

A P P E A R A N C E S

Board Members: James G. Blocker (Chair)
Victor J. Avendano
E. Wendell Christopher
Matthew J. Holiday
Michelle J. Pinkney

For the State: N/A

For the Respondent: N/A

Advising the Board: Sheridan Spoon, Esq.

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

Reported by: Gary A. Haygood

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PROCEEDINGS

(On record 10:30 a.m. November 28, 2011.)

MR. BLOCKER: The purpose of this hearing is to determine whether the Applicant should be granted an auctioneers' license. Everyone is reminded that we are being recorded, and all witnesses must be sworn in.

Ms. Miles, do we have the complete package in front of us?

MS. ADDISON-MILES: Yes, sir.

MR. BLOCKER: And what is the question?

OPENING REMARKS BY THE STATE:

MS. ADDISON-MILES: Our office received an application from Mr. Rabon on September 6, 2011 for licensure as an auctioneer by examination. Mr. Rabon passed the auctioneer exam on September 9, 2011. His credit report reflects unpaid collection accounts that exceed \$500.

MR. BLOCKER: And did the staff subpoena any other persons to be here today?

MS. ADDISON-MILES: No, sir.

MR. BLOCKER: You did not. Do you wish to be represented by counsel?

MR. RABON: No, sir.

1 MR. BLOCKER: You know you can do that? You've
2 been notified of that, the fact that you could
3 have counsel present if you would like?

4 MR. RABON: Yes, sir.

5 MR. BLOCKER: You have elected to waive your right
6 and be represented by yourself?

7 MR. RABON: Yes, sir.

8 MR. BLOCKER: You did not bring any witnesses, I
9 don't think, did you?

10 MR. RABON: No, sir.

11 MR. BLOCKER: Did not bring any witnesses. Would
12 you swear him, please.

13 Whereupon,

14 Joey A. Rabon is duly sworn and cautioned to speak
15 the truth, the whole truth, and nothing but the
16 truth.

17 MR. BLOCKER: Mr. Rabon, are you ready to show us
18 why you should be granted your license?

19 MR. RABON: Yes, sir.

20 MR. BLOCKER: Okay.

21 MR. SPOON: The floor is yours.

22 MR. RABON: The floor is mine?

23 MR. BLOCKER: Yes, sir. The floor is yours.

24 STATEMENT BY THE PETITIONER:

25 MR. RABON: They've got on mine -- I know they've

1 got debt collection on mine. I'm -- like I
2 say, I'm 29 years old. I'm in the process --
3 my debt collection is mostly medical, where I
4 got in a bad car wreck back in, I think it's
5 '07. And I'm in the process of disputing with
6 them now because of this. It says I was not
7 at fault, but my insurance don't want to pay
8 for my medical. And I'm a -- so therefore I'm
9 in the process of fighting with them. But I'm
10 also paying, trying to go through my credit
11 report, finding the bills which need to be
12 paid, that I think should be paid, which I'm
13 not disputing with them that's actually my
14 doings on the medical and paying towards them.

15 And then I've got a -- I know there's a
16 Conway National Bank on here for an amount of,
17 I think it's \$3,000. One's a write-off. One
18 shows write-off. The other one shows the
19 amount I need to pay. And I've went to the
20 president of the bank, and we're going to sit
21 down and work up a payment plan with them and
22 to pay that off.

23 EXAMINATION BY THE BOARD

24 MR. BLOCKER: Have you made this plan, or are you
25 just --

1 MR. RABON: No, sir. We've got to -- I've got to
2 get with him. He's got -- we've got to get on
3 the same page, where we could sit down on the
4 same day and work up a payment plan and pay it
5 back.

6 MR. BLOCKER: Okay. Anything else?

7 MR. RABON: That's it.

8 MR. BLOCKER: Mr. Holiday, question?

9 MR. HOLIDAY: Thank you for being honest on your
10 criminal conviction.

11 MR. RABON: It's quite a rap sheet. So do you have
12 any explanation on some of these situations
13 you've been in in the past?

14 MR. RABON: On which one are you referring to?

15 MR. HOLIDAY: Domestic violence, forgery.

16 MR. RABON: The domestic violence was actually, it
17 wasn't supposed to be -- it was supposed to be
18 dropped. And I'm in the process of getting it
19 took care of. The forgery charge, as I wrote
20 a letter in there that's attached with it to
21 explain the forgery, that was a
22 misunderstanding between me and my daddy. And
23 when he went down there to try to drop the
24 charge on it, the state had took over, and
25 they wouldn't let me. But they did in the end

1 drop it down. So all I paid was like two
2 hundred and some dollars cash. But it got
3 stuck on my record.

4 And the domestic violence was a
5 misunderstanding at the courthouse. It was
6 not supposed to be filed, because me and the
7 person they've got me charged with domestic
8 violence, we was not a couple, and it was all
9 a misunderstanding with that. And I'm in the
10 process of getting that took off.

