

MINUTES
South Carolina Auctioneer's Commission
Board Meeting
10:00 A.M., August 20, 2007
Synergy Business Park
110 Centerview Drive, Kingtree Building, Room 108
Columbia, South Carolina

James Blocker, chairman, of Walterboro, called the meeting to order at 10:03 a.m. Other members present included: George Martin, Vice Chairman, of Pelzer; and Patsy Towery, of Columbia.

Staff members participating during 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: Don Blackmon, Ivan Broadwell, Britt Carroll, Timothy Davis, Debra Jennings, Steve McClurg, and Carl Moody.

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

Mr. Archie Moody and Mr. Fred Mullis were not present for the meeting.

MOTION

Mr. Martin moved the Commission excuse Mr. Moody's absence. Mrs. Towery seconded the motion, which carried unanimously.

MOTION

Mrs. Towery made a motion, seconded by Mr. Martin, that Mr. Mullis's absence be disapproved.

Approval of the May 21, 2007 Meeting Minutes

MOTION

Mr. Martin moved the Commission approve the minutes as written. Mrs. Towery seconded the motion, which carried unanimously.

Chairman's Remarks – James Blocker

Mr. Blocker welcomed everyone present to the meeting.

Administrator's Remarks – Lenora Addison-Miles

*Advisory Opinions, If Needed, Office of General Counsel
Legislative Update, If Needed, Legislative Liaison Office*

Mrs. Addison-Miles stated there are currently 973 auctioneers and 146 auction firms licensed through June 30, 2009. She further stated approximately 74% of the licensees renewed licenses using the on-line renewal system. She also said that lapsed license letters and cease and desist orders mailed on August 17, 2007 to 19 firms that have not yet renewed. She noted that letters will be mailed today to 146 auctioneers who have not yet renewed.

Mrs. Addison-Miles stated 19 applicants took the exam on June 8, 2007. She went on to say 17 of the applicants passed the exam. She said the average score was 79, with a high score of 94 and a low score of 63. She noted the next exam is scheduled for September 7, 2007.

New Business

1. Review/Approval of Applications via Examination
 - a. *John J. Bissell, Jr.*

On May 29, 2007 the Commission received an auctioneer license application from John Bissell. Mr. Bissell passed the exam in June 2007. He answered no to the question asking, "Are there any unpaid judgments of debt now outstanding against you?" However, his credit history reflects unpaid collections totaling \$8,689.00. Staff notified Mr. Bissell in writing that he had been placed on the agenda to appear at this meeting.

Mr. Bissell did not appear at this Commission at this time.

Mr. Carl Moody, a license applicant, informed the Commission that Mr. Bissell is in the advanced stages of Parkinson's Disease and he did not know if he is mentally capable of understanding the necessity of appearing at the meeting.

MOTION

Mrs. Towery made a motion, seconded by Mr. Martin and unanimously carried, that the Commission deny the application until an appropriate application is submitted.

- b. *Jamie B. Carroll*

On May 22, 2007 the Commission received an auctioneer's license application from Jamie B. Carroll. He passed the auctioneer's exam in June 2007. His credit report reflects an unpaid medical collection account of \$230 and outstanding judgments totaling \$3,358.00. Mr. Carroll has submitted documentation from the Conway National Bank in regard to the judgments. Staff received additional information on this date (August 20, 2007) regarding payment on the accounts.

Jamie B. Carroll appeared before the Commission at this time and offered the following testimony.

Mr. Carroll has paid \$1,500 toward the outstanding judgments and that he is paying \$500 per month toward paying off the accounts. The charges on his SLED report were dismissed due to false charges.

MOTION

Mr. Martin made a motion, seconded by Mrs. Towery and unanimously carried, that the Commission issue Mr. Carroll a license and that his license be placed on probation until such time that all monies have been paid on the judgments.

c. Timothy S. Davis

On May 22, 2007 the Commission received an auctioneer license application from Timothy S. Davis. Mr. Davis passed the auctioneer's exam in June 2007. His credit report reflects \$789.00 in unpaid medical collection accounts, one disputed account and nine I-5 collection accounts.

Mr. Davis appeared before the Commission at this time and offered the following testimony.

Mr. Davis was unaware of the unpaid medical accounts until he had applied for an auctioneer's license. He has attempted to take care of the accounts the best he could; however, he now has a two month old baby and money is tight. He provided a new credit report reflecting the total payment of one account, has paid on two of the accounts, and is in discussion on one account. When he was employed with BMW the money to pay on the student loans was being deducted from his paycheck. He attempted to convert the repayment over to a monthly payment when he left employment with BMW's employment, however the company did not want a monthly payment plan. He has found a company willing to consolidate student loans in default and is in the process of completing paperwork to begin payments.

