

MINUTES
South Carolina Auctioneer's Commission
Commission Meeting
10:00 A.M., August 18, 2008
Synergy Business Park
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina

Meeting Called to Order

James Blocker, chairman, of Walterboro, called the meeting to order at 10:00 a.m. Other members present for the meeting included: George Martin, vice chairman, of Pelzer; Wendell Christopher, of Roebuck; 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; and Sandra Dickert, Administrative Assistant.

Mr. Blocker announced that public notice of this meeting was properly posted at the S. C. Auctioneer Commission office, Synergy Business Park, Kingstree 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

All members were present.

Approval of the February 25, 2008 Commission Meeting Minutes, the May 19, 2008 Commission Meeting Minutes, and the June 13, 2008 Conference Call Minutes

MOTION

Mr. Moody made a motion, seconded by Mr. Christopher and unanimously carried, that the Commission approve the minutes from the February 25, 2008 Commission meeting, the May 19, 2008 Commission meeting, and the June 13, 2008 conference call meeting.

HEARING

In the Matter of, Melvyn Salter
This matter was continued to another date.

Chairman's Remarks – James Blocker

Mr. Blocker welcomed everyone to the meeting. He thanked staff for their hard work.

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 this meeting.

Mrs. Addison-Miles stated there are currently 1,113 auctioneers and 172 auction firms currently licensed through June 30, 2009 in South Carolina.

Mrs. Addison-Miles stated the auctioneer exam was last administered on June 6, 2008 to five auctioneer candidates. She noted all five candidates passed the exam. She further stated the

high score was 89 and the low score was 74, with an average score of 82. The next exam is scheduled for September 5, 2008.

Mrs. Addison-Miles informed the Commission members that effective July 1, 2008 the mileage rate increased from 0.445 cents per mile to 0.505 cents per mile. She noted the mileage increase has been reflected in the members' travel documents.

Unfinished Business

There was no unfinished business for discussion during this meeting.

New Business

1. Review / Approval of Application via Examination

a. *Donald J. Humphrey*

On May 27, 2008 the Commission received an auctioneer license application via examination from Donald J. Humphrey. Mr. Humphrey passed the auctioneer exam on June 6, 2008. He answered 'no' to the question asking, "Are there any unpaid judgments of debt now outstanding against you?"; however, his credit report reflects an unpaid medical account totaling \$1,163.00. On August 18, 2008 staff received information regarding his credit report.

Donald Humphrey appeared before the Commission and was sworn to give correct testimony.

Mr. Humphrey has severe arthritis and approximately two years was rushed to the hospital from the interstate following a severe allergic reaction to Celebrex. The emergency room bill totaled approximately \$1,200.00. He has filed a claim, not a lawsuit, against Pfizer and is taking longer than he thought it would. He now realizes he should have been making payments on the account and has made payments totaling approximately \$300.00. He has been unemployed for the past several months and has recently returned to work at a family-owned business. He will pay the account regardless of whether or not he receives a settlement from Pfizer.

MOTION

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

2. Review / Approval of Application via Reciprocity

a. *David Powell*

On July 8, 2008 the Commission received an auctioneer license application via reciprocity from David Powell. Mr. Powell has been licensed in North Carolina since December 2006. He answered 'no' to the question asking, "Are there any unpaid judgments of debt now outstanding against you?"; however, his credit report reflects unpaid collection accounts totaling \$4,141.00. On August 14, 2008 staff received an explanation and supporting documentation regarding Mr. Powell's credit report.

David Powell appeared before the Commission and was sworn to give correct testimony.

Mr. Powell has medical bills in which he is currently making payments. He has paid all of the medical bills with the exception of one and he is in negotiations on that one bill. He has paid approximately one half of the \$4,141.00 unpaid accounts. The medical bills were on his credit report at the time he applied for his North Carolina license. He answered 'no' to the same question and was granted licensure.

Mrs. Dantzler stated the question regarding judgments also applies to liens and claims. She noted unpaid medical bills are considered liens in South Carolina.

MOTION

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

3. Review / Approval of Examination Request

a. *Wayne J. Hitchman*

On August 14, 2008 the Commission received an application to take the exam from Wayne Hitchman. Mr. Hitchman completed the Fort Smith Auction School in 1968. Since the next exam is scheduled for September 5, 2008 staff determined it would present the application during this meeting to seek the Commission's approval to allow Mr. Hitchman to take the exam. Fort Smith Auction School is not a Commission approved school and, based on staff's research, is no longer in business. On August 18, 2008 staff received additional information from Mr. Hitchman stating he has been conducting auctions in New York for the past 38 years. New York does not have a licensing requirement for auctioneers. He moved to South Carolina in October 2007 and is hoping to supplement his income in South Carolina by conducting auctions.

Wayne Hitchman did not appear at this meeting.

The Commission member indicated the Fort Smith Auction School was well accredited and was a leading school in auctioneering during the time it was in business.

MOTION

Mr. Moody made a motion, seconded by Mrs. Towery and unanimously carried, that the Commission allow Mr. Hitchman to take the exam.

