



A P P E A R A N C E S

Board Members: James G. Blocker (Chair)  
Victor J. Avendano (Vice Chair)  
Joseph B. Burns  
Matthew J. Holiday  
Michelle J. Pinkney

For the State: N/A

For the Respondent: N/A

Advising the Board: James Saxon, Esq.

Also present: Lenora Addison-Miles, Administrator  
Theresa Gardner, Program Assistant

Reported by: Gary A. Haygood

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PROCEEDINGS

MR. SAXON: Is Mr. Rabon here?

MR. BLOCKER: Yes, Mr. Rabon.

MR. SAXON: If you'll have a seat at this first table, please. Would you draw your attention to the court reporter, please.

Whereupon,

Jimmy C. Rabon, Jr. is duly sworn and cautioned to speak the truth, the whole truth, and nothing but the truth.

MR. BLOCKER: This the matter of Mr. Jimmy C. Rabon, Jr. That's you, right?

MR. RABON: Yes, sir.

MR. BLOCKER: The purpose of this hearing is to determine whether the Applicant should be granted a license as an auctioneer. Everyone is reminded that these proceedings are being recorded, and that all witnesses must be sworn before they testify. All remarks must be directed to the Chairman.

Ms. Miles, is the complete application package in our materials?

MS. ADDISON-MILES: Yes, sir.

MR. BLOCKER: What question did the staff have concerning this application?

1 OPENING REMARKS BY THE STATE:

2 MS. ADDISON-MILES: On March 8, 2012, the  
3 Commission received an application from Mr.  
4 Rabon. Mr. Rabon's credit report contains  
5 numerous state tax liens. He answered no to  
6 question 12 on the application which asks if  
7 there have been any judgments, liens, or  
8 claims filed against you in the past five  
9 years. Mr. Rabon was notified of today's  
10 appearance before the Commission and his right  
11 to be represented by legal counsel by a letter  
12 dated March 9, 2012. He passed the exam on  
13 March 2nd. Mr. Rabon's file is missing the  
14 escrow trust account affidavit.

15 MR. RABON: I've got it right here.

16 MR. BLOCKER: Okay. Thank you, Ms. Miles. Did the  
17 staff subpoena any other persons to be here  
18 today to answer questions?

19 MS. ADDISON-MILES: No, sir.

20 MR. BLOCKER: No other persons. Are you  
21 represented by counsel, sir?

22 MR. RABON: No, sir.

23 MR. BLOCKER: Mr. Rabon, do you want to tell us  
24 what your problem was?

25 STATEMENT BY THE PETITIONER, MR. RABON:

1 MR. RABON: I don't really know. They had all  
2 these tax liens against me, but they were  
3 under the wrong Social Security number. I got  
4 a paper from the Department of Revenue stating  
5 that there's nothing on my record as of now.

6 MR. SAXON: You may bring that up, please.

7 (Applicant gives document to Advice Counsel.)

8 MR. SAXON: Mr. Haygood, what we have for the  
9 record is a letter on the Department of  
10 Revenue's letterhead -- it's the Myrtle Beach  
11 office -- dated May 1, 2012, regarding the  
12 Applicant to whom it may concern, ostensibly  
13 signed by Wick, W-i-c-k, Fisher as collections  
14 supervisor for the Myrtle Beach district.

15 Would you please mark this, if the Board  
16 doesn't mind, as Applicant's Exhibit 1.

17 (Whereupon, a Letter from the SC  
18 Department of Revenue was marked as  
19 Applicant's Exhibit No. 1.)

20 MR. SAXON: Do you have other copies of this, Mr.  
21 Rabon?

22 MR. RABON: No, sir. I'd like to have another  
23 copy, if you don't mind.

24 MR. SAXON: What's that?

25 MR. RABON: I'd like to have another copy, have a

1 copy made.

