

MINUTES

South Carolina Auctioneers' Commission
Board Meeting

10:00 A.M., Monday, May 15, 2006

Synergy Business Park
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina

James G. Blocker, Chairman, of Walterboro, called the meeting to order at 10:00 a.m. Other members present included: Archie Moody, of Darlington; George Martin, Vice Chairman, of Pelzer; Fred Mullis, of Lancaster; and Patsy Towery, of Columbia.

Staff members participating in the meeting included: Sandra Dickert, Administrative Assistant; Lenora Miles, Administrator, Linda Owens, Administrative Assistant; and Rick Wilson, Deputy General Counsel, LLR-Office of General Counsel.

Members of the public attending the meeting included: Randy Floyd, Ernie Wooten, and Marion Wooten.

Meeting Called to Order

Mr. Blocker announced that public notice of this meeting was properly posted at the S. C. Auctioneer Commission office, Synergy Business Park, Kingstree Building, Room 108 and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Invocation

Mr. Blocker delivered the invocation.

Approval of the February 27, 2006 Meeting Minutes

MOTION

Mr. Martin made a motion, seconded by Mr. Mullis and unanimously carried, that the Commission approve the minutes of the February 27, 2006 meeting.

Chairman's Remarks – James Blocker

Mr. Blocker welcomed everyone to the meeting.

Administrator's Remarks – Lenora Addison-Miles

Advisory Opinions, If Needed, Office of General Counsel

Legislative Update, If Needed, Legislative Liaison Office

There were no advisory opinions or legislative update given during the May 15, 2006 meeting.

Ms. Miles stated the Commission has received a copy of a letter from the Bank of Greeleyville as well as a copy of information from the Louisiana Auctioneer Licensing Board. She noted these two documents were provided to the Commission as information. She further stated that online renewal notices were mailed on April 28, 2006 to 163 auction firms, 1,082 auctioneers and two apprentice auctioneers. She said that as of today 213 licenses have been renewed, of which 156 were renewed online. She indicated there were 14 candidates for the March 10,

2006 exam. She noted that 13 candidates passed the exam. She stated that the average score was 81. The high score was 93 and the low score was 68. She further stated the next exam is scheduled for June 2, 2006. She said she is in receipt of a draft copy of the Uniform Auction and Auctioneer Licensing Act that was drafted at the request of the National Auctioneers Association and NALLOA. She indicated it is to be used by states which do not currently have a state auctioneer licensing law and could be used by states that do have such a law but may be interested in amending their law to make them more uniform with other states.

Mr. Blocker stated the Commission would like to discuss the laws mentioned in Ms. Miles' report.

Unfinished Business

There was no unfinished business discussed during the May 15, 2006 meeting.

New Business

Reinstatement Request – Marion Wooten

Ms. Miles stated Mr. Wooten's license expired on June 30, 2005 and he requested to appear before the Commission.

Mr. Wooten stated he was in the hospital during the time the renewals took place last year. He indicated his children took over his business and did not know to renew his license. He indicated he believes he can provide a physician's letter to present to the Board. He has not taken any continuing education courses since 2004.

The Commission briefly discussed the regulation regarding the reinstatement of lapsed licenses that have not been renewed prior to the grace period ending September 30th. Mr. Wilson stated the Commission has previously required individuals to go through the full process of taking the exam to reinstate a license.

Mr. Ernie Wooten stated his father had quadruple bypass surgery and had a difficult time. He indicated his father has received disability status from his physician. He went on to say it has taken his father the better part of one year to recover.

MOTION

Mr. Martin moved the Commission discuss this matter with counsel in executive session. Mr. Mullis seconded the motion, which carried unanimously.

Review/Approval of Applications

a. Mark A. Costner

On April 24, 2006 the Board received an auctioneer apprentice examination application from Mark Anthony Costner. He has not yet taken the exam, however, staff placed him on the agenda due to the Commission not meeting again until August. Mr. Costner answered 'no' to the question which asks, "Have you ever been convicted of or pled guilty to or nolo contendere to a felony or a crime involving drugs or moral turpitude?" Mr. Costner's criminal background check, which was provided by SLED, indicated he has an arrest charge involving a felony from August 1976. Mr. Costner did not appear at the meeting, however, he provided an additional statement in regard to the false answer provided originally. Mr. Costner further failed to provide information regarding a reported bankruptcy, as required on the application.

The Commission discussed the applicant's duty to provide sufficient information to support the application and the time frame of criminal offenses and the denial of applications based upon false answers.

