

MINUTES
South Carolina Auctioneers' Commission
Board Meeting

10:00 a.m., November 16, 2015
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Monday, November 16, 2015

1. Meeting Called to Order

Victor Avendano, Chairman, of Mt. Pleasant, called the regular meeting of the SC Auctioneers' Commission to order at 10:18 a.m. Other Board members present for the meeting included: Matthew Holiday, Vice Chairman, of Spartanburg; Joseph B. Burns, of Swansea; Jamison Marchant, Isle of Palms; and Michelle Pinkney, of Irmo.

Staff members participating in the meeting included: Georgia Lewis, Advice Counsel, Office of Advice Counsel; Wendi Elrod, Program Assistant; Monaca Harrelson, Administrative Assistant; Amy Holleman, Administrator; Ernest Adams, Investigator, Office of Investigations and Enforcement.

Members of the public attending the meeting were John and Kim Cantrell of Highway 9 Auction.

a. Public Notice

Mr. Avendano announced that public notice of this meeting was properly posted at the SC Auctioneers' 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.

b. Pledge of Allegiance

All present recited the Pledge of Allegiance.

2. Approval of Excused Absences

There were no absences.

3. Approval of Minutes for the August 17, 2015 meeting

MOTION

Mr. Avendano called for approval of the August 17, 2015 meeting minutes. Mr. Holiday made a motion. Mr. Burns noted the correct spelling was "Howe" and not "Howell". Mr. Holiday made a motion to approve the minutes as amended, Ms. Pinkney seconded, and the motion was carried unanimously.

4. Chairman's Remarks – Victor Avendano

Mr. Avendano thanked everyone for attending.

5. Administrator's Remarks – Amy Holleman

Ms. Holleman stated that the Auctioneers' Commission has a cash balance of \$1,144,115.65 with \$136,322.80 in the Recovery Fund. There are 158 Auction Firms registered, 914 active Auctioneers, and two apprentice Auctioneers.

Cease and Desist orders were sent out to all Auctioneers' who had not returned their renewals.

Results of the September 7, 2015 Auctioneers' Exam are one apprentice passing and five out of seven Auctioneers' passing.

Ms. Holleman is working with Mr. Burns and Ivan Broadwell to update the exam for the upcoming December 4, 2015 exam time.

6. Reports

A. Investigative Review Committee (IRC) Report

Ms. Holleman presented the November 4, 2015 IRC Report.

MOTION

Mr. Burns made a motion that the Commission accept the report as submitted. Mr. Marchant seconded the motion, which carried unanimously.

B. Office of Investigation and Enforcement (OIE) Report

Ms. Holleman, on behalf of Sharon Wolfe, Chief Investigator, presented the OIE report as information. She noted there have been 20 cases through November 6, 2015, however, there are no active cases at the moment. There are nine cases pending Board Action or IRC. Sixteen cases have been closed, with seven of those considered Do Not Open cases.

C. Office of Disciplinary Counsel Report (ODC) Report

Ms. Holleman, on behalf of Erin Baldwin, presented the ODC Report as information. Ms. Holleman reported that there are five closed cases and there are no cases with pending action.

7. New Business

A. Approval of Continuing Education Program

1. Home Prep. Information has been provided about Home Prep, coursework offered, and their desire to be approved as a Continuing Education Vendor. The Commission questioned as to the guidelines used to determine approval of courses and providers, Ms. Holleman reported that the guidelines for approval were last updated in 2005.

MOTION

Mr. Burns made a motion that the Commission postpone a decision on Home Prep until legal advice has been received. Mr. Marchant seconded the motion, which carried unanimously.

2. SCAA. The South Carolina Auctioneer Association has requested that the Commission approve their upcoming convention for four classes and two instructors.

Executive Session

MOTION

Mr. Burns made a motion to go into Executive Session to receive legal advice. Mr. Holliday seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. Burns made a motion to come out of Executive Session. Mr. Marchant seconded the motion, which carried unanimously.

Mr. Avendano stated, for the record, that no votes were taken during Executive Session.

MOTION

Ms. Pinkney made a motion to table the matter of Home Prep until the next meeting so that the Commission could invite a representative of Home Prep to attend and discuss details of the coursework more in depth. Mr. Marchant seconded, and the motion carried unanimously.

