

MINUTES
South Carolina Auctioneers' Commission Meeting
Conference Call

10:00 a.m., March 6, 2017
Synergy Business Park
110 Centerview Drive, Kingtree Building Room 105
Columbia, South Carolina

Monday, March 6, 2017

1. Meeting Called to Order

Victor Avendano, Chair, of Mt. Pleasant, called the regular meeting of the South Carolina Auctioneers' Commission to order at 10:03 a.m. Other commissioners present for the meeting included: Matthew Holiday, Vice Chair, of Spartanburg; Joseph B. Burns, of Swansea; Michelle Pinkney, of Irmo; and Jamison Marchant, of Mount Pleasant.

Staff members participating in the meeting included: Georgia Lewis, Advice Counsel, Office of Advice Counsel; Amy Holleman, Administrator; Norma McAllister, Program Assistant; and Rodney Pigford, Investigator, Office of Investigation and Enforcement.

Members of the public attending the meeting: No members of the public attended the meeting

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 in attendance recited the Pledge of Allegiance.

The invocation was given by Mr. Avendano.

2. Introduction of Commission Members

The Commission members introduced themselves.

3. Approval of Excused Absences

All Commission members were in attendance.

4. Approval of Minutes for the November 14, 2016 meeting.

Mr. Avendano called for approval of the November 14, 2016 minutes. Mr. Marchant stated his city of residence needs to be changed to Mount Pleasant. Ms. Pinkney stated the minutes need to be change to reflect the correct spelling of her name, "Pinkney", and her city of residence to Irmo.

MOTION

Mr. Burns made a motion to approve the minutes subject to the changes made by Mr. Marchant and Ms. Pinkney.

Mr. Marchant seconded the motion, which carried unanimously.

5. Chairman's Remarks – Victor Avendano

Mr. Avendano thanked everyone for attending.

6. Administrator's Remarks – Amy Holleman

Ms. Holleman suggested the Commission consider planning a discussion regarding online auction polices. Ms. Holleman informed the Commission that Mr. Darren Meares has developed an informative presentation with the online auction responses/actions of several other States. Ms. Holleman stated that Mr. Meares will possibility be available to provide a presentation to the SC Auctioneers' Commission. In addition, Ms. Holleman informed the Commission that the Office of Advice Counsel is currently researching materials pertaining to online auctions.

Ms. Holleman informed the Commission that the cash balance as of January 31, 2017 was \$914,361.83 and that the Recovery Fund balance was \$115,761.64.

NALLOA will hold its annual educational conference and meeting on July 14, 2017, in Columbus, Ohio. Ms. Holleman stated that the Commission has an option to sponsor two Commissioners and/or the Administrator to the NALLOA conference. The Agency's payment would cover, at per diem rate, the night of July 13, 2017 for each person and the cost of airfare.

MOTION

Mr. Holiday made a motion for the Commission to approve two Commissioners and the administrator to attend the NALLOA educational conference and annual meeting on July 14, 2017 in Columbus, OH.

Ms. Pinkney seconded the motion, which carried unanimously.

7. Reports

A. Investigative Review Committee (IRC) Report

Mr. Pigford presented the February 21, 2017 IRC Reports for review. The IRC recommended the Commission dismiss case number 2016-21.

Mr. Avendano called for a motion.

MOTION

Ms. Burns made a motion that the Commission approve the IRC report.

Mr. Holiday seconded the motion, which carried unanimously.

B. Office of Investigation and Enforcement (OIE) Report – January 1, 2017 – February 24, 2017

Mr. Pigford presented the OIE report as information only: Five active investigations; two do not open case; one opened case; one pending further information; one closed.

Mr. Avendano thanked Mr. Pigford for the report.

C. Office of Disciplinary Counsel Report (ODC) Report

Ms. Holleman presented the ODC Report as information only. Ms. Holleman reported that as of February 24, 2017, there were; zero open cases; zero pending Consent Agreements and/or Memorandum of Agreements; zero pending hearings; zero pending final order hearings; zero pending final orders; four cases closed as of August 9, 2016; and zero appeals.

