

MINUTES
South Carolina Auctioneer's Commission
Board Meeting
10:30 A.M., May 21, 2007
Synergy Business Park
110 Centerview Drive, Kingtree Building, Room 108
Columbia, South Carolina

James G. Blocker, Chairman, of Walterboro, called the meeting to order at 10:30 a.m. Other members present included: George Martin, Vice Chairman, of Pelzer; Archie Moody, of Darlington; and Patsy Towery, of Columbia.

Staff members participating in the meeting included: Lenora Addison-Miles, Administrator; Sharon Dantzler, Deputy General Counsel; Sandra Dickert, Administrative Assistant; and Linda Owens, Administrative Assistant.

Members of the public attending the meeting included: Charles K. Bowen, Harold L. Fulbright, and Jerry K. Miles.

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, Kingtree Building, 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 Excused Absences

A discussion ensued regarding Mr. Mullis's absence from the meeting.

MOTION

Mr. Martin moved Mr. Mullis's absence be unexcused. Mr. Moody seconded the motion, which carried unanimously.

Approval of the February 26, 2007 Meeting Minutes

MOTION

Mr. Moody made a motion, seconded by Mrs. Towery and unanimously carried, that the Commission approve the minutes of the February 26, 2007 meeting.

Chairman's Remarks – James Blocker

Mr. Blocker welcomed everyone to the meeting.

Administrator's Remarks – Lenora Addison-Miles

Mrs. Addison-Miles stated on-line renewals were mailed on May 4, 2007. She went on to say as of this date 210 have renewed licensure, of which 184 have renewed on-line.

Mrs. Addison-Miles stated the last exam was administered on March 9, 2007. She further stated there were 18 auctioneer candidates, of which 15 passed. She continued by saying the average score was 80. She noted that the high score was 96 and the low score was 58. She said the next exam is scheduled for June 8, 2007.

Mrs. Addison-Miles stated the agency's director received a letter from Mr. Adam Koenigsberg praising the Commission for their assistance and advice in handling his license application.

Mr. Blocker asked Mrs. Addison-Miles to update the Commission in regard to the Legislative Audit Council's (LAC) audit of the Commission. Mrs. Addison-Miles stated the LAC continues to conduct its audit of the Commission and she is not sure how long the audit will take.

New Business

Review/Approval of Applications via Examination

a. Gary L. Blackburn, Jr.

On February 23, 2007 the Commission received an auctioneer application from Gary Lee Blackburn, Jr. Mr. Blackburn passed the exam in March 2007. Mr. Blackburn's credit report reflects unpaid medical collection accounts totaling \$1,012.00. The items marked with an asterisk (*) are accounts which belong to his father. Mr. Blackburn provided a criminal history report from the Thirteenth Judicial Circuit Public Index in lieu of the State Law Enforcement Division (SLED) report.

Mr. Blocker asked Mrs. Dantzler if the Commission could accept the criminal history report Mr. Blackburn provided. Mrs. Dantzler stated the criminal history report Mr. Blackburn submitted would provide information on arrests only in that jurisdiction and that the SLED report would provide criminal history throughout the state and some federal arrests.

Gary Blackburn, Jr. did not appear before the Commission during this meeting.

MOTION

Mr. Moody moved the Commission deny Mr. Blackburn licensure until such time that he appears before the Commission. Mr. Martin seconded the motion, which carried unanimously.

b. Charles K. Bowen

On March 9, 2007 the Commission received an auctioneer application from Charles K. Bowen. Mr. Bowen passed the exam in March 2007. Mr. Bowen was issued a Board order in December 2005 due to items on his credit report and criminal history report. His license was placed on probation however he did not renew his license prior to the deadline and has had to reapply. Mr. Bowen's credit report reflects three liens and unpaid accounts totaling \$1,425.00.

Charles Bowen appeared before the Commission at this time and was sworn to give correct testimony. He gave the following testimony to the Commission.

He applied for licensure two years ago and passed the exam with a score of 74. The Commission granted him a license in a probationary status until such time that he could clear his credit. The accounts listed on the credit report issued in 2005 were older accounts and the creditors would not accept payment plans. When the license came up for renewal, he decided not to renew his license until such time as the accounts were cleared. The tax liens listed on the credit report were from a time when he operated a fireworks stand in 1989 and he failed to turn in sales tax on items he sold. He has 19 letters of satisfaction from the Department of Revenue in regard to those items. He attempted to receive a credit report last week to bring with him today and did not realize it would take four to six weeks to receive the report. He did not conduct any auctions during the six months he was licensed. He passed the exam in March 2007 with a score of 90.

