

MINUTES
South Carolina Auctioneer's Commission
Board Meeting
10:00 A.M., August 21, 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: George Martin, Vice Chairman, of Pelzer; and Patsy Towery, of Columbia.

Fred Mullis, of Lancaster, and Archie Moody, of Darlington, were granted excused absences.

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

Members of the public attending the meeting included: Ivan Broadwell, Bobby Costner, Mark Costner, Hazel Knight, Faye Sanderson, Tammie Simpson, and Kevin Williams.

Meeting Called to Order

Mr. Blocker noted 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 May 15, 2006 Meeting Minutes

MOTION

Mr. Martin moved the Commission approve the minutes of the May 15, 2006 meeting as written. Ms. Towery seconded the motion, which carried unanimously.

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 August 21, 2006 meeting.

Ms. Miles stated Mr. Moody and Mr. Mullis are requesting excused absences from today's meeting due to health reasons. She went on to say Ms. Dantzler is serving a subpoena today, however, Mr. Rick Wilson would be available should the Commission need legal assistance. She further stated lapsed license letters and cease and desist notices were mailed on August 9, 2006 to 119 auctioneers and 24 auction firms that have not renewed licensure for 2007. She said there were twelve candidates who took the exam on June 2, 2006. She noted all twelve candidates passed the exam. She noted the average score was 83, with the high score being 90 and the low score being 74. She indicated the next exam is scheduled for September 8, 2006.

Ms. Miles presented the members with an updated board member website instruction document and briefed the Commission on the changes.

Unfinished Business

Approval of Apprentice Applicant

a. Mark Costner

On April 24, 2006 the Commission received an auctioneer apprentice license application from Mark Costner. Mr. Costner is applying to take the exam. He answered 'no' to the question asking, "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 record indicates he was convicted of a felony.

Ms. Miles stated the Commission reviewed his application during the May 15, 2006 meeting and requested that he appear at this meeting with documentation regarding his bankruptcy noted on his credit report. She went on to say the Commission also requested that he appear with his proposed supervisor.

Mark Costner appeared before the Board at this time.

MOTION

Mr. Martin moved the Commission discuss this matter in executive session. The motion was seconded by Ms. Towery and unanimously carried.

Approval of Auctioneer Applicant

a. Randy Neil Floyd

On March 6, 2006 the Commission received an auctioneer license application from Randy Neil Floyd. Mr. Floyd passed the examination in March 2006.

Ms. Miles stated the Commission reviewed Mr. Floyd's application during the May 15, 2006 meeting. She further stated his credit report reflects unpaid collection accounts. She went on to say the Commission approved Mr. Floyd for licensure contingent upon receipt of an updated credit report verifying that the outstanding \$14,000 medical account had been cancelled. She noted there is now a letter in his file from Carolina Medical Alliance indicating the \$14,404 debt is not their account and that they have advised the credit bureau to request a zero balance. She went on to say during the May 15, 2006 meeting Mr. Floyd had Carolina Medical Alliance fax documentation to the office indicating the other Carolina Medical Alliance accounts had been satisfied.

MOTION

Ms. Towery made a motion, seconded by Mr. Martin and unanimously carried, that the Commission discuss this matter in executive session.

Review of Documentation

a. *Charles Easler*

Ms. Miles stated during the May 15, 2006 meeting the Commission authorized staff to request information from Mr. Easler regarding his business operations since the August 2005 order. She further stated the Commission has received copies of brochures and other documentation regarding his sales and business operations.

The Commission determined it would review the documentation during executive session.

New Business

Approval of CE Course / Provider

a. *Chris Pracht*

In a letter dated August 18, 2006 to the Commission, Chris Pracht is seeking the Commission's approval for the following three continuing education courses he plans to teach.

1. "Laying the Groundwork from Auction Listing to Contract Closing"
2. "Ethics, Professionalism & Legal Issues"
3. "The Expert Witness in the Courts"

Ms. Miles noted "The Expert Witness in the Courts" course is owned by the National Auctioneers Association.

