

STATE OF SOUTH CAROLINA
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BEFORE THE SOUTH CAROLINA AUCTIONEERS COMMISSION

IN THE MATTER OF

GARY D. TOWNSEND

Given before Yvonne R. Bohannon, Registered Merit Reporter, Certified Realtime Reporter and Notary Public in and for the State of South Carolina, commencing at 10:17 a.m. on Monday, February 27, 2012, at the offices of the South Carolina Department of Labor, Licensing and Regulation, 110 Centerview Drive, Columbia, South Carolina.

Reported by:
Yvonne R. Bohannon, RMR, CRR

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1 APPEARANCES:

2

BOARD MEMBERS:

3

Victor J. Avendano

4

James G. Blocker (Chairman)

Joseph Burns

5

Matthew J. Holiday

Michelle J. Pinkney

6

7 ADVISING THE BOARD:

8

Sheridon Spoon, Esquire (LLR)

Sara McCartha, Esquire (LLR)

9

10 ALSO PRESENT:

11

Lenora Addison-Miles

12

REPORTED BY:

13

Yvonne R. Bohannon, RMR, CRR

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1 MR. BLOCKER: Now, next we have
2 Mr. Townsend; is that right?

3 MS. MILES: Yes, sir.

4 MR. BLOCKER: Mr. Townsend. Come
5 forward, sir. How are you this morning?

6 MR. TOWNSEND: Fine, sir.

7 MR. BLOCKER: This hearing is called
8 to order in the matter of Gary D. Townsend,
9 Townsend Real Estate. The purpose of this
10 hearing is to determine whether the
11 applicant should be granted a license as an
12 auction firm.

13 Everyone is reminded that these
14 proceedings are being recorded and all
15 witnesses must be sworn in before they can
16 testify. All -- all remarks should be
17 directed to me as chairman.

18 Ms. Miles, do we have a complete
19 package on this?

20 MS. MILES: Yes, sir.

21 MR. BLOCKER: We do. All right.

22 Okay. What questions did you have,
23 Ms. Miles, concerning this application?

24 MS. MILES: On February 2nd, 2012, the
25 Commission received an application from

1 Mr. Townsend for an auction firm license
2 for Townsend Real Estate. His credit
3 report contains unpaid collection accounts
4 that exceed \$500. He answered no on
5 question 15 on the application which asks
6 are there any unpaid judgments of debt now
7 outstanding against the principal.

8 Mr. Townsend is not a licensed
9 auctioneer. He passed the online firm
10 examination on February 13th, 2012, and his
11 file is complete.

12 MR. BLOCKER: Did we subpoena anybody
13 else to testify?

14 MS. MILES: No, sir.

15 MR. BLOCKER: Okay. Mr. Townsend is
16 present. Are you represented by counsel,
17 sir?

18 MR. TOWNSEND: No, sir.

19 MR. BLOCKER: Okay. Do you have any
20 witnesses who are going to testify on your
21 behalf?

22 MR. TOWNSEND: No, sir.

23 MR. BLOCKER: Madam, would you swear
24 him in, please.

25 (Gary D. Townsend, being first duly

1 sworn, testified as follows:)

2 MR. BLOCKER: Mr. Townsend, are you
3 ready to show us why you should be granted
4 a license despite what the staff has found?

5 MR. TOWNSEND: Yes. Yes, sir. I'll
6 try to explain what is going on, sir.
7 That's what I'd like to do.

8 I'm 61 years old. I've been
9 self-employed for over 35 years. I
10 currently hold or have held a North
11 Carolina real estate broker in charge
12 license, a North Carolina residential
13 appraisal license which is now retired, a
14 North Carolina auction firm, a North -- I
15 am a North Carolina auctioneer, and I have
16 recently gotten a South Carolina real
17 estate broker in charge license in the last
18 month.

19 Just a little short history. I had
20 bypass surgery in '98 with very little
21 insurance, and I had \$85,000 worth of bills
22 I had to pay which eventually got paid.
23 They went on my credit report for a
24 short -- excuse me. About 20,000 of that
25 went on my credit report for a short period

1 of time until I got it paid off. They were
2 paid off -- actually it took a total of
3 five years.

4 In '90 -- excuse me. In 2008 I was
5 diagnosed with tongue -- tongue and throat
6 cancer, and I underwent radiation and
7 chemotherapy for eight weeks. Excuse me.
8 During that period of time, my doctors and
9 family convinced me to go on Social
10 Security Disability due to my sickness and
11 overall health and the severity of the
12 treatments I was undergoing.

13 At that time I retired my North
14 Carolina appraisal license because of
15 health reasons, et cetera. I have been on
16 Social Security Disability for
17 approximately three years. The cancer is
18 now in remission and I'm trying to get back
19 on my feet and get off of the Social
20 Security Disability. All of the cost of
21 the cancer treatment had been paid except
22 approximately \$3,000, and this will be paid
23 by me just as soon as I possibly can. I
24 just don't have the funds at this time.

25 I believe I have the education, the

1 experience, and I again want to become a
2 productive member of society and get off of
3 Social Security Disability.

4 I currently have real estate auction
5 available in -- it is on the border of
6 North and South Carolina. And hopefully if
7 I can get this license and do that auction,
8 that will allow me to pay off all these
9 debts.