MOTION

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

d. Steve A. McClurg

On May 15, 2007 the Commission received an auctioneer license application from Steve Andrew McClurg. Mr. McClurg passed the auctioneer's exam in June 2007. He answered no to the question asking, "Are there any unpaid judgments of debt now outstanding against you?", however his credit report reflects \$1,737.00 in unpaid medical accounts.

Mr. McClurg appeared before the Commission at this time and offered the following testimony.

Almost three years ago Mr. McClurg underwent gastric bypass surgery that has worked too well. He was admitted to the hospital at the end of 2006 dying from starvation, malnutrition and dehydration due to a surgical error. He goes to the hospital in Cherokee, North Carolina for health care since he is Cherokee Indian. He went to the hospital for treatment of pneumonia and was transferred to a hospital in Sylva, North Carolina. The hospital is refusing to assist with the payment of his medical bills since it is Eastern Band Cherokee Hospital and he is a Western Band Cherokee. He questioned the National Indian Health Care about the issue and was informed that contract health care varies from tribe to tribe. He checked with his tribe who stated he was out of service since he is now living in South Carolina. He is consulting with attorneys in Myrtle Beach in regard to a malpractice suit.

He would be employed as a bid caller with an entertainment auction firm.

MOTION

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

e. Carl D. Moody

On May 17, 2007 the Commission received an auctioneer's license application from Carl D. Moody. Mr. Moody passed the auctioneer's exam in June 2007. His credit report reflects \$19,000.00 in unpaid medical accounts and two disputed charged off accounts. He has provided the Commission with a written statement in regard to these accounts.

Mr. Moody appeared before the Commission at this time and offered the following testimony.

Mr. Moody had bypass surgery on his leg which the insurance company paid after a ten month dispute. His insurance premiums went up \$100.00 per month until he could no longer pay the premiums. The surgery lasted twenty-two (22) months and he has had three additional bypass operations on the leg. He has not made any money in three years. He has a contract which, when signed, would allow him to bring all payments up to date. The contract, for a project development, would be executed in ninety (90) days.

MOTION

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

f. Debra S. Jennings – D & A Auction

On May 18, 2007 the Commission received an auction firm license application from Debra Jennings on behalf of D & A Auction. Mrs. Jennings passed the exam in June 2007. She answered no to the question asking, "Are there any unpaid judgments of debt now outstanding against you?" However, her credit report reflects \$1,617.00 in unpaid medical accounts.

Mrs. Jennings appeared before the Commission at this time and offered the following testimony.

Mrs. Jennings did not realize she had unpaid accounts on her credit report. She has a letter from her attorney dated June 2002 when she was involved in an automobile accident. The letter states he would be responsible for all unpaid medical bills. However, the unpaid medical bills on her credit report did not relate to the automobile accident. There are six disputed accounts, of which one is hers (\$506.00). She provided the Commission with a receipt reflecting full payment of that account. One of the accounts belongs to her husband (\$92.00) and one account was her son's (\$860.00). She provided a notarized statement from her mother stating her son was living with her mother at the time the medical bill was occurred. She cannot find to whom the other medical accounts are owed. She suspects the other bills belong to her husband.

MOTION

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

2. Review/Approval of Renewal Applications

a. *Don C. Blackmon*

On July 9, 2007 the Commission received an auctioneer renewal application from Don C. Blackmon. Staff also received information on July 9, 2007 indicating Mr. Blackmon had continued to conduct auctions even though his license expired on June 30, 2007. On June 30, 2007 Mr. Blackmon attempted to renew his license online and according to the agency's system Mr. Blackmon's credit card was denied.

Mr. Blackmon appeared before the Commission at this time and offered the following testimony.

Mr. Blackmon did attempt to renew his license online on June 30, 2007. He was going through a divorce and attempted to close on his house that week. It slipped his mind to renew his license until the last day. He obtained certified funds to renew the license. He did conduct an auction on July 9, 2007 and was unaware that it would cause a problem since he had mailed the renewal form and fees.

MOTION

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

b. *Myron C. Bowling*

On May 29, 2007 staff received an auctioneer renewal from Myron C. Bowling. Mr. Bowling 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. Bowling was disciplined by the Florida Auctioneers' Commission in 2006 for not disclosing the fact that he had been disciplined in another state.

MOTION

Mrs. Towery made a motion, seconded by Mr. Martin and unanimously carried, that the Commission renew Mr. Bowling's license based on the information received.

c. *Ronald D. Charyn*

On July 10, 2007 staff received an auctioneer's renewal from Ronald D. Charyn. Staff received information from the NALLOA disciplinary action report that the Illinois Auctioneers' Commission had taken disciplinary action against Mr. Charyn in November 2006 for failure to obtain continuing education. Mr. Charyn did not indicate any disciplinary action on his renewal form. He was therefore sent notification that staff could not renew his license due to disciplinary action taken by the State of Illinois. Mr. Charyn's attorney responded that Mr. Charyn had determined he would not renew his license in Illinois when he received a letter indicating he had a twelve-hour deficiency in his continuing legal education requirements. He then sent a letter to Illinois asking that his license be allowed to lapse without prejudice or penalty. Illinois was in receipt of the letter; however, the letter was misplaced for five months. When the letter was located Illinois granted the request to allow his license to lapse without prejudice or penalty in the form of a written consent order signed by all parties. He will be able to renew the Illinois license after a period of two years.