11 MR. HOLIDAY: You're trying to get it expunged?

12 MR. RABON: Yeah, because it wasn't supposed to be
13 -- it wasn't supposed to have been charged.
14 That charge was not supposed to be charged to
15 begin with.

16 MR. HOLIDAY: But you were convicted?

17 MR. RABON: It says I was convicted, but I was
18 never charged. I didn't never pay nothing. I
19 never went to court.

20 MR. HOLIDAY: I understand if you -- Counselor, can
21 you be convicted and not show up for court?

22 MR. SPOON: Well, I -- as I'm looking at this, and
23 be aware that you can expunge an arrest. You
24 can't expunge a conviction. You can expunge
25 an arrest. And that's what you -- you've

1 indicated you were arrested for weapons slash
2 sale slash possession by certain persons,
3 stolen gun. And then the second thing,
4 pointing a firearm back in February of this
5 year.

6 MR. RABON: Yeah. That's all -- that was all
7 false. I got it took care of.

8 MR. SPOON: Well, what happened?

9 MR. RABON: My ex-wife, I went to go get some stuff
10 from her house, and she called. We were going
11 through a divorce. And she called and said I
12 pointed a gun on her and shot a gun. On the
13 911 tape in the background when they got
14 there, she had the pistol that they charged me
15 with, and it come up stolen. So they tried to
16 pin it on me. And it wasn't even me.

17 MR. SPOON: You were arrested then?

18 MR. RABON: Yeah. They arrested me. I got out the
19 same -- the next following day. And then they
20 took all that off. I've got paperwork showing
21 that they've -- right here. I've got
22 paperwork where they took all of this off.
23 Yeah, that's it right there.

24 MR. SPOON: And you've applied for that arrest
25 charge to be expunged?

1 MR. RABON: Yeah. They have no choice. It was
2 dismissed, because they had lack of evidence
3 on me, because it was -- when they done --
4 they done a field --

5 MR. SPOON: But you've applied for it to be
6 expunged? It hasn't -- the letter is from the
7 Solicitor is from August of this year. You've
8 made application for it to be expunged. It
9 hasn't yet been expunged?

10 MR. RABON: They told me eight weeks it should have
11 been took off.

12 MR. SPOON: Right. The letter says six to eight
13 weeks is how long it should take.

14 MR. RABON: Yes, sir.

15 MR. SPOON: Okay.

16 MR. HOLIDAY: Well, it's been 12. So do you know
17 what the holdup is?

18 MR. RABON: No, sir. Because I hadn't got no word
19 back on it on anything. I hadn't checked it
20 to see that it had come off. But if it
21 hasn't, I need to go back down there and take
22 care of it. But that's supposed to 100
23 percent be took off for dismissal.

24 MR. BLOCKER: Anything else, Mr. Holiday?

25 MR. HOLIDAY: No.

1 MR. BLOCKER: Mr. Christopher?

2 MR. CHRISTOPHER: No.

3 MR. BLOCKER: Victor?

4 MR. AVENDANO: Yes, sir. What type auctions would
5 you be engaged in, again?

6 MR. RABON: I'd be doing farm equipment, general
7 merchandise.

8 MR. AVENDANO: Do you own a concealed weapons
9 permit?

10 MR. RABON: No, sir.

11 MR. AVENDANO: No other questions.

12 MR. BLOCKER: Ms. Pinkney?

13 MS. PINKNEY: No questions.

14 MR. BLOCKER: Did you say you have doing auctions?

15 MR. RABON: No, sir.

16 MR. BLOCKER: What other questions do you have?

17 MR. HOLIDAY: Do you work with an auctioneer now?

18 MR. RABON: I help them out, as far as bringing
19 stuff in. Not actually auctioneering. But I
20 help them out at an auction, which is a family
21 owned auction.

22 MR. BLOCKER: Your family?

23 MR. RABON: Yes, sir. It was actually my late
24 uncle. He started the auction company, and
25 he's passed away. He's deceased now. And his

1 wife runs the firm.

2 MR. BLOCKER: Counselor, do you have any questions?

3 MR. SPOON: No.

4 MR. CHRISTOPHER: Ms. Miles, I've got a question to
5 ask you.

6 MS. ADDISON-MILES: Yes, sir.

7 MR. CHRISTOPHER: I noticed this letter on
8 September the 12th that he had passed the exam
9 and everything.

10 MS. ADDISON-MILES: Yes, sir.

11 MR. CHRISTOPHER: Was he ever notified or given all
12 these packages against him after that or
13 before that?

14 MS. ADDISON-MILES: I'm sorry?

15 MR. CHRISTOPHER: I notice you wrote him a letter
16 and told him he passed the exam on --

17 MS. ADDISON-MILES: Right.

18 MR. CHRISTOPHER: -- September the 12th. The
19 package that we're going through here, has he
20 had -- does he have a record of it before he
21 got here, or does --

22 MS. ADDISON-MILES: He submitted all of his
23 information in, and he took the exam. We
24 notified him that he passed. And then on the
25 next day, he also got a letter letting him

1 know that it would be -- that he would have to
2 come before the Board. We couldn't process it
3 at the staff level.

