, or Relay North Dakota, 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials, please notify the Commission at least 24 hours in advance of the hearing.

**PUBLIC SERVICE COMMISSION**



**Kevin Cramer  
Commissioner**



**Tony Clark  
Chairman**



**Brian P. Kalk  
Commissioner**

**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Douglas John Delorme  
Auctioneer  
License Application**

**Case No. AU-12-132**

**Douglas John Delorme  
Auction Clerk  
License Application**

**Case No. AU-12-133**

**ORDER DENYING LICENSE APPLICATIONS  
AND NOTICE OF OPPORTUNITY TO BE HEARD**

**April 11, 2012**

On January 17, 2012, Douglas John Delorme filed an application for auctioneer license and an application for auction clerk license, along with the required license fees. The application forms contain questions that must be answered by the applicant. On each application form, Mr. Delorme answered the question about whether he had ever been convicted of, or pleaded guilty or nolo contendere to, a felony. He answered in the affirmative and attached a brief explanation.

On March 2, 2012, Mr. Delorme filed the required auctioneer and auction clerk surety bonds.

The license standards set forth in North Dakota Century Code § 51-05.1-02 provide that licenses may be granted only to persons who bear a good reputation for honesty, truthfulness, and fair dealing and who are competent to transact the business of an auctioneer or a clerk.

North Dakota Century Code § 51-05.1-02.1 provides that conviction is not a bar to licensure "unless the . . . commission determines that the offense has a direct bearing upon a person's ability to serve the public as an auctioneer, or . . . the person is not sufficiently rehabilitated under section 12.1-33-02.1."

North Dakota Century Code § 12.1-33-02.1 specifies the items to consider when reviewing an application submitted by an applicant who has a prior conviction of an offense. North Dakota Century Code § 12.1-33-02.1 provides the commission consider the nature of the offense and whether it has a direct bearing upon the duties of the trade, information pertaining to rehabilitation of the convicted person, and the time elapsed since the conviction or release.

From the information available to the Commission, the Commission cannot conclude that the applicant is sufficiently rehabilitated to serve the public as an auctioneer or auction clerk.

**Order**

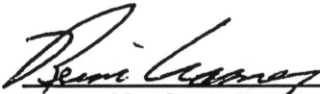
The Commission orders:

1. The application for auctioneer license is denied.
2. The application for auction clerk license is denied.
3. The surety bonds and the license fees will be returned to Mr. Delorme.

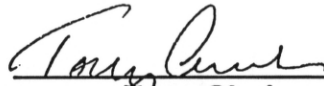
**Notice**

YOU ARE HEREBY NOTIFIED that you have the opportunity to request a hearing on each of these matters. A request for hearing must be made in writing and filed with the Commission no later than 5:00 p.m. on May 4, 2012.

**PUBLIC SERVICE COMMISSION**



**Kevin Cramer  
Commissioner**



**Tony Clark  
Chairman**



**Brian P. Kalk  
Commissioner**



**REQUEST FOR ADMINISTRATIVE LAW JUDGE--APPEAL, APPLICATION, OR PETITION**  
**NORTH DAKOTA OFFICE OF ADMINISTRATIVE HEARINGS**  
 SFN 17819 (Rev. 06-2007)

Name of Agency, Board, or Commission  
 North Dakota Public Service Commission

The above named agency, board, or commission requests designation of an administrative law judge from the Office of Administrative Hearings for the Douglas John Delorme, Auctioneer License Application, Case No. AU-12-132  
and Auction Clerk License Application, Case No. AU-12-133

(e.g., application of [name], appeal of [name], petition of [name]). Authority for the administrative action is found in N.D. Admin. Code section 69-02-04-04 (North Dakota Century Code and/or North Dakota Administrative Code).

Please attach related documents and correspondence.

The administrative action is more fully described as follows:  
 The applicant filed an application for auctioneer license and an application for auction clerk license. The Commission denied the applications and Mr. Delorme requested a hearing.

It requests designation of an administrative law judge (please check one):

- To conduct the hearing and issue recommended findings of fact, conclusions of law, and order.
- To serve as a procedural administrative law judge only (no recommended decision). The agency head will be present at the hearing as required by NDCC 28-32-31(5). See NDCC 54-57-04.
- To conduct the hearing, issue findings of fact, conclusions of law, and a final order.

**PLEASE MAKE A REQUEST FOR AN ADMINISTRATIVE LAW JUDGE AT LEAST ONE MONTH BEFORE THE HEARING.**

Please list parties, including the agency if it is a Party, and Representation [attorney (or other)] if known, or Agency Contact: (Attach separate list if necessary.)

AGENCY See attached	Address	Telephone Number
Representation	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number
PARTY	Address	Telephone Number
Representation	Address	Telephone Number

Additional Comments  
 The public hearing on the applications is scheduled to begin 16 May 2012 at 1:30 p.m. in the Commission Hearing Room, State Capitol, 12th Floor, 600 East Boulevard Avenue, Bismarck, North Dakota.

(For agencies required to use OAH, notice of hearing will be issued by the administrative law judge, unless a procedural administrative law judge is requested. Other requesting agencies and agencies requesting a procedural administrative law judge should first contact OAH about scheduling a hearing. If notice has already been issued, attach a copy of the notice.)

Typed or Printed Name and Title of Requesting Person Illona A. Jeffcoat-Sacco, General Counsel	Date 4/26/2012
Signature of Requesting Person <i>x Illona A. Jeffcoat-Sacco</i>	Telephone Number (701) 328-2407

Attachment  
 Request for ALJ  
 26 April 2012

Douglas John Delorme  
 Auctioneer License Application  
 Case No. AU-12-132

Douglas John Delorme  
 Auction Clerk License Application  
 Case No. AU-12-133

<b>AGENCY</b>	<b>Address</b>	<b>Telephone Number</b>
North Dakota Public Service Commission	600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480	701-328-2400
<b>Representation</b> Illona A. Jeffcoat-Sacco General Counsel	<b>Address</b> 600 E. Blvd. Ave. Dept. 408 Bismarck, ND 58505-0480	<b>Telephone Number</b> 701-328-2407
<b>PARTY</b> Douglas John Delorme	<b>Address</b> 9658 41 <sup>st</sup> Ave NE P.O. Box 95 Belcourt, ND 58316	<b>Telephone Number</b> 701-477-0733
<b>Representation</b> Not applicable	<b>Address</b>	<b>Telephone Number</b>
<b>PARTY</b>	<b>Address</b>	<b>Telephone Number</b>
<b>Representation</b>	<b>Address</b>	<b>Telephone Number</b>
<b>PARTY</b>	<b>Address</b>	<b>Telephone Number</b>
<b>Representation</b>	<b>Address</b>	<b>Telephone Number</b>