

MINUTES
South Carolina Auctioneers' Commission
Board Meeting

10:00 a.m., May 17, 2016
Synergy Business Park
110 Centerview Drive, Kingtree Building Room 108
Columbia, South Carolina

Tuesday, May 17, 2016

1. Meeting Called to Order

Victor Avendano, Chair, of Mt. Pleasant, called the regular meeting of the SC Auctioneers' Commission to order at 10:05 a.m. Other commissioners present for the meeting included: Matthew Holiday, Vice Chair, of Spartanburg; Joseph B. Burns, of Swansea; Jamison Marchant, of Isle of Palms; and Michelle Pinkney, of Irmo.

Staff members participating in the meeting included: Georgia Lewis, Advice Counsel, Office of Advice Counsel; Amy Holleman, Administrator via conference call; Monaca Harrelson, Administrative Assistant; Norma McAllister, Program Assistant; Andrew Rogers, Assistant Deputy Director, Office of Board Services.

Members of the public attending the meeting were David Meares, President of South Carolina Auctioneers Association and Merle Sharick, Vice-President of South Carolina Auctioneers Association.

A. Public Notice

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

B. Pledge of Allegiance

All present recited the Pledge of Allegiance.

C. Prayer

Mr. Burns led the attendees in prayer.

2. Introduction of Board Members and persons attending the meeting

Introductions were made of everyone in attendance.

3. Approval of Excused Absences

There were no absences.

4. Approval of Minutes for the November 16, 2015, February 29, 2016, and March 28, 2016 meetings.

Mr. Avendano called for approval of the November 16, 2015, February 29, 2016, and March 28, 2016 minutes.

MOTION

Mr. Burns made a motion to approve the minutes with the record indicating the names Joe Burns and Joseph Burns refer to same individual.

Ms. Pinkney seconded which carried unanimously.

5. Chairman's Remarks – Victor Avendano

Mr. Avendano thanked everyone for attending.

6. Administrator's Remarks – Amy Holleman

Ms. Holleman stated that the Auctioneers' Commission has a cash balance of \$1,054,906.67 with a cash balance of \$113,016.14 in the Recovery Fund ending in April 2016. Additional revenue received this year will mostly be due to new applicants.

Ms. Holleman reminded the Commission renewals will be next year, and introduced Norma McAllister, Program Assistant, to the Commission.

7. Reports

A. Investigative Review Committee (IRC) Report

Ms. Wolfe presented the February 29, 2016 and April 27, 2016 IRC Reports for review.
Mr. Avendano called for a motion.

MOTION

Ms. Pinkney made a motion that the Commission accept the report as submitted.
Mr. Holiday seconded the motion, which carried unanimously.

B. Office of Investigation and Enforcement (OIE) Report

Ms. Wolfe presented the OIE report as information.
14 complaints
13 closed cases
4 active cases

Mr. Avendano thanked Ms. Wolfe for the report.

C. Office of Disciplinary Counsel Report (ODC) Report

Ms. Harrelson, on behalf of Tracey Perlman, presented the ODC Report as information.
Ms. Harrelson reported 1 open case, 1 closed case and 1 pending action.

Mr. Avendano thanked Ms. Harrelson for the report.

8. New Business

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

A. Schools, Continuing Education (CE) Providers, Sponsors, Instructors Committee

1. Criteria Approval

Ms. Holleman, on behalf of the CE task force committee, consisting of Mr. Marchant, Ivan Broadwell, the Administrator, and Legal Counsel, introduced the revised criteria for schools, continuing education providers, sponsors, and instructors

The most significant changes made were:

1. Automobile auction minimum hours changed from four (4) to two (2) hours
2. Computer technology, and office equipment from four (4) to six (6) hours
3. South Carolina Auctioneers' Commission (SCAC) does not license the sponsors, etc., therefore are unable to operate as a disciplinary agent toward the sponsors, or

other sponsors regarding continuing education, only approve the individuals for continuing education purposes. The words “disciplinary action” were removed.

4. Renewal of approval shall be submitted to LLR (Department of Labor, Licensing and Regulation) by December 31 of even years on a biennial basis.
5. LLR shall review renewals submitted on a biennial basis by December 31 of even years.

Highlighted issues or concerns were:

1. LLR will maintain records of, and a roster of, all approved auction schools, sponsors and instructors. The roster will indicate if an approval is in current or lapsed status and will be posted on the LLR-SCAC website.
2. LLR will post dates of approved continuing education classes offered through approved schools and sponsors on its website.

Ms. Holleman informed the Commission a continuing education database is currently under construction which would include information for the sponsors, schools, instructor, dates, courses and other information as deemed necessary. Ms. Holleman encouraged the Commission to visit the South Carolina State Board of Funeral Service website to review how classes are currently posted.

The Commission requested a correction to #4 in paragraph three to reflect the corrected name, “South Carolina Real Estate Commission”. The Commission inquired whether courses, which meet the SCAC requirements and have been approved by the National Association of Realtors, will be recognized/pre-approved by the SCAC. It was agreed that courses approved by the South Carolina Real Estate Commission should be approved by South Carolina Auctioneers’ Commission.