4 MR. CHRISTOPHER: But did he know what was against
5 him before he came here?

6 MS. ADDISON-MILES: Well, he submitted all the
7 information to us. So yes.

8 MR. CHRISTOPHER: Okay.

9 MR. BLOCKER: Anything else, Mr. Rabon?

10 MR. RABON: No, sir.

11 MR. BLOCKER: Well, we'll take it under advisement.
12 Do I hear a motion to go into Executive
13 Session, or what's your disposition? I'll
14 entertain a motion.

15 MR. HOLIDAY: I'll make a motion.

16 MR. CHRISTOPHER: Second.

17 MR. BLOCKER: To go into Executive Session? Is
18 that what --

19 MR. HOLIDAY: Uh-huh.

20 MR. BLOCKER: All right. We have a motion and a
21 second. Any discussion on it? (No response.)
22 All in favor of going into Executive Session,
23 say aye.

24 BOARD MEMBERS: Aye.

25 MR. BLOCKER: All right.

1 (10:41 a.m. -- Testimony in this Appearance concluded.)

2 (1:01 p.m. -- Decision of the Board after Executive Session.)

3 MR. BLOCKER: Joey Rabon? Mr. Rabon?

4 MR. RABON: Yes, sir.

5 MR. SPOON: You want to come forward, Mr. Rabon?

6 MR. RABON: Yes, sir.

7 MR. BLOCKER: Do I hear a motion in Mr. Rabon's
8 account?

9 MR. HOLIDAY: I have a motion to deny Mr. Rabon's
10 license. The reason, we need to see proof of
11 the expungement on the arrest record on the
12 gun charges. Also, we would need to see a
13 plan from a professional to pay off all your
14 debt.

15 MR. BLOCKER: Any questions.

16 MR. RABON: Yeah. On the --

17 MR. SPOON: I'm sorry, Mr. Rabon. Just one moment.
18 He made a motion.

19 MR. BLOCKER: Yeah, we need to finish that. Do we
20 have a second?

21 MR. CHRISTOPHER: Second.

22 MR. BLOCKER: We have a second. Any discussion?
23 (No response.) All in favor of the motion,
24 say aye.

25 BOARD MEMBERS: Aye.

1 MR. BLOCKER: And so ordered. Now, you had
2 something to say?

3 MR. RABON: Yes, sir. He's wanting to see copies.
4 I have got a letter from the Solicitor himself
5 saying that that thing is coming off my
6 record.

7 MR. SPOON: And they have that letter in the
8 packet, I believe, the same letter you're
9 referring to.

10 MR. RABON: Right. That's what he's wanting to
11 see. But that's all -- I'm saying, that's
12 what you want to see. It's in there.

13 MR. BLOCKER: Well, I believe he said six weeks or
14 something. It's been quite a bit longer than
15 that; is that right?

16 MR. RABON: Yeah.

17 MR. BLOCKER: So that's what we need to see.

18 MR. SPOON: What that letter says, as I read it, is
19 -- and as I think the Commission is reading
20 it, is that you have applied for expungement.
21 Distinguishing that from the item on your
22 arrest record actually being expunged.

23 MR. RABON: No, sir. That's supposed to be
24 documentation from the Solicitor saying that
25 it's being took off of there. It takes --

1 because they're saying that -- the Solicitor
2 told me, because I talked to the Solicitor
3 personally. He told me it would take six to
4 eight weeks for SLED to pick it up to take it
5 off.

6 MR. SPOON: All right. One is, that's hearsay.
7 All right. And unless you had something from
8 -- technically, you've got another condition.
9 So what I'm going to suggest is that the
10 Commission has made its motion. They voted on
11 it. What will happen next is that you'll
12 receive an Order from the Commission, and
13 there's two conditions in there. One is about
14 the expungement. When you get that, if you
15 already have that at that time, then you're
16 ahead of the game on that part of it. The
17 second part is your items on your credit
18 report, that they want to see the payment plan
19 that you referred to in your testimony
20 verbally, that you talked about getting. They
21 want to see actual documentation of that. So
22 you've got two things.

23 MR. RABON: Okay. Well, I can show them that
24 immediately. I can show you that within the
25 next day or so.

1 MR. BLOCKER: Okay. All right. You'll be getting
2 that Order in the mail. Thank you, sir.

3 MR. RABON: Thank you.

4 (Whereupon, at 1:05 p.m., the
5 proceeding in the above-
6 entitled matter was concluded.)

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