10 That's all I have to say.

11 MR. BLOCKER: Is that the only
12 account -- medical account?

13 MR. TOWNSEND: Yes, sir. They're all
14 medical-related. In fact, there's one
15 small one in there which is invalid, but
16 it's only 61 bucks. I should -- before I
17 fight it I'd pay it.

18 Also I was not aware these were on --
19 on the credit report at the time I did the
20 application. I thought we had agreements
21 with -- it's all with the hospital --
22 with -- with the radiation department.

23 MR. BLOCKER: Mr. Holiday, any
24 questions?

25 MR. HOLIDAY: Thank you for your

1 answer on number 14, being honest about
2 that.

3 MR. TOWNSEND: Yes, sir.

4 MR. HOLIDAY: And I just want to --
5 and I'm confused by reading this. If this
6 was dismissed, the misdemeanor larceny, is
7 that -- counselor, is that an issue that we
8 need to be concerned with? Can they -- can
9 courts open this issue back up once they
10 dismiss it?

11 MR. SPOON: No.

12 MR. HOLIDAY: Should it even matter
13 that we have it in front of us? I don't
14 know why we have it in front of us if it
15 was dismissed.

16 MR. SPOON: Well, it -- it's part of
17 the disclosure that the applicant made
18 because he had a yes answer to that
19 question on the application. He's provided
20 a letter of explanation. There was also a
21 copy of the court order from North
22 Carolina.

23 MR. HOLIDAY: Okay.

24 MR. SPOON: And as I read that -- the
25 applicant can tell us otherwise, but as I

1 read it, there was a charge, but the charge
2 was not ultimately resulting in a
3 conviction. The charge was dismissed.

4 MR. TOWNSEND: Correct.

5 MR. HOLIDAY: Are you in good standing
6 with the North Carolina auctioneers
7 commission?

8 MR. TOWNSEND: Yes.

9 MR. HOLIDAY: Have they addressed any
10 of these issues with you?

11 (Multiple speakers.)

12 MR. HOLIDAY: Because when you may
13 have to renew your license, you have to
14 mention the conviction to --

15 MR. TOWNSEND: Correct.

16 MR. HOLIDAY: Are you in good standing
17 with them?

18 MR. TOWNSEND: Absolutely. I have my
19 card if you would like to see --

20 MR. HOLIDAY: That's fine. Thank you,
21 sir.

22 MR. TOWNSEND: On all of these
23 licenses.

24 MR. HOLIDAY: Thank you very much.

25 MR. TOWNSEND: Yes, sir.

1 MR. BURNS: Just for clarification,
2 you currently hold an auctioneer's license
3 and a broker's license in the state of
4 North Carolina, and you're currently in
5 receipt of a South Carolina broker in
6 charge license?

7 MR. TOWNSEND: Correct. And I also
8 have an auction firm license in North
9 Carolina, and I have had since -- since
10 '92. Been a broker in charge in North
11 Carolina since '90. Auction firm since
12 '92. Appraisal license I got in '95 which
13 I had when I retired in 2009. North
14 Carolina auctioneer 2006, and I'm also a
15 notary if it makes any difference.

16 MR. AVENDANO: No questions.

17 MR. BLOCKER: Anything?

18 MS. PINKNEY: No questions.

19 MR. BLOCKER: Any more questions?

20 Thank you, sir.

21 I'll entertain a motion now for what
22 we need to do, take it up in executive
23 session or --

24 MR. BURNS: So moved.

25 MR. BLOCKER: Is there a second?

1 MR. HOLIDAY: Second.

2 MR. BLOCKER: Second.

3 All in favor say aye.

4 We'll discuss it in executive session,
5 sir, and give you an answer.

6 MR. TOWNSEND: All right.

7 MR. BLOCKER: Thank you very much.

8 * * * * *

9 MR. BLOCKER: Next is Gary Townsend,
10 Townsend Real Estate, auction firm license.

11 MR. TOWNSEND: Yes, sir.

12 MR. BLOCKER: We discussed your case,
13 Mr. Townsend, and no vote was taken.

14 And I'll entertain a motion now.

15 MR. BURNS: I move that Mr. Townsend's
16 application be approved and a license
17 granted subject to Mr. Townsend providing a
18 satisfactory credit report one year from
19 the date of the order.

20 MR. BLOCKER: Do we have a second?

21 MR. HOLIDAY: Second.

22 MS. PINKNEY: Second.

23 MR. BLOCKER: All in favor say aye.

24 So ordered, sir.

25 Thank you.

1 (The hearing was concluded at
2 11:39 a.m.)

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CERTIFICATE OF REPORTER

I, Yvonne R. Bohannon, Registered Merit Reporter, Certified Realtime Reporter, and Notary Public for the State of South Carolina at Large, do hereby certify:

That the foregoing transcript was taken before me on the date and at the time and location stated on page 1 of this transcript; that all statements made on the record at the time of the proceeding were recorded stenographically by me and were thereafter transcribed; that the foregoing proceeding as typed is a true, accurate and complete record of the proceeding to the best of my ability.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal March 21, 2012, at Columbia, Richland County, South Carolina.

Yvonne R. Bohannon
Registered Merit
Reporter, CRR
My Commission expires
April 11, 2015

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(None marked.)