MOTION

Mr. Martin moved the Commission issue Mr. Charyn's license. Mrs. Towery seconded the motion, which carried unanimously.

d. Bradley D. Stephens

On June 27, 2007 the Commission received an auctioneer renewal from Bradley Stephens. He 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. Stephens was disciplined by the Florida Auctioneers' Commission for using the incorrect license number on an advertisement. He paid a \$100.00 citation and his Florida license is current through November 2009

MOTION

Mr. Martin made a motion, seconded by Mrs. Towery, that the Commission grant Mr. Stephens a renewal license.

3. Review/Approval of CE Course / Provider

a. Michael Harper – The Real Estate Auction Deal with Lien Problems

Michael Harper is requesting approval to instruct and provide a continuing education course entitled *The Real Estate Auction Deal with Lien Problems*. He included a bio, a resume and an outline of the course.

MOTION

Mr. Martin moved the Commission approve the course. Mrs. Towery seconded the motion, which carried unanimously.

b. Texas State Technical College System – Online Course

On July 6, 2007 the Commission received a request from the Texas State Technical College System for an online course. The course has been approved by the Texas Department of Licensing and Regulation. A course outline and certificate has been provided. The college has security measures in place.

MOTION

Mrs. Towery made a motion, seconded by Mr. Martin and unanimously carried, that the Commission approve the six-hour continuing education course as submitted by the Texas State Technical College System.

4. Approval of Auctioneers' Class

a. Midlands Technical College

On August 16, 2007 the Commission received a request from Midlands Technical College to offer its 2007 Auction School in a weekly format. The format would include an evening class beginning September 4, 2007 and concluding on December 18, 2007.

Mrs. Towery stated the class would be held on Tuesday evenings with additional weekend classes to exceed the eighty (80) hour requirement. She further stated the same instructors would be used and should any new instructors be used the college would ensure they meet the required criteria.

MOTION

Mr. Martin moved the Commission approve the request for time change. Mrs. Towery seconded the motion, which carried unanimously.

5. **Investigative Review Committee Report**

Mr. Ivan Broadwell reviewed the Investigative Review Committee Reports of February 8, 2007 and August 7, 2007.

MOTION

Mrs. Towery made a motion, seconded by Mr. Martin and unanimously carried, that the Commission approve the IRC Reports of February 8, 2007 and August 7, 2007 in regard to the following cases.

February 8, 2007

Dismissals

2006-8 2006-9 2006-14 2006-18 2006-19 2006-21

Formal Complaints

2006-4 2006-11 2006-13 2006-15 2006-16 2006-17

August 7, 2007

Dismissals

2006-13 2007-1 2007-2 2007-3 2007-4 2007-5

Formal Complaints

2006-4 2006-11

Continued Cases

2004-3 2006-9

6. **CE Requirements for Biennial License**

On August 16, 2007 the Commission received a letter from Gene M. Tapp, a continuing education provider, asking the Commission if auctioneers should receive four (4) hours of continuing education each year or eight (8) hours of continuing education every two years.

MOTION

Mr. Martin made a motion, seconded by Mrs. Towery and unanimously carried, that the auctioneers can obtain four (4) hours or eight (8) hours of continuing education in one year.

7. **2008 Proposed Meeting Dates**

The Commission reviewed the following proposed meeting dates for 2008.

February 25, 2007 May 19, 2008 August 18, 2008 November 17, 2008

MOTION

Mrs. Towery made a motion, seconded by Mr. Martin and unanimously carried, that the Commission approve the meeting dates as presented.

Public Comments

There were no public comments made during the August 20, 2007 meeting.

Executive Session

MOTION

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

Return to Public Session

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

In the Matters of, Timothy S. Davis, Steve A. McClurg, Carl D. Moody, and Debra S. Jennings – D & A Auction

MOTION

Mr. Martin made a motion, seconded by Mrs. Towery and unanimously carried, that the Commission grant licenses with probation for one year to Mr. Davis, Mr. Moody, Mr. McClurg, and Mrs. Jennings and after the one year of probation they must appear before the Commission to show proof of progress on their credit reports.

In the Matter of Don C. Blackmon

MOTION

Mrs. Towery moved the Commission reissue Mr. Blackmon's license with a letter of reprimand. Mr. Martin seconded the motion, which carried unanimously.

Adjournment

MOTION

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

The August 20, 2007 meeting of the SC Auctioneers' Commission adjourned at 11:43 a.m.