The Commission addressed the language in paragraphs, #2.D. and the last sentence of paragraph six, which might be confusing. Ms. Lewis suggested both sentences read the same to provide clarification.

The Commission addressed the language in #4 in the second paragraph, and suggested the language should read, “reciprocal states” and to remove, “The Auctioneers Association of North Carolina.” Ms. Lewis read the proposed version to be: “The SCAC will recognize and pre-approve all courses sponsored by the National Auctioneers Association, the Certified Auctioneers Institute, reciprocal states, and any courses approved by the South Carolina Real Estate Commission”.

Mr. Avendano entertained a motion to approve the SC Auctioneers’ Commission’s Criteria for Approval of Auction Schools, Continuing Education Sponsors, and Instructors with the discussed changes.

MOTION

Mr. Holiday made a motion to approve the South Carolina Auctioneers’ Commission’s Criteria for Approval of Auction Schools, Continuing Education Sponsors, and Instructors along with the changes that were noted.

Mr. Marchant seconded the motion, which carried unanimously.

2. Form Approval

The North Carolina Auctioneer Licensing Board, “Application for Course and Sponsor Renewal for Continuing Education” was submitted as an example for the Commission to review. The Commission approved the usage of the form as prototype, incorporating the necessary changes reflecting the South Carolina Auctioneers’ Commission rules and regulations regarding continuing education. Ms. Lewis stated the form is for information purposes in order for the staff to proceed to develop the approval form.

B. Approval for Continuing Education Program

1. Home Prep.

Mr. Joshua Purvis, a representative from Home Prep, joined the meeting via teleconference. Ms. Harrelson informed the Commission that Home Prep, in November of 2015, submitted a request to provide continuing education courses, however a representative was unable to present the packet. Ms. Harrelson informed the Commission that Mr. Purvis joined the meeting via teleconference in order to present information and answer any questions. The Chair instructed Mr. Purvis to address the Commission and provide a brief overview. Mr. Purvis stated Home Prep is requesting to be a continuing education provider for South Carolina auctioneers. He stated Home Prep currently holds seven approvals in continuing education for auctioneers in Alabama, Kentucky, North Carolina, Tennessee, Texas, Virginia, and West Virginia. Mr. Purvis stated that Home Prep would like to provide an online continuing education program for South Carolina auctioneers. Mr. Purvis is requesting approval for the provider and the course, which is for eight hours. Mr. Purvis stated the course is presented in modules. Mr. Purvis stated will coordinate with the State regarding the needs for South Carolina.

The Commission questioned will the approval be the provider only or the course and provider. Ms. Holleman stated generally the provider is approved, however the approval can be for the provider and each course. Ms. Holleman informed the Commission previous online courses have been approved for All-Star training, BlueNet Professional, and EDJ online training. Ms. Holleman informed the Commission, online continuing education approval was previously granted in August 2013, to Cornerstone.edu.com for four classes and EDJ for two classes.

Mr. Avendano entertained a motion to approve Home Prep as a continuing education online provider for the South Carolina Auctioneers' Commission

MOTION

Mr. Holiday made a motion to approve Home Prep as a continuing education online provider for the South Carolina Auctioneers' Commission.

Mr. Marchant seconded the motion, which carried unanimously.

Ms. Holleman informed the Commission, separate approval for the Ms. Whitney East was not necessary because she is an employee of the Home Prep, the provider. However, approval or not will be at the discretion of the Commission.

Ms. Avendano informed Mr. Purvis will take Ms. Whitney's information as information only and that Home Prep was approved as an online provider for the South Carolina Auctioneers' Commission.

Ms. Harrelson introduced Andrew Rogers, Assistant Deputy Director, Office of Building Services. Mr. Rogers addressed the Commission, stating his door is always open and available to the Commission.

C. Consideration for Funding Approval

1. South Carolina Auctioneers Association (SCAA) Continuing Education Funding request.

SCAA has requested funding for the upcoming convention. Mr. David Meares, President of South Carolina Auctioneers' Association presented the request. Mr. Meares read the letter to the Commission requesting funding of \$17,250.00 from South Carolina Auctioneers' Commission recovery fund.