4. Confirmation of Applicant Hearing Recommendations

a. *James Brabham*

b. *Jody Garmon*

c. *Oliver Wright, Jr.*

During the May 19, 2008 meeting three applicants with credit issues appeared before the two Commission members present for the meeting. The two members present were Mr. Blocker and Mr. Christopher. The applicants waived their right to appear before the full Commission and have their applications heard by the two members present during the meeting. Mr. Blocker and Mr. Christopher later conferred with Mr. Martin regarding the final orders to be issued and all three members were in agreement to issue licenses with the licenses to be placed in a two-year probationary status and updated credit reports on each of the three applicants due in 2009 and 2010. The full commission must now grant approval of the actions.

The Commission members voted unanimously to confirm the applicant hearing recommendations.

5. Confirmation of Mail Ballots – Southeastern School of Auctioneering Instructors

The Commission members were mailed ballots regarding the Southeastern School of Auctioneering request seeking approval of two instructors, Mr. Jimmy Blocker and Mr. Lee Martin Danhaur for the August 2-9, 2008 session. All of the members voted to approve these two instructors.

MOTION

Mr. Martin made a motion, seconded by Mr. Moody and unanimously carried, that the Commission confirm the result of the mail ballot.

6. Review / Approval of CE Courses and Provider – Novalis, Inc.

Ethics & Professional Conduct for Auctioneers

Federal Laws Governing Auctioneers: A Focus on Labor, Sales & Firearms

Marketing Real Estate at Auction

Using Technology: Internet Auctions, Tools & More

On April 23, 2008 the Commission received a letter from Novalis, Inc. seeking the Commission's approval of four continuing education classes. These classes are distance learning (self study) courses offered on DVDs along with a workbook. Each course is four hours and at the end of each course the candidate must complete a written examination and return it to the company for grading and credit. Candidates are notified by mail or e-mail of the examination score. Novalis is an approved auctioneer continuing education provider in Illinois, Indiana, and Wisconsin. Throughout the DVD candidates are asked to pause the DVD to answer questions regarding the material prior to moving to the next session. Candidates are required to sign a form verifying they completed the course and the examination. Candidates are allowed to keep all course materials including the DVD. Novalis is continuing to work on the cost of the courses as the courses had to be revamped to meet South Carolina's four hour requirement and is working on getting the courses online. The instructor for the courses is Lee Ann Moss who has not yet been approved by the Commission.

MOTION

Mrs. Towery made a motion, seconded by Mr. Martin and unanimously carried, that the Commission approve the Novalis continuing education courses.

MOTION

Mr. Moody made a motion, seconded by Mr. Martin and unanimously carried, that the Commission approve Lee Ann Moss as a continuing education instructor.

7. CE Review – Tom Schatzman

On April 28, 2008 the Commission received a letter from Tom Schatzman in which he asks the Commission to review eight continuing education courses he has attended to see if the Commission would accept the courses as continuing education credit.

The Commission members asked questions in regard to taking real estate courses as continuing education for an auctioneer license.

MOTION

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

8. Advertising Requirements

Ed Hagins has asked the Commission to review an advertising trend for auctions in which printed ads, flyers, etc. do not include the auctioneer name, license number, terms or conditions, etc. The ad simply states an auction will be held on a particular date at a particular location and instructs the public to visit the website. Mr. Hagins has asked, "Is this acceptable practice for advertising pursuant to the SC Code of Laws and Regulations?"

MOTION

Mr. Martin made a motion, seconded by Mrs. Towery and unanimously carried, that the regulation regarding advertising stand as is and the auctioneer must include his/her name and license number in the advertisement.

9. Approval of 2009 Proposed Meeting Dates

Staff presented the members with the following proposed meeting dates for 2009.

February 23, 2009 May 18, 2008 August 17, 2009 November 16, 2009

MOTION

Mr. Christopher made a motion, seconded by Mrs. Towery and unanimously carried, that the Commission approve the proposed meeting dates for 2009.

Public Comments

No public comments were made during this meeting.

Executive Session

MOTION

Mr. Moody made a motion, seconded by Mr. Martin and unanimously carried, that the Commission enter executive session to seek legal advice.

Return to Open Session

MOTION

Mr. Moody made a motion, seconded by Mr. Christopher and unanimously carried, that the Commission return to public session.

Mr. Blocker noted for the record that no official action was taken during executive session.

Donald J. Humphrey and David Powell

MOTION

Mr. Moody made a motion, seconded by Mr. Christopher and unanimously carried, that the Commission issue licenses to Mr. Humphrey and Mr. Powell, that the licenses be placed in probationary status for one year and that at the end of the one year the Commission receives updated credit reports.

CE Review – Tom Schatzman

MOTION

Mrs. Towery made a motion, seconded by Mr. Martin and unanimously carried, that the Commission deny his request on the grounds that the Commission has not received sufficient information to determine if the courses are acceptable.

Adjournment

MOTION

There being no further business to be discussed at this time, Mr. Christopher made a motion the meeting be adjourned. Mrs. Towery seconded the motion, which carried unanimously.

The August 18, 2008 meeting of the SC Auctioneers Commission adjourned at 11:33 a.m.