MOTION

Ms. Towery moved the Commission take this matter into executive session with counsel. Mr. Moody seconded the motion, which carried unanimously.

b. Randy Neil Floyd

Mr. Floyd has applied for an auctioneer's license. He passed the exam in March 2006. His credit report submitted with his application reflects unpaid collection accounts. He provided a written statement in regard to his credit report

Mr. Floyd stated his credit had been perfect at one time, however, he has had several health issues. He further stated he owned a small furniture store until he began having heart problems. He noted that Sears was applying \$50 of his payment to an insurance policy to which he did not agree. He indicated Sears could not provide proof that he agreed to have the insurance. He asked Sears to refund the monies or apply the monies to his bill, to which the company refused. He then refused to pay Sears until the matter was straightened out. He went on to say he changed his mind and wanted to continue to make payments. Sears wanted the full amount owed and would not agree to payments. He went on to say he has resolved the American General account for \$14,404. He indicated he was unaware of the origin of one account, because his heart surgery was completed in a different hospital.

MOTION

Ms. Towery made a motion, seconded by Mr. Martin and unanimously approved, to approve this application contingent upon receipt of an updated credit report verifying that the outstanding \$14,404 medical account has been cancelled.

c. Mark J. Weitz

Mr. Weitz applied for licensure via reciprocity. He answered 'no' to the question that asks, "Have you ever filed bankruptcy?" Mr. Weitz's credit report reflects he has declared bankruptcy. On March 2, 2006 he was invited to attend today's meeting, however, staff has not received a written response or other communication.

MOTION

Mr. Moody moved the Commission table this application until further information is provided. Ms. Towery seconded the motion, which carried unanimously.

Approval of CE Courses – Ivan Broadwell Educational Seminars

- a. Terms, Conditions, Rules & Regulations of the Auction
- b. Niche Auctions – Race Parts Auctions
- c. Bid Calling – Outside The Chant
- d. Ethics & The Auctioneer
- e. Auction Set-Up Specialist

Ms. Miles stated Mr. Broadwell has submitted the above courses for approval. She indicated everything is in order and the instructors' resumes have been included.

A brief discussion regarding the courses ensued.

MOTION

Mr. Mullis made a motion, seconded by Ms. Towery and unanimously carried, that the Commission accept the courses as submitted by Mr. Broadwell.

Approval of Auction School – Continental Auctioneers School

Ms. Miles stated Continental Auctioneers School is located in Minnesota. She further stated the school has provided all of the information as requested by the Commission and is licensed as a private school in the State of Minnesota. She indicated Rich Haas is the school president. She noted the school is seeking the Commission's approval as an auctioneer school, which would allow the graduates to stand the South Carolina auctioneer exam.

A brief discussion regarding the school ensued.

MOTION

Mr. Martin moved the Commission approve the Continental Auctioneers School. The motion was seconded by Mr. Mullis and unanimously carried.

Public Comments

There were no public comments made during the May 15, 2006 meeting.

Recess

At 10:50 a.m. the Commission took a five-minute recess and returned to public session.

Executive Session

MOTION

Mr. Moody moved the Commission enter executive session to seek legal advice. Mr. Martin seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. Moody moved the Commission return to public session. Mr. Mullis seconded the motion, which carried unanimously.

Mr. Blocker noted for the record that no motions were made and no votes were taken during executive session.

Marion Wooten

MOTION

Ms. Towery made a motion the Commission approve Mr. Wooten's late renewal based on his medical hardship, however, the Commission requires he first provide verification in the form of a letter from his doctor stating his medical hardship and also that he complete four hours of continuing education as required prior to June 30, 2006. Mr. Martin seconded the motion, which carried unanimously.

Mark A. Costner

MOTION

Mr. Moody moved the Commission deny Mr. Costner his license at this time and that if he chooses to reapply he must provide complete information on his criminal conviction, his bankruptcy and appear with his sponsor. Mr. Martin seconded the motion, which carried unanimously.

Randy Neil Floyd

MOTION

Mr. Martin moved the Commission hold Mr. Floyd's application in abeyance until an updated credit report addressing the \$14,404 debt is presented to the Commission at which time his license will be issued. Otherwise the Commission will hold the application in abeyance until the August 21, 2006 meeting. Mr. Moody seconded the motion, which carried unanimously.

MOTION

Mr. Moody moved the Commission authorize staff to write a letter to Charles R. Easler, II, requesting information as to how he is doing business and if so, the name he has been doing business under since the August 29, 2005 Order of the Commission was issued, including copies of his advertisements regarding auctions conducted while on probation and copies of his escrow activity and signature authority on that account to be submitted by June 30, 2006. Ms. Towery seconded the motion, which carried unanimously.

Adjournment

MOTION

Mr. Martin moved the meeting be adjourned. Ms. Towery seconded the motion, which carried unanimously.

The May 15, 2006 meeting of the SC Auctioneers' Commission adjourned at 12:00 P.M.