



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, Esquire (LLR)

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

Reported by: Gary A. Haygood

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PROCEEDINGS

MR. BLOCKER: Next we have review of application via reciprocity of Derek N. Johnson. Mr. Johnson -- Mr. Johnson's not here. Okay. Ms. Miles, can you tell us what it is?

OPENING REMARKS FOR THE STATE:

MS. ADDISON-MILES: Yes, sir. On April 20, 2012, the Commission received an application from Mr. Johnson for licensure as an auctioneer by reciprocity. Mr. Johnson's credit report contains an unpaid collection account that exceeds \$500. He answered no to question 12 on the application which asks have there been any judgments, liens, or claims filed against you in the past five years.

Mr. Johnson's file is complete. He was notified of his appearance originally before the Commission during the August 20, 2012 meeting and his right to be represented by legal counsel in a letter dated April 23rd. However, Mr. Johnson requested via email on April 24, 2012 to be added to today's agenda. In lieu of his appearance, Mr. Johnson has submitted additional documents via email on May 3, 2012 for the Board to consider, and

1                   those documents were placed at your desk.

2                   MR. SAXON: And I'll inform you as your legal  
3                   counsel at this point that anything he sent  
4                   cannot be authenticated at this point. He's  
5                   not here to authenticate them. There are no  
6                   other witnesses here to authenticate them. So  
7                   they'll just be considered for whatever, if  
8                   anything, they're worth.

9                   MR. BLOCKER: We can't -- can we discuss it?

10                  MR. SAXON: Yes, sir.

11                  MR. BLOCKER: Does anybody know Mr. Johnson?

12                  MR. SAXON: While you're looking through that, Mr.  
13                  Haygood, we've marked his application as  
14                  Applicant's 1. There's some attachments to  
15                  that, including an affidavit of eligibility, a  
16                  Trans Union consumer credit report, a letter  
17                  to this Commission from the Alabama State  
18                  Board of Auctioneers, dated April 18th. An  
19                  escrow trust account certification affidavit,  
20                  designation of agent for service of process, a  
21                  consent form from the Georgia Bureau of  
22                  Investigation. And that's it.

23                                 (Whereupon, Application and Attachments,  
24                                 consisting of 17 pages, are marked  
25                                 Applicant's Exhibit No. 1.)

1 MR. BLOCKER: A mutual friend called me about Mr.  
2 Johnson -- and I had never met the man, don't  
3 know him -- last week and asked me what he  
4 needed to do. He didn't want to make the trip  
5 to Columbia if he couldn't -- if he didn't  
6 have to, rather.

7 MR. SAXON: Did you speak with this --

8 MR. BLOCKER: I did not speak to him.

9 MR. SAXON: All right.

10 MR. BLOCKER: Let me finish what I'm saying.

11 MR. SAXON: Okay.

12 MR. BLOCKER: I don't want to get in trouble. And  
13 I said I think it would be beneficial for him  
14 to come, but he does need to send a letter or  
15 something to plead his case.

16 MR. SAXON: So you did speak with the person?

17 MR. BLOCKER: No, sir.

18 MR. SAXON: No, no, not with him.

19 MR. BLOCKER: I was talking with a mutual friend  
20 that this guy works for.

21 MR. SAXON: Okay. Then you have to recuse yourself  
22 from this consideration.

23 MR. BLOCKER: Right. But then this guy calls me.

24 MR. SAXON: Okay.

25 MR. BLOCKER: And I said I don't want to hear

1                    anything, and I cut him off. And he's mad at  
2                    me now. But that's what went on with that.

3                    MR. SAXON: Okay.

4                    MR. BLOCKER: I don't know anything about it. I  
5                    didn't discuss his case with his friend,  
6                    because -- but I did advise him to get some  
7                    information up to us if he couldn't come. So  
8                    what do we do from here, sir?

9                    MR. SAXON: Well, you have to recuse yourself for  
10                   having that phone conversation, but everybody  
11                   else can participate.

12                   MR. BLOCKER: Yes. I would certainly do that. Mr.  
13                   Avendano, do you want to take over the rest of  
14                   this?

15                   MR. AVENDANO: Sure. Well, since he's not here, I  
16                   guess we'll make a motion to --

17                   (Sidebar conversations.)

18                   MR. SAXON: Is it simply the credit report, Lenora?

19                   MS. ADDISON-MILES: Yes. The unpaid collection  
20                   account.

21                   MR. SAXON: And the fact that he answered in the  
22                   negative.

23                   MS. ADDISON-MILES: Yeah. The unpaid collection  
24                   account that exceeds \$500, it has to come  
25                   before the Board. So that's the main reason

1 his application is on the agenda.

2 MR. SAXON: In any conversations with you, did he  
3 explain why he answered in the negative?

4 MS. ADDISON-MILES: No.

5 MR. SAXON: Okay.

6 MR. HOLIDAY: Ms. Miles, is it just the \$554? Am I  
7 missing something?

8 MS. ADDISON-MILES: That's it.

9 MR. HOLIDAY: That's it, okay.

10 MS. ADDISON-MILES: Yes.

11 MR. HOLIDAY: Well, we typically make all our  
12 decisions in Executive Session. I'm still new  
13 on the block, but I assume that's what we --  
14 it's the proper thing.

15 MR. SAXON: It can be either way. You don't have  
16 to have an Executive Session. You are -- you  
17 can have one at any point in the procedure.

18 MR. HOLIDAY: I'd still like to discuss it in  
19 Executive Session. I make a motion to discuss  
20 it in Executive Session.

21 MR. AVENDANO: I'll second.

22 (Sidebar conversation.)

23 MR. SAXON: We've got to vote on this.

24 MR. BLOCKER: Yeah, I was going to say we got to  
25 vote on it.

1 MS. PINKNEY: Are you waiting for a second?

2 MR. AVENDANO: I seconded it.

3 MR. BLOCKER: You're chairman now. I'm out.

4 MR. AVENDANO: Yes. All in favor, say aye.

5 BOARD MEMBERS: Aye.

6 MR. BLOCKER: And the vote was that we take it up  
7 in Executive Session?

8 MR. AVENDANO: Yes.

9 (10:43 a.m. -- Testimony in this appearance ends.)

10 (11:53 a.m. -- Decision of the Board after Executive  
11 Session.)

12 MR. BLOCKER: And we have next is Derek N. Johnson.

13 MR. HOLIDAY: Mr. Chairman, I would like to ask  
14 Counsel to read our motion.

15 MR. SAXON: As I understand it, it's to grant the  
16 application for licensure on condition that  
17 Mr. Johnson show written proof sufficient to  
18 the Commission in its discretion of satisfying  
19 the delinquency in question, or that he has  
20 made arrangements for such satisfaction, and  
21 this must be provided within 60 days of the  
22 Order.

23 Is that the motion?

24 MR. HOLIDAY: Yes, sir.

25 MR. BLOCKER: You heard the motion. Do we hear a

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second?

MS. PINKNEY: Second.

MR. BLOCKER: A second. Any discussion on that?

(No response.) All in favor of the motion as  
read, say aye.

BOARD MEMBERS: Aye.

MR. BLOCKER: And so ordered.

(Whereupon, at 11:54 a.m., the  
proceeding in the above-entitled  
matter was concluded.)

