

MINUTES
South Carolina Auctioneer's Commission
Commission Meeting
10:00 A.M., August 23, 2010
Synergy Business Park
110 Centerview Drive, Kingtree Building, Room 108
Columbia, South Carolina

Meeting Called to Order

James Blocker, chairman, of Walterboro, called the regular meeting of the Auctioneer's Commission to order at 10:02 a.m. Other members participating in 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; Deleon Andrews, Investigator; Sharon Dantzler, Deputy General Counsel; Beth Cumalander, Administrative Assistant; Sandra Dickert, Administrative Assistant; Theresa Garner, Administrative Assistant; Lil Ann Gray, Assistant General Counsel; Dean Grigg, Hearing Advice Attorney; and Jamie Saxon; Hearing Advice Attorney.

A video of this meeting can be viewed at www.llr.state.sc.us/POL/Auctioneers . On the Commission's home page, click 'Board Information' and follow the link to the video.

Public Notice

Mr. Blocker announced that public notice of this meeting was properly posted at the SC 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

All members were present.

Approval of the May 17, 2010 Meeting Minutes

The Commission members reviewed the revised minutes of the May 17, 2010 meeting.

MOTION

Mr. Martin made a motion the Commission approve the minutes of the May 17, 2010 meeting as amended. Mr. Christopher seconded the motion, which carried unanimously.

Chairman's Remarks – James Blocker

Mr. Blocker welcomed everyone to the meeting and thanked them for their interest in the auction profession. He thanked staff for their preparations for this meeting.

Administrator's Remarks – Lenora Addison-Miles

Mrs. Addison-Miles stated the last exam was administered on June 4, 2010. She further stated there were 11 candidates, all of whom passed. She went on to say the average score was 81, the high score was 95 and the low score was 71. She noted the next exam is scheduled for September 10, 2010.

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.

OIE (Office of Investigations & Enforcement) Report

Mrs. Addison-Miles stated this report would be given when the Commission reviews the IRC report.

OGC (Office of General Counsel) Report

There are currently six open cases, four cases pending action, and two cases pending hearings. OCG has closed 15 cases since January 1, 2009.

Hearing in the Matter of Dean V. Kruse d/b/a Kruse International Auction

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Executive Session

MOTION

Mr. Moody made a motion the Commission enter executive session to seek legal advice regarding this matter. Mr. Martin seconded the motion, which carried unanimously.

Return to Public Session

MOTION

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

MOTION

Mr. Christopher made a motion Mr. Kruse's license be revoked, that a \$10,000.00 fine be imposed made payable within 24 months of the final order, that should the respondent ever appear again before the Commission for reapplication, he must show payment of the fine and restitution to the Commission. Mr. Martin seconded the motion, which carried unanimously.

Unfinished Business

There was no unfinished business to be discussed during this meeting.

New Business

Approval of June 3, June 15, and July 8, 2010 IRC Reports

Mr. Andrews briefed the Commission regarding the June 3, 2010, June 15, 2010 and the July 8, 2010 IRC reports.

MOTION

Mr. Martin made a motion the Commission accept the June 3, 2010, June 15, 2010 and the July 8, 2010 IRC reports. Mrs. Towery seconded the motion, which carried unanimously.

Review / Approval of Application via Examination

Donnie E. Collins

On May 17, 2010 the Commission received an auctioneer license by examination application from Donnie E. Collins. He passed the exam on June 4, 2010. His credit report reflects several accounts that exceed \$500 and several I-9 accounts for which he has provided an explanation and a letter for the Commission's review. Staff notified Mr. Collins by letter dated June 4, 2010 that the Commission would review his application during this meeting and informed him to be present to answer questions from the members.

Donnie E. Collins appeared before the Commission and offered testimony. He has not been able to find employment in the past two years and has paid his bills as long as he could. He knows an individual who is attempting to start an auction firm and will be working with that individual. He also hopes to do some auctioning on his own.

MOTION

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

Llewellyn M. Dykes

On May 14, 2010 the Commission received an auctioneer license by examination from Llewellyn M. Dykes. Mr. Dykes' original license lapsed on June 30, 2005. He passed the exam on June 4, 2010. He answered 'no' to question 12, indicating there were no judgments, liens or claims against him; however, his credit report contains a medical collection account and a state tax lien. He has provided the Commission with a written explanation. The escrow account affidavit is not notarized. Staff notified Mr. Dykes by letter dated June 4, 2010 that the Commission would review his application during this meeting and informed him to be present to answer questions from the members.

Mr. Dykes did not appear during this meeting.

MOTION

Mr. Martin made a motion the Commission take no action on this application until such time that he appears before the Commission. Mr. Moody seconded the motion, which carried unanimously.