Mr. Bowen provided documentation regarding payment on the accounts listed on his credit report. Upon review of the documentation, Mrs. Dantzler stated she could match payment on all of the accounts with the exception of one medical account for \$200. Mr. Bowen stated he could not find who to pay on that account. He noted he contacted the three credit bureaus in regard to that matter. He went on to say one the credit bureaus had removed that account since it could not validate it.

MOTION

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

c. Jerry K. Miles

On March 6, 2007 the Board received an auctioneer application from Jerry K. Miles. Mr. Miles' credit report reflects unpaid accounts totaling \$4,408.00.

Jerry Miles appeared before the Commission at this time and was sworn to give correct testimony. He gave the following testimony.

Most of the accounts are medical and he has made credit arrangements on most of the accounts. He is currently a real estate broker and developer and owns a real estate firm. He has never had a trust account violation. He answered no to the question asking, "Are there any unpaid judgments of debt now outstanding against you?" He did not realize the judgment remained on his credit history. He filed bankruptcy approximately seven years ago due to the loss of a job, a divorce, and health issues.

MOTION

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

Review/Approval of Applications via Reciprocity

a. Harold L. Fulbright

On March 28, 2007 the Commission received a reciprocity auctioneer application from Harold L. Fulbright. He is currently licensed in North Carolina. He offered conflicting information on his application. He answered no to the question asking, "Are there any unpaid judgments of debt now outstanding against you?" Mr. Fulbright's credit report reflects one unpaid account totaling \$323.00 and one judgment in the amount of \$3,952.00

Harold Fulbright appeared before the Commission at this time and was sworn to give correct testimony. Mr. Fulbright offered the following testimony.

The \$323 unpaid account was to a veterinarian who performed surgery on a pet. The pet died approximately three months from a disease for which he believed the pet had been vaccinated. He did not pay the veterinarian since he would not check the pet to see what was wrong. The \$3,500 judgment was for a credit card machine he purchased new and later discovered was refurbished. He refused to pay for the machine once he learned the machine was refurbished. He runs an E-Bay store out of his pawn shop and sold a \$3,800 necklace through the credit card. The person who purchased the necklace reported the credit card stolen and would not return the necklace.

MOTION

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

Public Comments

No public comments were made during the May 21, 2007 meeting.

Executive Session

MOTION

Mrs. Towery made a motion, seconded by Mr. Martin and unanimously carried, that the Commission moved into executive session to seek legal advice on the applicants.

Return to Open Session to Report on Executive Session

MOTION

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

Mr. Blocker noted for the record that no motions were offered or made during executive session.

Charles Bowen

MOTION

Mr. Martin made a motion, seconded by Mrs. Towery and unanimously carried, that the Commission grant Mr. Bowen licensure.

Jerry K. Miles

MOTION

Mr. Moody moved the Commission issue Mr. Miles a license, that the license be placed on probation for one year, and that he report to the Commission in one year to show progress on his credit report.

Harold Fulbright

MOTION

Mrs. Towery made a motion, seconded by Mr. Moody and unanimously carried, that the Commission grant licensure to Mr. Fulbright.

MOTION

Mrs. Towery moved the next meeting of the Auctioneers' Commission be held at 10:00 a.m. Mr. Moody seconded the motion, which carried unanimously.

Mr. Martin questioned Mrs. Addison-Miles regarding auctions being conducted by Chuck Easler. Mrs. Addison-Miles replied that Mr. Easler's order states he must work under an auction firm or with another auctioneer to conduct auctions.

Investigative Review Committee Report

Mrs. Addison-Miles briefed the Commission on the Investigative Review Committee Report from February 8, 2007.

MOTION

Following discussion regarding some of the cases, Mr. Moody moved the Commission table this matter until further information is received during the next meeting. Mrs. Towery seconded the motion, which carried unanimously.

Adjournment

MOTION

Mr. Martin made a motion, seconded by Mrs. Towery and unanimously carried, that the meeting be adjourned.

The May 21, 2007 meeting of the SC Auctioneers' Commission adjourned at 12:00 p.m.