

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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23
24
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INDEX TO PROCEEDINGS

Opening Remarks for the State
by Ms. Addison-Miles 4

Statement by the Petitioner, Ms. Bumgarner 6

Examination of Ms. Bumgarner
by the Board 9

Motion/motion passes 12-13

Certificate 16

INDEX TO EXHIBITS

State's Application and
Exhibit 1 Attachments (8 pages)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PROCEEDINGS

MR. BLOCKER: Next is Darlene M. Bumgarner.

MS. BUMGARNER: M? A.

MR. BLOCKER: Ma'am?

MS. BUMGARNER: It should be Darlene A.

MR. BLOCKER: Darlene Ann.

MS. BUMGARNER: Yes. I thought you said Darlene M.
I'm sorry.

MR. BLOCKER: Ann. If I did, I'm sorry. This
hearing is called to order. This is the
matter of Darlene Ann Bumgarner. The purpose
of this hearing is to determine whether the
Applicant should be granted a license as an
auction firm. Everyone is reminded that these
proceedings are being recorded, and all
witnesses must be sworn before they testify.
All remarks must be directed to the Chairman.

Ms. Miles, do we have a complete package
in our materials?

MS. ADDISON-MILES: Yes, sir.

MR. BLOCKER: Thank you. What questions did the
staff have concerning this application?

OPENING REMARKS BY THE STATE:

MS. ADDISON-MILES: On March 14, 2012, the
Commission received an application for Ms.

1 Bumgarner for licensure as an auction firm.
2 Ms. Bumgarner's credit report contains unpaid
3 collection accounts that exceed \$500. She
4 answered no to question 15 on the application
5 which asks are there any unpaid judgments or
6 debt now outstanding against a principle? Ms.
7 Bumgarner is not a licensed auctioneer. She
8 passed the online firm exam on March 16, 2012,
9 and her file is complete. She was notified of
10 today's appearance before the Commission and
11 her right to be represented by legal counsel
12 by a letter dated March 20, 2012.

13 MR. BLOCKER: Okay, thank you. Did you subpoena
14 anybody else to testify?

15 MS. ADDISON-MILES: No, sir.

16 MR. BLOCKER: Ms. Bumgarner, are you represented by
17 counsel?

18 MS. BUMGARNER: No, sir.

19 MR. BLOCKER: You know you have the right to that?

20 MS. BUMGARNER: Yes, sir.

21 MR. BLOCKER: Ms. Bumgarner, do you have any
22 witnesses that you want to call?

23 MS. BUMGARNER: No, sir.

24 MR. BLOCKER: Do you want us to get her sworn in,
25 sir?

1 MR. SAXON: If you would draw your attention to the
2 court reporter, please.

3 Whereupon,

4 Darlene Ann Bumgarner is duly sworn and cautioned
5 to speak the truth, the whole truth, and nothing
6 but the truth.

7 MR. BLOCKER: Ms. Bumgarner, are you ready to show
8 us why you should be granted a license,
9 despite the questions that the staff has
10 raised?

11 MS. BUMGARNER: Yes, sir.

12 STATEMENT BY THE PETITIONER:

13 MS. BUMGARNER: Well, after reviewing the report, I
14 went back and pulled my report, because I
15 wasn't aware it was on there. And I pulled
16 Equifax to start with, and it was that -- the
17 ones that were disputed -- the Aaron's one was
18 disputed, but the other medical collection
19 wasn't on there. So I pulled Experian,
20 Equifax, and neither one -- and it didn't have
21 those on there. So I then went and pulled the
22 one that y'all had pulled, the Trans Union,
23 and then I found the records. And after
24 researching them, I found out they were
25 medical bills from when my daughter had gotten

1 sick. And she was sick for six months, and we
2 had extensive medical bills, and I thought
3 they all had been paid. So I called the
4 number on the -- on the report and talked to
5 them about it, and they said I could make up
6 arrangements to pay on these bills so they
7 could be paid.

8 And I was just asking for a chance to be
9 granted the auction firm license so I could
10 certainly get these bills under control.
11 Because if I had the money, I would pay them
12 today, but I just don't have the money at this
13 point, since I'm aware of them. Because I
14 wasn't even aware they were on the report.