MOTION

Mr. Burns made a motion to approve the SCAA Annual Convention Program for CE coursework as well as instructors Fore and Nicholls. Mr. Holiday seconded, and the motion carried unanimously.

Mr. Avendano noted that in their discussion it was decided to form a task force to revise the guidelines for approval of continuing education classes. The task force will consist of Mr. Marchant, Ivan Broadwell, the Administrator, and Legal Counsel

MOTION

Mr. Holiday made a motion to form a task force to review and update the criteria for course approval and to present such findings to the Commission at the next meeting. Mr. Burns seconded, and the motion carried unanimously.

B. Consideration for Licensure

1. Highway 9 Auction. Ms. Holleman noted that Highway 9 Auction's application was complete but the applicant, John Allen Cantrell, had recently been convicted of a fraud misdemeanor. Mr. Cantrell explained that he was in a tight financial situation and defaced his license plate. However, he has paid his fines and realizes the mistake he has made. Mr. Cantrell also noted that he is up-to-date on all vehicle registrations and that SC licensed auctioneer James O. Norman would be doing any bid calling.

MOTION

Mr. Holiday made a motion to grant Highway 9 Auction an Auction Firm License, Ms. Pinkney seconded, and the motion was passed unanimously.

C. Consideration for Renewal

1. Martin Davis. Mr. Avendano noted that Mr. Davis appeared via teleconference and was sworn in by a licensed notary, Joanne Geurcio. Ms. Holleman noted that staff could not approve the renewal for Mr. Davis due to a "Yes" answer concerning discipline by another state, and that Mr. Martin would need to provide CE information. Mr. Davis explained that he entered into a Settlement Agreement with the Ohio Department of Agriculture in 2014 over a violation of Ohio Administrative Code. Mr. Davis has paid his civil penalty and his one year probation period will be over in December of 2015. In addition, Mr. Davis' auctioneers' license is in good standing in Ohio and five other states. Mr. Davis regrets his actions and was more a lack of keeping up with everything instead of an attempt to violate SC law.

Executive Session

MOTION

Mr. Burns made a motion to go into Executive Session to receive legal advice. Mr. Marchant seconded the motion, which carried unanimously.

Return to Public Session

MOTION

Mr. Burns made a motion to come out of Executive Session. Mr. Marchant seconded the motion, which carried unanimously.

Mr. Avendano stated, for the record, that no votes were taken during Executive Session. Mr. Avendano asked if proof of completed required CE classes had been provided, staff noted that proper documentation had been provided.

MOTION

Mr. Burns made a motion to approve the renewal of Mr. Davis' license. Mr. Marchant seconded the motion, which carried unanimously. Mr. Avendano cautioned Mr. Davis to keep accurate track of CE courses and renewal dates.

D. Approval of 2016 Board meeting dates

Mr. Avendano called attention to the proposed meeting dates for 2016 and called for a motion.

MOTION

Mr. Holiday made a motion to approve the proposed meeting dates, Ms. Pinkney seconded, and the motion carried unanimously.

E. Review and Approval of Proposed Application for Auction Firm License

Ms. Lewis reviewed changes to the Auction Firm License that would be a better reflection of the actual statutes, especially areas including proof that the Applicant is an owner or manager, taking an online exam if the Applicant is not a licensed Auctioneer, providing the name and license number of any proposed Auctioneers, and completing a notarized Designation of Agent for the Service of Process Form if the firm is out-of-state. The Commission expressed its desire that the Auction Firm License is tied to the Owner and/or Manager and if there are changes in owners and/or managers a new license must be applied for with a new license number and corrected listings. Mr. Avendano called for a motion to approve the presented and amended changes to the Auction Firm License application.

MOTION

Mr. Pinkney made a motion to approve the application changes, Mr. Holdiday seconded, and the motion carried unanimously.

8. Public Comments (no votes taken)

No public comments at this time.

9. Advice Counsel Review

MOTION

No Advice Counsel Review

10. Adjournment

MOTION

Mr. Holiday made a motion the Board adjourn. Mr. Marchant seconded the motion, which carried unanimously.

The November 16, 2015, meeting of the SC Auctioneers' Commission adjourned at 1:00 pm.

The next meeting of the SC Auctioneers' Commission is scheduled for March 1, 2016.