2 MR. SAXON: We don't provide copies. You provide  
3 copies to us.

4 MR. RABON: All right.

5 MR. SAXON: And once we make it an exhibit, it  
6 stays with us. So you don't have copies?

7 MR. RABON: No, sir.

8 MR. SAXON: Theresa, would it be possible for us to  
9 get some copies of this, three? One for me,  
10 one for the court reporter, and one for the  
11 Chair, and then we'll give him his original  
12 back.

13 MS. GARDNER: Yes.

14 (Sidebar conversation.)

15 MR. SAXON: With the Chairman's permission, Mr.  
16 Rabon, that document is dated May 1st. Your  
17 application though was two months earlier than  
18 that.

19 MR. RABON: Yes, sir.

20 MR. SAXON: Did you clear up these tax liens in the  
21 intervening two months, or what happened?

22 MR. RABON: No. They weren't mine.

23 MR. SAXON: So do you have any evidence to  
24 substantiate that?

25 MR. RABON: Just that paper. See I've got --

1 MR. SAXON: What it says is that you don't have any  
2 right now.

3 MR. RABON: If I can come up, I'll show you what  
4 I've got right here.

5 MR. SAXON: All right.

6 (Applicant gives document to Advice Counsel.)

7 MR. SAXON: What we'll do now, Mr. Rabon, is let  
8 the Chairman finish with his opening  
9 statement.

10 MR. BLOCKER: Do you have any witnesses you want to  
11 call?

12 MR. RABON: No, sir.

13 MR. BLOCKER: Are you ready now to show us why you  
14 should be granted a license?

15 MR. RABON: Yes, sir.

16 MR. BLOCKER: All right.

17 EXAMINATION BY THE BOARD:

18 MR. BLOCKER: And you're stating that you did not  
19 owe this? This is not yours to start with?

20 MR. RABON: Yes, sir.

21 MR. BLOCKER: And when did you find this out?

22 MR. RABON: After they sent me a paper in the mail.  
23 After I took my exam, they sent me a paper  
24 showing that I had all these liens against me.  
25 I don't remember exactly the date, but it was

1 after I took the exam.

2 MR. BLOCKER: But up until then you had not -- you  
3 were not aware of any --

4 MR. RABON: No, sir.

5 MR. BLOCKER: -- tax liens? I believe that's what  
6 we're talking about.

7 MR. RABON: No, sir.

8 MR. BLOCKER: Okay.

9 MR. SAXON: And, Mr. Rabon, as part of your  
10 application, we're going to mark it State's  
11 Exhibit 1, please, Mr. Haygood. And you  
12 attached to that, Mr. Rabon, your diploma from  
13 auctioneering school. We'll just leave it all  
14 as Exhibit 1, Mr. Haygood. And also your  
15 Trans Union consumer credit report is a part  
16 of this.

17 MR. SAXON: Is it your contention that you didn't  
18 know your credit report and that it listed all  
19 these tax liens?

20 MR. RABON: Yes, sir, I didn't have no clue.

21 MR. SAXON: There's one, two, three, four, five,  
22 six, seven, eight, nine, ten, eleven, twelve,  
23 thirteen, fourteen, fifteen, sixteen,  
24 seventeen, eighteen, nineteen, twenty, twenty-  
25 one, and you didn't know about any of them?

1 MR. RABON: No, sir.

2 MR. SAXON: Have you tried to borrow money lately?

3 MR. RABON: The last time was in 2008.

4 MR. SAXON: And I'll note for the record that these  
5 all began in March of 2009.

6 Do you have any objection to these being  
7 labeled an exhibit for the record?

8 MR. RABON: No, sir.

9 MR. SAXON: And as we said earlier, the Board --  
10 does the Board have any objection to his  
11 letter of May 1, 2012 being marked as  
12 Applicant's Exhibit 1?

13 MR. BLOCKER: No.

14 MS. PINKNEY: No.

15 (Whereupon, Application and Attachments,  
16 consisting of 12 pages, are marked  
17 State's Exhibit No. 1.)