MOTION

Mr. Martin moved the Commission approve the courses. Ms. Towery seconded the motion, which carried unanimously.

b. *All Star Professional Training, Inc.*

On July 13, 2006 the Commission received documentation from All Star Professional Training seeking the Commission's approval to offer a four-hour distance learning on-line continuing education course. Ms. Miles stated similar courses have been approved for auctioneers in North Carolina and Texas. She went on to say All Star Professional Training has the ability to see the database and track an individual's progress in the course. She indicated during each session two security questions appear that must be answered. She noted that if the questions are not answered or if an incorrect answer is given the system will kick the individual out. She went on to say each session is timed to last 50 minutes and an individual cannot progress to the next session until the current session has been completed. She stated 227 auctioneers in Texas have completed the course.

MOTION

Ms. Towery made a motion, seconded by Mr. Martin and unanimously carried, that the Commission approve the on-line continuing education course offered by All Star Professional Training, Inc.

Review/Approval of Applications via Examination

a. *Hazel K. Knight*

In May 2006 the Commission received an auctioneer application from Hazel Kenneth Knight. Mr. Knight passed the exam in June 2006. His credit report indicates \$2,082 in unpaid accounts. His application includes a written explanation on the credit report.

Mr. Knight appeared before the Commission and briefed the members concerning his credit report and health issues.

MOTION

Ms. Towery moved the Commission discuss this matter in executive session. The motion was seconded by Mr. Martin and unanimously carried.

b. James Andrew Parker

On March 30, 2006 the Commission received an auctioneer application from James Andrew Parker. Mr. Parker passed the exam in June 2006. His credit report reflects \$2,025 on an unpaid account. Mr. Parker included a written explanation and documentation indicating he has paid \$500 toward the account.

MOTION

Ms. Towery moved the Commission discuss this matter in executive session. Mr. Martin seconded the motion, which carried unanimously.

c. Kevin Paul Williams

On May 22, 2006 the Commission received an auctioneer application from Kevin Paul Williams. Mr. Williams passed the exam in June 2006. His credit report reflects three fraudulent check convictions.

Kevin Paul Williams appeared before the Commission at this time and answered questions from the Commission regarding the fraudulent check convictions.

MOTION

Mr. Martin moved the Commission discuss this matter in executive session. The motion was seconded by Ms. Towery and unanimously carried.

Review/Approval of Applications via Reciprocity

a. Michael W. Bickers

On May 31, 2006 the Commission received a reciprocity application for auctioneer licensure from Michael Bickers. Mr. Bickers is applying for licensure via reciprocity from Indiana. His credit report shows a \$600 unpaid judgment. Mr. Bickers included a letter of explanation with his application.

MOTION

Ms. Towery made a motion, seconded by Mr. Martin and unanimously carried, that the Commission discuss this matter in executive session.

b. Stephen R. Thompson

On August 2, 2006 the Commission received an auctioneer license application from Stephen R. Thompson. Mr. Thompson is applying for licensure via reciprocity with Ohio. His credit report reflects several collections accounts, which were paid on August 7, 2006. However, the credit report reflects a lien which has not been addressed.

MOTION

Mr. Martin moved the Commission request additional information regarding the lien. Ms. Towery seconded the motion, which carried unanimously.

c. *Vernon Wayne Wheat (Auction Firm)*

On June 17, 2006 the Commission received an auctioneer firm license application from Vernon Wayne Wheat (Wayne Wheat Auction Firm). Mr. Wheat is a licensed auctioneer in South Carolina.

Ms. Miles stated the North Carolina Auctioneers Commission took disciplinary action against Mr. Wheat for auctioneering at an unlicensed auction firm sale in 2002, however, his 2003 renewal form indicated no action had been taken by any other state. Mr. Wheat was notified that his file would be presented to the Commission during this meeting; however, staff did not receive a response.

MOTION

Mr. Martin moved the Commission discuss this matter in executive session. The motion was seconded by Ms. Towery and unanimously carried.

Review/Approval of Renewals

a. *Stephen C. Stabiner*

On June 6, 2006 the Commission received an auctioneer renewal notice from Stephen C. Stabiner. Mr. Stabiner answered 'yes' to the question asking, "Has any professional disciplinary action been taken against you in any other state since your last renewal in South Carolina?". Mr. Stabiner provided an explanation regarding disciplinary action taken by the North Carolina Auctioneer Commission in January 2006. His license has now been restored and is in good standing with the North Carolina Auctioneers Commission.