Richard Keith Jones

On June 14, 2010 the Commission received an auctioneer license by examination from Richard Keith Jones. Mr. Jones is scheduled to take the examination on September 10, 2010. His credit report contains several collection accounts and a civil judgment. He has provided the Commission with written documentation regarding his credit. Staff notified Mr. Jones by letter dated July 2, 2010 that the Commission would review his application during this meeting and informed him to be present to answer questions from the members.

Richard Keith Jones appeared before the Commission and offered testimony. The company he has been working for has not been allowing him to cash his paychecks.

MOTION

Mr. Christopher made a motion the Commission discuss this matter in executive session. Mr. Martin seconded the motion, which carried unanimously.

Review / Approval of Application via Reciprocity

Robert Stephens Slocumb, Jr.

On May 6, 2010 the Commission received an application for auctioneer licensure by reciprocity from Robert Slocumb, Jr. Mr. Slocumb is licensed as an auctioneer in Georgia. He answered 'no' to question number nine on the application indicating no disciplinary actions had been taken against his licensure in any jurisdiction; however, he entered in a consent agreement and paid a fine of \$250.00 in Georgia for unlicensed practice. He has provided the Commission with a written explanation regarding that action. Staff notified Mr. Slocumb by letter dated June 3, 2010 informing him the Commission would review his application during this meeting and asked that he be present to answer questions from the members.

Mr. Slocumb did not appear during this meeting.

MOTION

Mr. Martin made a motion the Commission discuss this matter in executive session. Mr. Moody seconded the motion, which carried unanimously.

Larry Hersowitz

On June 7, 2010 the Commission received a letter from Larry Hersowitz asking that the members reconsider their decision regarding licensure. Mr. Hersowitz previously applied for licensure in South Carolina by reciprocity and his application was denied. He has provided additional information along with his request to resubmit his application. He resides in California but he is licensed in Florida. His credit report contains several collection accounts for which he has provided the Commission with written explanation. Staff notified Mr. Hersowitz by letter dated June 9, 2010 that the Commission would review his application during this meeting.

Mr. Hersowitz did not appear during this meeting.

Discussion ensued regarding the company for which Mr. Hersowitz has been working for the past nine years and whether or not the company has a store in Florida as well as in Hilton Head.

MOTION

Mr. Christopher made a motion the Commission table this matter until such time as he appears before the Commission. Mrs. Towery seconded the motion, which carried unanimously.

Approval of Proposed 2011 Commission Meeting Dates

The Commission reviewed the following proposed 2011 meeting dates.

February 28, 2011 May 16, 2011 August 15, 2011 November 28, 2011

Mrs. Towery asked that the August 15, 2011 meeting be moved to August 22, 2011.

The Commission voted to accept the meeting dates with the change in the August 2011 date.

Public Comments

No public comments were made during this meeting.

Executive Session

MOTION

Mr. Christopher made a motion the Commission enter executive session to seek legal advice. Mr. Martin seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. Moody made a motion the Commission return to public session. Mr. Martin seconded the motion, which carried unanimously.

Donnie E. Collins

MOTION

Mr. Martin made a motion the Commission grant Mr. Collins licensure with two years of probation and that he appear before the Commission at the end of the first year to show progress on his credit report. Mr. Christopher seconded the motion, which carried unanimously.

Richard Keith Jones

MOTION

Mrs. Towery made a motion the Commission deny his request until such time he is fully qualified as an auctioneer, has passed the exam, and shown progress on his credit report. Mr. Christopher seconded the motion, which carried unanimously.

Robert Stephens Slocumb, Jr.

MOTION

Mr. Christopher made a motion the Commission issue Mr. Slocumb a license. Mr. Moody seconded the motion, which carried unanimously.

Mr. Martin stated the Department of Motor Vehicles visited one of his sellers last week and informed the seller that he could not sell all seven of the vehicles slated for auction and that two of the vehicles had to be removed from the auction. He went on to say the Department of Motor Vehicles also informed the seller he could not sell any more vehicles this year. He has spoken with his attorney who feels it is unconstitutional. He noted he would like for the Commission to submit a bill regarding this issue.

MOTION

Mr. Martin made a motion to draft a letter to the state legislature asking the legislature to introduce a bill changing the law in regard to the auction of vehicles. Mr. Moody seconded the motion, which carried unanimously.

Adjournment

MOTION

Mr. Christopher made a motion the meeting be adjourned. Mr. Martin seconded the motion, which carried unanimously.

The August 23, 2010 meeting of the S.C. Auctioneer's Commission adjourned at 12:11 p.m.