18 MR. SAXON: We also, Mr. Rabon -- I think it was  
19 part of this, and I'm sorry I forgot to  
20 mention it. Lenora, I have misplaced the SLED  
21 report.

22 MS. ADDISON-MILES: It should be in there.

23 MR. SAXON: It should be? Oh, here it is. We've  
24 got a two-page attachment to Exhibit 1, Mr.  
25 Rabon. It's an arrest record from the South

1 Carolina Law Enforcement Division, dated  
2 February 23rd of this year. It shows a  
3 misdemeanor driving under suspension from June  
4 of 2008.

5 MR. RABON: Yes, sir.

6 MR. SAXON: Do you want to tell me about that, tell  
7 us about that?

8 MR. RABON: Probably about -- well, it was probably  
9 a year before that, I had gotten -- I got  
10 arrested at the beach for minor possession of  
11 alcohol.

12 MR. SAXON: What's that?

13 MR. RABON: Minor possession of alcohol at the  
14 beach. And I went to jail, and I got out the  
15 next morning. I never went to court or  
16 anything. And they suspended my license, and  
17 I had no clue of that until probably a year  
18 later. And I went to the beach and they  
19 pulled me over and gave me a ticket for  
20 driving under suspension.

21 MR. SAXON: Anything else you'd like to bring to  
22 our attention?

23 MR. RABON: That's it.

24 MR. SAXON: The Board may ask questions. The  
25 Commission can ask questions.

1 MR. BLOCKER: Mr. Burns, got any questions?

2 MR. BURNS: So, Mr. Rabon, you were arrested for  
3 driving under suspension, or you were issued a  
4 ticket for driving under suspension?

5 MR. RABON: He arrested me.

6 MR. BURNS: You were arrested?

7 MR. RABON: Yes, sir.

8 MR. BURNS: I don't have anything further.

9 MR. BLOCKER: Mr. Holiday.

10 MR. HOLIDAY: Could you explain the mixup on the  
11 credit report?

12 MR. RABON: Yes, sir. My daddy passed away in  
13 2008, and all these things belonged to him.  
14 And somehow or another, I guess, because of  
15 the same address and the same name, they got  
16 me confused somehow. I've got two or three  
17 here from the Record of Deeds, you know, and  
18 his -- the last four digits of his Social  
19 Security number. But on the rest of them,  
20 they marked the whole thing out. I don't know  
21 why, but they did.

22 MR. HOLIDAY: Counselor, I know he brought the  
23 paperwork up. Is there any way we could  
24 confirm that there was a mixup with the Social  
25 Security numbers?

1 MR. SAXON: We can require him to provide something  
2 in addition to this. What this says, and I'll  
3 read it into the record. (As read) As to whom  
4 it may concern, as of today, May 1, 2012,  
5 Jimmy Rabon, Jr. -- and it gives his Social  
6 Security number -- does not have any tax liens  
7 that have been issued by the South Carolina  
8 Department of Revenue.

9 MR. HOLIDAY: Okay. I'm sorry for the loss of your  
10 father. That's all.

11 MR. BLOCKER: Julio?

12 MR. AVENDANO: No questions, sir.

13 MR. BLOCKER: Ms. Pinkney?

14 MS. PINKNEY: No questions.

15 MR. BLOCKER: Okay.

16 MR. SAXON: May I ask one more?

17 MR. BLOCKER: Yes, sir.

18 MR. SAXON: With Chairman's permission, and Mr.  
19 Rabon, please don't take this as me trying to  
20 beat up on you. But you said you didn't know  
21 about -- you didn't know that your license was  
22 suspended.