MOTION

Mr. Martin made a motion, seconded by Ms. Towery and unanimously carried, that the Commission approve Mr. Stabiner for licensure.

b. *Walnut Grove Auction & Realty*

On June 8, 2006 the Commission received an auctioneer firm renewal application from Walnut Grove Auction and Realty. The firm's owner, Lewis Harrison, answered 'yes' to the question, "Has any professional disciplinary action been taken against you in any other state since your last renewal in South Carolina?". Mr. Harrison provided an explanation regarding the disciplinary action taken by the North Carolina Auctioneers Commission. He noted the firm paid a fine in the amount of \$1,000 in lieu of a one-year license suspension.

MOTION

Mr. Martin moved the Commission accept the Walnut Grove Auction and Realty license renewal. The motion was seconded by Ms. Towery and unanimously carried.

Investigative Review Committee Report

The IRC met on August 16, 2006 to discuss nine cases. Mr. Sims briefed the Commission on the cases discussed during the IRC meeting.

MOTION

Ms. Towery made a motion, seconded by Mr. Martin and unanimously carried, that the Commission accept the IRCs recommendation regarding the following cases: The motion was seconded by Mr. Martin and unanimously carried.

Cases for Dismissal					
2005-10	2005-11	2005-15	2006-3	2006-6	2006-7

Formal Complaints
2005-18 2006-12

Continued Case
2006-4

2007 Proposed Meeting Dates
The Commission reviewed the following proposed meeting dates for 2007:
February 26, 2007 May 21, 2007
August 20, 2007 November 26, 2007

MOTION

Mr. Martin moved the commission accept these proposed meeting dates with the February 26, 2007 and the November 26, 2007 meetings to begin at 10:30 a.m. Ms. Towery seconded the motion, which carried unanimously.

Public Comments

There were no public comments made during the August 21, 2006 meeting.

Executive Session

MOTION

Ms. Towery moved the Commission enter executive session to seek legal advice on the applications. The motion was seconded by Mr. Martin and carried.

Return to Public Session

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

Mark Costner

MOTION

Ms. Towery moved the Commission allow Mr. Costner to take the apprentice auctioneer exam. Mr. Martin seconded the motion, which carried unanimously.

Randy Neal Floyd

MOTION

Mr. Martin made a motion, seconded by Ms. Towery and unanimously carried, that the Commission issue Mr. Floyd an auctioneer license.

Charles Easler

MOTION

Ms. Towery moved to deny Charles Easler's application for renewal based on his failure to provide satisfactory compliance with conditions 2, 3 and 4 of the order dated August 29, 2005. The motion was seconded by Mr. Martin and unanimously carried.

Hazel K. Knight

MOTION

Mr. Martin moved the Commission grant Mr. Knight licensure as an auctioneer. Ms. Towery seconded the motion, which carried unanimously.

James Andrew Parker

MOTION

Mr. Martin made a motion, seconded by Ms. Towery and unanimously carried, that the commission grant Mr. Parker licensure subject to Mr. Parker paying the unpaid balance on his collections so noted on his credit report by the 2007 renewal deadline.

Kevin Paul Williams

MOTION

Ms. Towery moved the Commission grant Mr. Williams licensure as an auctioneer. The motion was seconded by Mr. Martin and unanimously carried.

Michael W. Bickers

MOTION

Mr. Martin moved the Commission issue Mr. Bickers licensure by reciprocity. Ms. Towery seconded the motion, which carried unanimously.

Vernon Wayne Wheat (Auction Firm)

MOTION

Mr. Martin made a motion, seconded by Ms. Towery and unanimously carried, that the Commission offer Mr. Wheat an agreement for licensure provided he complete a four-hour ethics course in addition to the regular continuing education requirement by the 2007 renewal deadline.

Adjournment

MOTION

There being no further business to be discussed at this time, Mr. Martin moved the meeting be adjourned. Ms. Towery seconded the motion, which carried unanimously.

The August 21, 2006 meeting of the S.C. Auctioneer's Commission adjourned at 12:35 p.m.