

**MINUTES**  
**South Carolina Auctioneers' Commission Meeting**

10:00 a.m., August 26, 2019  
Commission Meeting  
Synergy Business Park  
110 Centerview Drive, Kingtree Building Room 108  
Columbia, South Carolina

**Monday, August 26, 2019**

**1. Meeting Called to Order**

Victor J. Avendano, Chairperson, of Mount 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 Chairperson, of Spartanburg; Joseph B. Burns, of Swansea; and Julian R. Dixon, Jr. of Sumter.

Staff members participating in the meeting included: Georgia Lewis, Advice Counsel, Office of Advice Counsel; Holly Beeson, Office of Communications and Governmental Affairs; Amy Holleman, Administrator; Norma McAllister, Program Assistant; and Rodney Pigford, Chief Investigator, Office of Investigations and Enforcement.

Members of the public attending the meeting: Russell David Brown; Chris Pracht; Kayelea Heatherly; Marshal McAbee, President, South Carolina Auctioneers Association; and Paul Yoder, Chairperson of Education, South Carolina Auctioneers Association. James Keith Norville and Jay Keith Norville attended via conference call.

**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.

Mr. Burns gave the invocation.

**2. Introduction of Commission Members**

The Commission members introduced themselves.

**3. Approval of Excused Absences**

All members of the Commission were present.

**4. Approval of Minutes for the June 28, 2019 meeting**

The Commission members reviewed the minutes.

**MOTION**

Mr. Dixon made a motion to approve the June 28, 2019 minutes as presented. Mr. Burns seconded the motion, which carried unanimously.

**5. Chairperson's Remarks – Victor Avendano**

Mr. Avendano thanked everyone for attending.

## **6. Auction Firms – Change of Ownership**

Jessie Stengel Ussery appeared via conference call as a member of the public in this matter. Ms. Lewis opened the floor to the public to comment on this matter. There were no public comments.

Ms. Holleman stated that the agency's policy and practice is that when a qualifying individual is no longer with a firm, the firm is listed a new licensee's number, even in the case where the ownership has remained the same.

Ms. Lewis stated that the current measures to change the license number if the qualifier changed, even if the ownership of the company remains the same is the Commission's interpretation of the statute and regulations, which are silent on this matter. Ms. Lewis stated that the Commission, if necessary could render a new interpretation regarding this matter.

The Commission discussed this matter. Mr. Avendano called for a motion to go into executive session to receive legal advice.

### **Executive Session**

#### **MOTION**

Mr. Burns made a motion to go into executive session to receive legal advice. Mr. Dixon seconded the motion, which carried unanimously.

### **Return to Public Session**

#### **MOTION**

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

Mr. Avendano noted, for the record, there were no votes taken during Executive Session.

Mr. Avendano called for a disposition in this matter.

#### **MOTION**

Mr. Holiday stated the motion, based on interpretation of the provided information and guidance from the legal counsel, is that if there is a change in the qualifier with an auction firm it is not a requirement that the firm's license number change. Mr. Dixon seconded the motion.

Mr. Dixon amended the motion to direct staff to develop a revision to the application and update files indicating the qualifier. Mr. Holiday approved the amendment to the motion and Mr. Burns seconded the amendment to the motion. The motion with the amendment passed unanimously.

## **7. Reports**

### **A. Investigative Review Committee (IRC) – Rodney Pigford**

Mr. Pigford presented the IRC recommendations to the Board, which are to dismiss case 2019-2; dismiss with a cease and desist case 2019-7; issue a letter of caution for case 2018-12; and issue a formal complaint for 2019-1.

### **B. Office of Investigation and Enforcement (OIE) - Rodney Pigford**

Mr. Pigford presented the OIE report as information only, that between January 1, 2018 and July 30, 2019 there were three active investigations cases, one closed; eight do not open and zero pending complaint analyst review.

C. Office of Disciplinary Counsel Report (ODC)

Ms. Amy Holleman presented the ODC Report as information only: three open cases, two pending action, one pending a Consent Agreement or Memorandum of Agreement, and one closed.