The letter reads as follows:

“Thank you for adding an agenda item for the South Carolina Auctioneers Association (SCAA) to speak at the Auctioneers Commission meeting on Tuesday, May 17th, 2016. The SCAA had a very successful Commission sponsored Accredited Auctioneer of Real Estate (AARE) course in January. The SCAA now looks to continue this education program by adding another designation course for auctioneers entitled Auction Marketing Manager (AMM). This designation course will also be advertised as being sponsored by the SC Auctioneers Commission. The National Auctioneers Association (NAA) is currently changing the name of its technology and marketing course from the current ATS (Auction Technology Specialist) to AMM (Auction Method Marketing). You may see auctioneers with either designation – designees were given the option to keep ATS or transfer their designation to AMM. ATS (AMM) is a professional designation awarded by the NAA Education Institute to help professional auctioneers understand today’s technology and how to use it to improve their business. ATS (AMM) auctioneers gain experience in conducting live and online static auctions. In order to be designated with the ATS (AMM), auctioneer-scholars are required to complete 24 classroom hours, proof of at least three online auctions and 24 hours of continuing education every three years. The cost given to us by the NAA to fund this course is \$15,000.00, which includes Instructors, classroom materials by NAA, the instructor’s hotel rooms and their expenses while onsite. The course runs three full days. Other costs to administer the course would be three days of hotel meeting space at approximately \$500.00 per day (\$1500.00 total) and break-time snacks each day at a cost of approximately \$250.00 per day (\$750.00 total). This brings the total cost of administering the course – outside of NAA fees – to approximately \$2250.00. The SCAA is requesting a total of \$17,250.00 from the SC Auctioneers Commission Recovery Fund to fund this NAA education event as is allowed in Section 40-6-330(C). This course would be open to any SC-licensed auctioneer. The seating would be limited to the first 100 that send in their registration and a non-refundable deposit of \$50.00. This would be the only cost to an SC-licensed auctioneer. After the deadline to turn in the deposit - and if 100 seats are not filled - the course registration would be open to any licensed auctioneer from any state. The out-of-state licensees would be required to pay a \$100.00 non-refundable deposit and these deposits would be used by the SCAA for any other expenses that need to be covered for this event.”

Ms. Holleman informed the Commission, the recovery fund has a balance of \$113,016.16, and would not be receiving new revenue until April 1, 2017, when the next renewal period begins. Ms. Holleman informed the Commission that, according to statute 40-6-33, at least one hundred thousand dollars (\$100,00.00) must be maintained in the fund.

Mr. Avendano, entertained a motion to move to Executive Session to obtain legal counsel at the completion of this agenda.

MOTION

Mr. Burns made a motion to move at the completion of the current agenda to Executive Session to seek legal counsel.

Ms. Pinckney, seconded the motion, which carried unanimously.

D. Appointment of Media Designee

Ms. Lewis informed the Commission that Lesia Kudelka and Holly Beeson, in the Office of Communication, are the media liaisons for the Agency. The Office of Communication is requesting an assigned Commission member to assist with information and/or responses by providing information concerning media inquiries to the Office of Communication, when necessary. Mr. Matthew J. Holiday volunteered for the position.

Mr. Avendano entertained a motion to have Mr. Matthew Holiday as the media designee for the South Carolina Auctioneers’ Commission.

MOTION

Mr. Burns made a motion to elect Mr. Matthew Holiday as the Media Designee
Ms. Pinckney seconded the motion, which carried unanimously.

9. Public Comments (no votes taken)

No public comments at this time.

10. Advice Counsel Review

MOTION

No Advice Counsel Review

11. Executive Session

Mr. Avendano entertained a motion to move into Executive Session.

MOTION

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

12. Return to Public Session

Mr. Avendano entertained a motion to come out of Executive Session.

MOTION

Mr. Burns made a motion that the Commission return to public session
Ms. Pinckney seconded the motion, which carried unanimously.

Mr. Avendano stated, for the record, no votes were taken during executive session

Mr. Avendano request a motion on the disposition of the consideration of funds requested by the South Carolina Auctioneers Association.

MOTION

Mr. Holiday made a motion for the use of the recovery fund for the education of Auctioneers in the State of South Carolina. This would include \$10,000.00 of the recovery fund granted to the SCAA for their upcoming event, to be held before the end of April 2017, with the following conditions:

1. \$500.00 to market to resident and non-resident South Carolina auctioneers by email and US Postal Service, posted within sixty (60) days of the event.
2. A report provided to the South Carolina Auctioneers' Commission within sixty (60) days after the event to include: the number of attendees, state of residence,; a list of attendees with a South Carolina Auctioneers' license, a list of attendees with out-of-state auctioneer licenses, and a list of new members in attendance.

Mr. Marchant seconded the motion, which carried unanimously.

The Commission moved to amend the motion to include a post-event report on how the money received from the SCAA was spent to including marketing expenditures and an itemized detailed report.

Mr. Avendano entertained a motion with the amended item.

Mr. Holiday stated I will ask that my motion be amended to reflect the comments from the Commission.

Mr. Marchant seconded the motion, which carried unanimously.

13. Adjournment

MOTION

Mr. Burns made a motion the Board adjourn the meeting.

Ms. Pinkney seconded the motion, which carried unanimously.

Chair Avendano, after ensuring there being no further business to discuss, adjourned the May 17, 2016, meeting of the South Carolina Auctioneers' Commission adjourned at 1:08 p.m.

The next meeting of the South Carolina Auctioneers' Commission is scheduled for August 15, 2016, at 10:00a.m. at Synergy Business Park, 110 Centerview Drive, Kingstree Building Room 108, Columbia, South Carolina.