15 (Sidebar conversation.)

16 MR. SAXON: Mr. Haygood, if you would mark her
17 application as State's 1. Attached to that is
18 her Trans Union consumer credit report, her
19 escrow trust account certification affidavit,
20 and a SLED report showing no arrest data, and
21 an email transmission from March 16th from Ms.
22 Miles to -- no, from the examiner to Ms.
23 Miles, notifying of her passing status. If
24 you would mark all that, please, State's 1.
25 Do you have any objections to that, ma'am?

1 MS. BUMGARNER: No, sir.

2 (Whereupon, Application and Attachments,
3 consisting of 8 pages, are marked State's
4 Exhibit No. 1.)

5 MR. SAXON: Do you have any documents you'd like to
6 be considered?

7 MS. BUMGARNER: No, sir.

8 MR. SAXON: You mentioned that you've work out --
9 you're working out arrangements with --

10 MS. BUMGARNER: Yes, sir. I contacted them and
11 they said I could make arrangements to --

12 MR. SAXON: Is this with a hospital or a doctor's
13 office?

14 MS. BUMGARNER: It's a hospital. It's Lexington
15 Medical Center.

16 MR. SAXON: Okay. Do you have anything in writing
17 that shows that?

18 MS. BUMGARNER: I asked them for something in
19 writing. They said I had to first start
20 paying, and then they would give me a copy.
21 It was actually a collection agency,
22 Receivable Solutions. It's actually a
23 collection agency it's been turned over to.

24 MR. SAXON: And that's with whom you made the
25 arrangements?

1 MS. BUMGARNER: Yes, sir.

2 MR. SAXON: Okay. So not directly with the
3 hospital?

4 MS. BUMGARNER: Not directly, because they had
5 already been turned over. I didn't think I
6 could go to the hospital, so I went -- the
7 number on the form was Receivable Solutions.
8 That was the phone number. So I called them
9 and spoke to them.

10 MR. SAXON: Okay.

11 MR. BLOCKER: Have you -- when did you make these
12 arrangements?

13 MS. BUMGARNER: I talked to them last month.

14 MR. BLOCKER: Last month. You have not made any
15 payments?

16 MS. BUMGARNER: I haven't made any payments at this
17 time.

18 EXAMINATION BY THE BOARD:

19 MR. BLOCKER: Okay. Mr. Burns, you got any
20 questions?

21 MR. BURNS: When you mentioned that you made
22 arrangements with them, you've already set it
23 up to begin a payment process for this, or
24 it's pending you -- what ended up --

25 MS. BUMGARNER: They said -- I talked to them.

1 They said I could make arrangements with them.
2 They said I could set the date and the amount
3 that I could pay. And I said if I locked the
4 amount, could I pay extra? And they said I
5 just had to call the day before. Because what
6 you do is, you call them, you give them your
7 checking account number, and they just draft
8 it out of your checking account each month on
9 that day.

10 MR. BURNS: I understand. At this point no
11 arrangements have been made as far as finally
12 to actually start to begin making payments?

13 MS. BUMGARNER: No, I haven't started it.

14 MR. BURNS: Okay.

15 MR. HOLIDAY: No questions.

16 MR. BLOCKER: Julio?

17 MR. AVENDANO: No questions.

18 MR. BLOCKER: Ms. Pinkney, do you have any
19 questions?

20 MS. PINKNEY: No questions.

21 MR. BLOCKER: Counselor, you got any questions?

22 MR. SAXON: No.

23 MR. BLOCKER: Is there anything else you would like
24 to tell us?

25 MS. BUMGARNER: No, sir.

1 MR. BLOCKER: Okay. I'll entertain a motion to the
2 disposition.

3 MR. BURNS: I move this be taken into the Executive
4 Session.

5 MR. BLOCKER: Do I hear a second?

6 MS. PINKNEY: Second.

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

9 BOARD MEMBERS: Aye.

10 MR. BLOCKER: Okay. We'll --

11 MR. KEMPER: Sir, there is -- excuse me.

12 MR. BLOCKER: Yeah.

13 MR. KEMPER: There is nobody that can dispute what
14 she's saying or can give their opinion about
15 their auction or anything?