**New Business**

**8. Application Hearings**

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

**A. Consideration for Renewal**

**1. Russell D. Brown**

Mr. Russell D. Brown and Mr. Chris Pracht appeared before the Commission on his behalf.

Ms. Holleman informed the Commission that the application is complete; however, staff was unable to approve the application due to Mr. Brown submitted a “yes” answer to question #2 on the renewal application. The question asked, since your initial licensure or since your last renewal, have you had a license restricted or disciplined by any other occupational or professional licensing board or body? (If yes, send a request to the board/body where the disciplinary action occurred and have a final order sent directly to the SC Auctioneer’s Commission.)

Mr. Brown addressed the Commission and explained the disciplinary action with the South Carolina Real Estate Commission. Mr. Brown informed the Commission that he has completed all conditions/terms of the final order. Mr. Pracht addressed the Commission as a character witness for Mr. Brown, attesting his contributes to the public and his good standing as a citizen.

The Commission questioned Mr. Brown regarding this matter. Mr. Avendano called for a motion in this matter.

**MOTION**

Mr. Holiday made a motion that the Commission approves the renewal application for Mr. Russell D. Brown. Mr. Dixon seconded the motion, which carried unanimously.

**2. James Keith Norville**

Mr. James Keith Norville appeared before the Commission on his own behalf via teleconference. Notary, Shawn Moore, swore in Mr. James Keith Norville.

Ms. Holleman informed the Commission that the application is complete; however, staff was unable to approve the application due to Mr. Brown submitted a “yes” answer to question #2 on the renewal application. The question asked, since your initial licensure or since your last renewal, have you had a license restricted or disciplined by any other occupational or professional licensing board or body? (If yes, send a request to the board/body where the disciplinary action occurred and have a final order sent directly to the SC Auctioneer’s Commission.)

Mr. James Norville addressed the Commission and explained the disciplinary action with the North Carolina Auctioneers’ Board. Mr. Norville informed the Commission that he has complied with all of the conditions with the North Carolina Auctioneers’ Board.

The Commission questioned Mr. James Norville regarding this matter. Mr. Avendano called for a motion in this matter.

**MOTION**

Mr. Dixon made a motion that the Commission approves the renewal application for Mr. James Keith Norville. Mr. Burns seconded the motion, which carried unanimously.

**3. Jay Keith Norville**

Mr. Jay Keith Norville appeared before the Commission on his own behalf via teleconference. Notary, Shawn Moore, swore in Mr. Jay Keith Norville.

Ms. Holleman informed the Commission that the application is complete; however, staff was unable to approve the application due to Mr. Jay Keith Norville submitted a "yes" answer to question #2, on the renewal application. The question asked, since your initial licensure or since your last renewal, have you had a license restricted or disciplined by any other occupational or professional licensing board or body? (If yes, send a request to the board/body where the disciplinary action occurred and have a final order sent directly to the SC Auctioneer's Commission.)

Mr. Jay Keith Norville addressed the Commission and explained the disciplinary action with the North Carolina Auctioneers' Board. Mr. Norville informed the Commission that he has complied with all of the conditions with the North Carolina Auctioneers' Board.

The Commission questioned Mr. Jay Norville regarding this matter. Mr. Avendano called for a motion in this matter.

**MOTION**

Mr. Burns made a motion that the Commission approves the renewal application for Mr. Jay Keith Norville. Mr. Dixon seconded the motion, which carried unanimously.

**9. Consideration for Continuing Education Funding**

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

Present on behalf of the South Carolina Auctioneers Association were Mr. Marshall McAbee, President, and Mr. Paul Yoder, Chairperson of Education.

The South Carolina Auctioneers Association submitted the request proposing to apply the funds for a cost of \$1,500 toward printing and postage; \$4,300 for Instructors; \$2,000 for meeting spaces; \$1,600 for refreshments during breaks, for a total of \$9,400. The amount would cover the cost for the continued education offered to all South Carolina Auctioneer licensees that will attend the January 2020 annual conference. These classes will be offered at no cost to all attending South Carolina Auctioneer licensees.

The Commission questioned Mr. McAbee and Mr. Yoder regarding this matter.

