

MINUTES
South Carolina Auctioneers' Commission
Meeting

10:00 a.m., February 28, 2011
Synergy Business Park
110 Centerview Drive, Kingstree 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 10:00 a.m. Other members participating in the meeting included: George Martin, vice chairman, of Pelzer; Wendell Christopher, of Roebuck; and Archie Moody, of Darlington.

Staff members participating in the meeting included: Lenora Addison-Miles, Administrator; Sharon Dantzler, Deputy General Counsel; Michelle Sims, Administrative Assistant; DeLeon Andrews, Investigator; Sandra Dickert, Administrative Assistant; and Christa Bell; General Counsel.

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 S. C. Auctioneer's 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.

Approval of Excused Absences

MOTION

Mr. Christopher made a motion the Commission approve Mrs. Towery's absence. Mr. Moody seconded the motion which carried unanimously.

Approval of the November 15, 2010 Meeting Minutes

MOTION

Mr. Moody made a motion the Commission approve the November 15, 2010 meeting minutes as presented. Mr. Martin seconded the motion which carried unanimously.

Chairman's Remarks – James Blocker

Mr. Blocker welcomed everyone to the meeting.

Administrator's Remarks – Lenora Addison-Miles

Mrs. Addison-Miles reported to the Commission that the December 3, 2010 examination results were as follows; there were six auctioneer candidates and six passed. The average score was 77, the high score was 90, and the low score was 70. The next examination is scheduled for March 11, 2011.

She continued that there are currently 1,239 active licensees and since the November 2010 meeting, 26 new licenses have been issued which consisted of 20 auctioneers and six firms.

Mrs. Addison-Miles also reminded the Commission that the Statement of Economic Interest Forms must be filed electronically with the State Ethics Commission by April 15th. She also informed the Commission that effective January 1st, the mileage reimbursement rate increased to 50.5 cents.

Unfinished Business

There was no unfinished business to discuss during this meeting.

New Business

Hearing – Wham Auctions, Inc. – OIE Case # 2010-9

Mrs. Dantzler advised the Commission that the hearing would not be held as the defendant agreed to permanently relinquish their license and the Commission would just be required to sign the order once it came in.

IRC Report – December 29, 2010

Mr. Andrews indicated to the Commission that the investigator who was assigned to this case was out on leave and Mr. Andrews could not access his case files and asked that this matter be held over to the May meeting.

Review/Approval of Application via Examination

Richard Keith Jones

The Commission previously reviewed Mr. Jones' application during the August 23, 2010 meeting. The Commission voted to deny the application until Mr. Jones passed the auctioneer examination and made progress on paying his debts.

Richard Jones appeared before the Commission. Mr. Jones explained that he worked for a company that entered into the convenience store industry and experienced problems. As a result the company held Mr. Jones' paychecks which caused him some financial difficulties. Since that time he obtained another job and has paid off some of the collection accounts. He indicated that he has paid off Franklin Collection Services, Midland Credit Management, and RBS Citizens and that these amounts total approximately \$8,000.

MOTION

Mr. Martin made a motion the Commission take this matter under consideration during executive session. Mr. Christopher seconded the motion which carried unanimously.

Review/Approval of Application via Reciprocity

Larry Hall

On October 7, 2010, the Commission received an auctioneer by reciprocity application from Larry Hall. Mr. Hall was licensed in Ohio in 1994 by examination. His credit report contains an unpaid collection account which exceeds the \$500 limit as set by the Commission. He has provided a written explanation regarding his credit.

Larry Hall appeared before the Commission. Mr. Hall indicated that he was not aware of what the collection was for and can only surmise that it is from previous rental companies that he owned in Ohio, but those now belonged to his ex-wife as a part of his divorce settlement. Mr.

Hall stated that he would pay the bill if it so pleased the Commission, but he felt that he should not have to as it was not his bill.

MOTION

Mr. Martin made a motion the Commission take this matter under consideration during executive session. Mr. Christopher seconded the motion which carried unanimously.