Mr. Avendano thanked Ms. Holleman for the report.

8. Approval of Alabama Revised Reciprocal Agreement

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

Ms. Holleman presented the Alabama Revised Reciprocal Agreement. Ms. Holleman informed the Commission, that the revised Reciprocal Agreement between the state of South Carolina and Alabama is intended to update and replace the existing agreement. The agreement provides for mutual acceptance by both boards of continuing education credits earned in either state. Ms. Holleman informed the Commission that the revised reciprocal agreement was sent to all the states that have reciprocity with Alabama.

The Commission discussed items one, three and four of the agreement:

1. The ASBA will not require a South Carolina licensed auctioneer or apprentice auctioneer to take and successfully complete the Alabama written licensure examination if the licensee has successfully passed the licensing examination administered by the SCSAC, has an active South Carolina license in good standing, has no lawsuits or other legal action filed or pending against him in any state, is a resident of the State of South Carolina, meets all other requirements for Alabama licensure, makes application with the ASBA, and pays all applicable licensure, application or renewal fees to the ASBA as required under ALA. Code § 34-4-25 and ALA. Admin. Code r. 150-X-1-02; provided, however, that if the SCSAC does not have an auctioneer apprenticeship program equivalent to the Alabama apprenticeship program, the licensee must have been licensed by the SCSAC for two (2) years prior to application for reciprocity in Alabama.
3. SCSAC licensees who meet the continuing education requirements of the State of South Carolina will be considered to have met the continuing education requirements of the ASBA. New reciprocal licensees who have obtained their auctioneer or apprentice auctioneer licenses from the SCSAC by written examination within the twelve (12) months previous to the expiration of their Alabama reciprocal license will also be considered to have met the continuing education requirements for renewal of their Alabama reciprocal licenses.
4. Unless specifically precluded by statute in the State of South Carolina, ASBA licensees who meet the continuing education requirements of the State of Alabama will be considered to have met the continuing education requirements of the SCSAC. New reciprocal licensees who have obtained their auctioneer or apprentice auctioneer licenses from the ASBA by written examination within the twelve (12) months previous to the expiration of their South Carolina reciprocal license will also be considered to have met the continuing education requirements for renewal of their South Carolina reciprocal licenses.

MOTION

Mr. Holiday made a motion to accept Alabama's revised reciprocal agreement, and grant authorization for the administrator, Amy Holleman, to sign the agreement.

Ms. Pinkney seconded the motion, which carried unanimously.

9. Approval of Continuing Education Instructor

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

1. Merle Sharick, SCAL 2489 – Southeastern School of Auctioneering

The Southeastern School of Auctioneering is requesting approval of Mr. Merle Sharick as an

instructor. Mr. Sharick is a licensed Auctioneer and Real Estate Broker in South Carolina.

MOTION

Mr. Burns made a motion to approve Mr. Merle Sharick as a continuing education instructor for Southeastern School of Auctioneering.

Mr. Marchant seconded the motion, which carried unanimously.

Mr. Burns asked for an update regarding the maintaining a database for auction schools, sponsors, and instructors. Ms. Holleman informed the Commission, that the database is under construction.

10. Public Comments (no votes taken)

No public comments at this time

11. Executive Session (no executive session)

12. Return to Public Session (no executive session)

13. Adjournment

Mr. Avendano called for a motion to adjourn the meeting.

MOTION

Ms. Pinkney made a motion the Board adjourn the meeting.

Mr. Holiday seconded the motion, which carried unanimously.

Mr. Avendano asked that the Commission keep Mr. David Taylor and his family in their thoughts. Chair Avendano, after ensuring there being no further business to discuss, adjourned the March 6, 2017, meeting of the South Carolina Auctioneers' Commission at 10:37 a.m.

The next meeting of the South Carolina Auctioneers' Commission is scheduled for May 16 2017, at 10:00 a.m. at Synergy Business Park, 110 Centerview Drive, Kingstree Building Room 108, Columbia, South Carolina.