**MOTION**

Mr. Dixon made a motion to approve the \$9,400 for the continuing education cost for the South Carolina Auctioneers Association's annual conference on January 10-11, 2020. Mr. Burns seconded the motion, which carried unanimously.

**10. Administrator's Remark – Amy Holleman**

**1. Financial Report**

Ms. Holleman informed the Commission that the cash balance at the end of June 2019, was \$961,512.35 and that the Recovery Fund balance at the end of July 2019 was \$134,244.88.

Ms. Holleman stated that the renewal period is open with a late penalty until September 31, 2019. After this period, all auctioneer licensees that have not renewed would be lapsed and statute requires those individuals or firms to re-apply. Ms. Holleman stated that as of date renewals total 935 licensees, which includes 733 auctioneers and 154 auction firms. Those remaining in renewal status are 151 auctioneers and 43 firms. Ms. Holleman stated that as of date 302 licensees have registered with CE Broker.

Ms. Holleman informed the Commission that the submission period for third-party exam providers' bids have closed and a determination will probably be forthcoming.

## 2. Application Discussion

### A. Bankruptcy

Ms. Holleman informed the Commission that the application includes a bankruptcy question, which is not required in the statute nor regulations. The Commission discussed the matter.

#### **MOTION**

Mr. Holiday made a motion to remove the bankruptcy question from auctioneers' licensing applications. Mr. Dixon seconded the motion, which carried unanimously.

### B. Criminal Background

Ms. Holleman informed the Commission that the current application question, "Have you been convicted of a felony or any other crime involving fraud or moral turpitude during the preceding five years" is supported by statute 40-6-230(4). The statute requires that an applicant submit a criminal history for the preceding five years; however statute 40-6-100(7) states that the Commission may deny an application if an applicant has been convicted of a felony or an act involving fraud or moral turpitude, which does not have a reporting limit. The matter before the Commission is should the question remain on the application or should it be removed.

The Commission discussed the matter and decided to seek legal advice regarding this matter.

Mr. Avendano called for a motion to go into executive session to receive legal advice.

### **Executive Session**

#### **MOTION**

Mr. Burns made a motion to go into executive session to receive legal advice. Mr. Holiday seconded the motion, which carried unanimously.

### **Return to Public Session**

#### **MOTION**

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

Mr. Avendano noted, for the record, there were no votes taken during Executive Session.

Mr. Avendano called for a disposition in this matter.

#### **MOTION**

Mr. Holiday made a motion that the auctioneer's application retains the question, "Have you been convicted of a felony or any other crime involving fraud or moral turpitude during the preceding five years", and that all felonies listed on the applicant's criminal background report, regardless of the time frame should be reported to the Commission. Mr. Dixon seconded the motion, which carried unanimously.

**3. Approval of Meeting Dates/Calendar for 2020**

The Commission reviewed the tentative meeting dates. Mr. Avendano called for a motion on this matter.

**MOTION**

Mr. Dixon made a motion to approve the 2020 meeting dates. Mr. Burns seconded the motion, which carried unanimously. The dates are as follows:

<b>MONTH</b>	<b>DATE</b>	<b>ROOM</b>
March	Tuesday, March 31, 2020	108
May	Tuesday, May 19, 2020	108
August	Tuesday, August 11, 2020	108
November	Tuesday, November 17, 2020	108

**11. Public Comments (no votes taken)**

Mr. Dixon asked that the Commission consider adding a review of the initial and renewal application fees to a future agenda. There were no comments from the public.

**12. Executive Session**

**13. Return to Public Session**

**14. Adjournment**

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

**MOTION**

Mr. Holiday made a motion to adjourn the Commission meeting. Mr. Dixon seconded the motion, which carried unanimously.

Mr. Avendano, after ensuring there being no further business to discuss, adjourned the August 26, 2019, meeting of the South Carolina Auctioneers' Commission at 12:31 p.m.

The next scheduled Commission meeting for the South Carolina Auctioneers' Commission is November 12, 2019, at 10:00 a.m. at Synergy Business Park, 110 Centerview Drive, Kingstree Building Room 108, Columbia, South Carolina.