SC Auctioneers Association Convention – CE Approvals

'Personal Property & Equipment' – Bob Robeson

The S.C. Auctioneers Association submitted a request for approval of a two-hour course instructed by Bob Robeson, titled "Personal Property & Equipment Auctions," during the SCAA annual convention. Mail ballots were sent to Commission members prior to the meeting.

MOTION

Mr. Moody made a motion the Commission ratify Mr. Robeson's class as an approved continuing education course. Mr. Christopher seconded the motion which carried unanimously.

'Incorporating as a Realtor/Auctioneer' – Aun & McKay, P.A.

The S.C. Auctioneers Association submitted a request for approval of a two-hour course instructed by attorney Andrew Aun, during the SCAA annual convention.

MOTION

Mr. Martin made a motion the Commission approve the class as an approved continuing education course. Mr. Christopher seconded the motion which carried unanimously.

Burns & Associates, Inc. – CE Course Approvals

*3D Real Estate Disclosures, Duties, and Diligence
Auction Law*

Mr. Joe Burns submitted three CE courses for Commission consideration. The two 3D Real Estate Disclosure courses are approved by the S.C. Real Estate Commission. Mr. Burns and Burns & Associates are approved by the Commission to provide CE for auctioneers.

MOTION

Mr. Martin made a motion the Commission accept these courses. Mr. Moody seconded the motion which carried unanimously.

Mr. Christopher suggested that an amendment be made to existing law that would allow an exemption for continuing education for those individuals who have over 25 years experience in the industry and are 65 years of age or older. Discussion ensued.

MOTION

Mr. Christopher made a motion that an amendment be made to the existing regulation that would allow continuing education exemption for those individuals who have 25 years experience in the industry and are 65 years of age or older. Mr. Moody seconded the motion which carried unanimously.

Election of Officers

MOTION

Mr. Christopher made a motion that James Blocker remain in the Chair position of the Commission. Mr. Martin seconded the motion which carried unanimously.

MOTION

Mr. Moody made a motion that George Martin remain in the Vice-Chair position for the Commission. Mr. Christopher seconded the motion which carried unanimously.

MOTION

Mr. Martin made a motion that Ivan Broadwell remain as the IRC Chairman. Mr. Christopher seconded the motion which carried unanimously.

Public Comments

There was some discussion regarding a pending bill that would require auctioneers to have a bond. Mrs. Dantzler indicated that it was not an issue of concern at this juncture and that the legislation was being tracked, but the position of LLR was that bonds were not a necessary requirement for auctioneers.

Also, there was some discussion regarding legislation surrounding auctioneers performing automobile auctions.

Mrs. Addison-Miles asked the Commission about a question that was posed to her regarding the legality of selling an antique, inoperable moonshine still that was part of an estate sale. Mr. Blocker stated the Commission does not have jurisdiction over what an individual sells and that as long as there was not an issue with the governing alcohol and tobacco regulators, then the Commission did not have an issue with the sale of this item either.

Executive Session

MOTION

Mr. Martin made a motion the Commission enter executive session. Mr. Christopher 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.

Richard Keith Jones

MOTION

Mr. Martin made a motion the Commission grant Mr. Jones his license with the provision that he be under probation for two years. Furthermore, at the end of each year Mr. Jones is to report to the Commission the progress of the repayment of his old debts. Mr. Christopher seconded the motion which carried unanimously.

Larry Hall

MOTION

Mr. Christopher made a motion the Commission grant Mr. Hall his license. Mr. Martin seconded the motion which carried unanimously.

Adjournment

MOTION

Mr. Moody made a motion the Commission adjourn the meeting. Mr. Martin seconded the motion which carried unanimously.

The February 28, 2011 meeting of the SC Auctioneers' Commission adjourned at 11:03 a.m.

The next meeting of the SC Auctioneers' Commission is scheduled for May 16, 2011.