23 MR. RABON: No, sir.

24 MR. SAXON: That you didn't know about any of these  
25 tax liens.

1 MR. RABON: No, sir.

2 MR. SAXON: That's strange credulity, that for one  
3 year you wouldn't know that your license is  
4 suspended.

5 MR. RABON: Even when I went back to court in the  
6 city of Myrtle Beach, they refunded my money  
7 for driving under suspension, because all I  
8 had to do was go do the reinstatement fee.  
9 And they never sent me no records. They  
10 didn't even have a record that they sent me a  
11 paper in the mail saying that my license was  
12 suspended.

13 MR. SAXON: Do you have anything you could submit  
14 to us from them?

15 MR. RABON: No, sir.

16 MR. SAXON: Okay. And nobody had let you know that  
17 these tax liens were listed against you?

18 MR. RABON: No, sir.

19 MR. SAXON: All right. Thank you, Mr. Rabon?

20 MR. BLOCKER: Is there anything else?

21 MR. SAXON: No, sir.

22 MR. BLOCKER: Anything else you'd like to tell us?

23 MR. RABON: No, sir.

24 MR. BLOCKER: Okay. I'll entertain a motion as to  
25 the disposition of this case.

1 MR. SAXON: And if you need an Executive Session to  
2 discuss it, then we can have one of those,  
3 too.

4 (Sidebar conversation.)

5 MR. AVENDANO: I make a motion to discuss it in  
6 Executive Session.

7 MR. BLOCKER: Do we have a second?

8 MR. HOLIDAY: Second.

9 MR. BLOCKER: All in favor of taking it up in  
10 Executive Session, say aye.

11 BOARD MEMBERS: Aye.

12 MR. BLOCKER: Mr. Rabon, we'll take it up when we  
13 go into Executive Session. You can wait  
14 around, or we'll mail you the results.

15 MR. SAXON: Just don't go too far. And the gallery  
16 will please be excused now.

17 MR. HOLIDAY: We wait until after we do all the  
18 cases.

19 MR. SAXON: Oh, you wait?

20 MR. HOLIDAY: Uh-huh.

21 MR. SAXON: Okay, that's fine.

22 MR. RABON: I can stay or do I leave?

23 MR. SAXON: You can stay.

24 MR. BLOCKER: We'll take it up.

25 (Sidebar conversations.)

1 MR. HARPER: Mr. Chairman?

2 MR. BLOCKER: Yes, Mr. Mike.

3 MR. HARPER: Is it all right if I state for just a  
4 second? I mean --

5 MR. SAXON: Not really. No, sir. If you've got a  
6 question, we'll entertain the question and see  
7 if it's okay.

8 MR. HARPER: Okay. Okay. Well, I just -- just  
9 having heard the testimony, I just wanted to  
10 add something --

11 MR. SAXON: No, sir.

12 MR. HARPER: -- that y'all may or may not be aware  
13 of.

14 MR. SAXON: No, sir. I'm afraid you can't do that.  
15 You were not called as a witness.

16 MR. HARPER: Okay.

17 MR. SAXON: So I'm sorry, you can't.

18 MR. HARPER: Okay. All right. I just -- there  
19 were some questions that probably should have  
20 been asked. It might have cleared some of  
21 this up.

22 (10:23 a.m. -- Testimony in this Appearance Ended.)

23 (11:50 a.m. -- Decision of the Board after Executive  
24 Session.)

25 MR. BLOCKER: Our first item of discussion was Mr.

1 Jimmy C. Rabon, Jr. Do I hear a motion on  
2 that?

3 MR. AVENDANO: Yes, sir, Mr. Chairman. I'd like to  
4 make a motion to grant Mr. Rabon a license  
5 without condition.

6 MR. HOLIDAY: I'll second.

7 MR. BLOCKER: Any discussion? (No response.) All  
8 in favor say aye.

9 BOARD MEMBERS: Aye.

10 MR. BLOCKER: Mr. Rabon, you have a license.

11 MR. RABON: Thank you very much.

12 MR. HOLIDAY: Thank you.

13 (Whereupon, at 11:52 a.m., the  
14 proceeding in the above-entitled  
15 matter was concluded.)  
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