16 MR. SAXON: The only people who can speak are the
17 Applicant and the State and any witnesses that
18 either one of them have brought with them.

19 MR. KEMPER: Okay. So a licensed auctioneer cannot
20 say anything here?

21 MR. HOLIDAY: We have an investigator here. You
22 can talk to the investigator.

23 MR. SAXON: Yeah, you're welcome to talk to the
24 investigator, if you'd like to do that.

25 MR. KEMPER: Yeah, we've done that already.

1 MR. SAXON: Okay.

2 MR. BLOCKER: Okay.

3 MR. HOLIDAY: I think there's a process to go
4 through.

5 MR. SAXON: That's right.

6 MR. HOLIDAY: We -- the investigator has to hear
7 everything. We're not privy to what the
8 investigators are up to.

9 MR. KEMPER: So you will --

10 MR. HOLIDAY: We cannot -- publicly we're not
11 allowed to discuss any cases or complaints
12 against an auctioneer.

13 MR. KEMPER: So the committee here will conduct the
14 meeting with the investigator?

15 MR. SAXON: No, sir.

16 MR. KEMPER: No? You don't?

17 MR. SAXON: No, sir.

18 MR. HOLIDAY: He presents his cases to us after he
19 completes an investigation. It's fair for all
20 parties. But thank you.

21 (10:33 a.m. -- Testimony in this appearance ends.)

22 (11:52 a.m. -- Decision of the Board after Executive
23 Session.)

24 MR. BLOCKER: Next is Ms. Darlene Ann Bumgarner.

25 MS. PINKNEY: Mr. Chairman, I would like to make a

1 motion to be read by our Advice Counsel.

2 MR. BLOCKER: All right.

3 MR. SAXON: Ms. Pinkney, as I understand it, the
4 motion is to grant the Applicant's request for
5 licensure subject to conditions, those
6 conditions being, one, that she provide
7 written evidence sufficient to the Commission
8 in its discretion that she has entered into a
9 formal payment arrangement regarding any and
10 all debts, and this should be provided to the
11 Board within 30 days of this Order.

12 Number two, that she should show, again
13 subject to the Commission in its discretion
14 sufficient, that payments are being made by
15 providing evidence to the Commission's staff,
16 written evidence, that is, within 180 days of
17 the Order.

18 Is that the motion?

19 MS. PINKNEY: Yes, sir.

20 MR. BLOCKER: You heard the motion. Do I hear a
21 second?

22 MR. BURNS: Second.

23 MR. BLOCKER: A second. Any discussion on it? (No
24 response.) All in favor say aye.

25 BOARD MEMBERS: Aye.

1 MR. BLOCKER: Ms. Bumgarner, we granted your
2 license with conditions.

3 MS. BUMGARNER: So I get the license; is that what
4 you're saying?

5 MR. SAXON: With -- on condition you provide that
6 information.

7 MS. BUMGARNER: So I have to give you written
8 documentation of that, that I set up
9 arrangements and that I'm making it; is that
10 what you said?

11 MR. SAXON: Yes, that you're making payments on it.

12 MR. BLOCKER: It will be in an Order. It will be
13 written out for you.

14 MR. SAXON: You'll get an Order to that effect in
15 the mail.

16 MS. BUMGARNER: Okay. So when will my license go
17 into effect?

18 MR. SAXON: When you do those things.

19 MS. BUMGARNER: Okay. So I go down and get proof
20 and send it to you?

21 MR. SAXON: Ma'am?

22 MS. BUMGARNER: I have to get the proof and send it
23 to you?

24 MR. SAXON: Send it to the staff, yes, ma'am.

25 MR. BLOCKER: Yes, to Ms. Miles.

1 MS. BUMGARNER: I can fax it to you?

2 MS. ADDISON-MILES: If that's okay.

3 MR. SAXON: Whatever's okay with you.

4 MS. ADDISON-MILES: That will be fine.

5 MR. BLOCKER: Okay. Thank you, ma'am.

6 MS. BUMGARNER: Thank you.

7 (Whereupon, at 11:53 a.m., the
8 proceeding in the above-entitled
9 matter was concluded.)

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