

MINUTES
South Carolina Auctioneers' Commission Meeting

10:00 a.m., May 14, 2019
Commission Meeting
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Tuesday, May 14, 2019

1. Meeting Called to Order

Matthew Holiday, Vice Chairperson, of Spartanburg, called the regular meeting of the South Carolina Auctioneers' Commission to order at 10:03 a.m. Other commissioners present for the meeting included: Joseph B. Burns, of Swansea; Michelle Pinkney, of Irmo; and Julian R. Dixon, Jr. of Sumter.

Staff members participating in the meeting included: Emily Farr, Director, South Carolina Department of Labor, Licensing, and Regulation; Georgia Lewis, Advice Counsel, Office of Advice Counsel; Donnell Jennings, Assistant Disciplinary Counsel, Office of Disciplinary Counsel; Amy Holleman, Administrator; Monaca Harrelson, Administrative Assistant; and Rodney Pigford, Chief Investigator, Office of Investigations and Enforcement.

Members of the public attending the meeting: Ed Venticinque, Joseph Exum, and Mr. Theodore Wayne Flesiner via conference call.

A. Public Notice

Mr. Holiday 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.

Mr. Burns gave the invocation.

2. Introduction of Commission Members

The Commission members introduced themselves.

3. Approval of Excused Absences

Mr. Victor Avendano was not in attendance.

MOTION

Mr. Dixon made a motion to approve Mr. Avendano's absence. Mr. Burns seconded the motion, which carried unanimously.

4. Director's Remarks – Emily Farr

Ms. Farr introduced herself to the Commission members and asked that members feel free to contact her about any issues. Ms. Farr informed the Commissioners of upcoming changes to the website, the agency's new logo, the Board Member newsletter, and information regarding possible licensing fee changes.

5. Approval of Minutes for March 5, 2019

The Commission members reviewed the minutes.

MOTION

Mr. Dixon made a motion to approve the March 5, 2019 minutes as presented. Mr. Burns seconded the motion, which carried unanimously.

6. Chairman's Remarks – Matthew Holiday, Vice Chairperson

Mr. Holiday thanked everyone for attending.

7. Reports

A. Investigative Review Committee (IRC) – Rodney Pigford

There were no cases to present at to IRC therefore the meeting was cancelled.

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

Mr. Pigford presented the OIE report as information only, that between January 1, 2018 and May 7, 2019 there were five active cases, five do not open cases and one pending complaint analyst review. Between January 1, 2018 and December 31, 2018, there was total of 13 investigations with two remaining active.

C. Office of Disciplinary Counsel Report (ODC) – Donnell Jennings

Mr. Donnell Jennings presented the ODC Report as information only: four cases open, two pending, and one hearing today, May 14, 2019.

Mr. Holiday moved 8B next on the agenda.

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. Approval of Auctioneers' Application

1. Edward Anthony Venticinque

Mr. Edward Anthony Venticinque appeared before the Commission on his own behalf.

Ms. Holleman informed the Commission that the application is complete; however, staff was unable to approve the application due to the criminal history.

Mr. Venticinque addressed the Commission and stated that during and after his incarceration, he received extensive counseling due to nature of his offense. He stated that he has not had a criminal offense within the past 25 years.

The Commission questioned Mr. Venticinque regarding this matter. Mr. Holiday called for a disposition or motion in this matter.

Executive Session

MOTION

Mr. Dixon made a motion to go into executive session to receive legal advice. Mr. Burns 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. Burns noted, for the record, there were no votes taken during Executive Session.

Mr. Holiday called for a disposition in this matter.

MOTION

Mr. Dixon made a motion that the Commission approves the application for Mr. Edward Anthony Venticinque allowing him to take the exam. Ms. Pinkney seconded the motion. Mr. Burns, Mr. Dixon, and Ms. Pinkney voted in favor of the motion. Mr. Holiday opposed the motion. The motion carried with the majority vote.

The Commission recessed for 15 minutes.

2. Theodore Wayne Flesiner

Mr. Theodore Wayne Flesiner appeared before the Commission on his own behalf via teleconference. The notary, Bobbie Stratmoen, swore in Mr. Flesiner.

Ms. Holleman informed the Commission that the application is complete; however, staff was unable to approve the application due to the criminal history.

Mr. Flesiner addressed the Commission stating that he is applying for a license in South Carolina because his employer will be conducting a significant amount of business in South Carolina. Mr. Flesiner stated that he previously had a South Carolina Auctioneer's license that expired. He stated at that time he addressed the Commission regarding his criminal background.

Ms. Holleman confirmed that Mr. Flesiner initially licensed Auc.3433 on April 4, 2001 and it expired on June 30, 2009. In 2014, he applied for a license by reciprocity which expired due to him not completing the application process.

The Commission questioned Mr. Flesiner regarding this matter.

Mr. Holiday called for a disposition in this matter.

MOTION

Ms. Pinkney made a motion to approve the application. Mr. Dixon seconded the motion, which carried unanimously.

Disciplinary

9. Disciplinary Hearing

1. Case No.: 2017-17

Mr. Holiday stated that this process is confidential. Mr. Holiday asked that individuals not connected to the hearing exist the room. Mr. Holiday stated that the record is sealed.

10. Administrator's Remark – Amy Holleman

1. Financial Report

Ms. Holleman informed the Commission that the cash balance at the end of March 2019, was \$838,436.65 and that the Recovery Fund balance at the end of March 2019 was \$130,734.82.

2. NALLOA Annual Meeting, July 12, 2019, New Orleans, LA

Ms. Holleman informed the Commission that NALLOA will hold its annual educational conference and meeting on July 12, 2019, in New Orleans, Louisiana. Ms. Holleman stated that the Commission has the options to sponsor two Commissioners and/or the Administrator to attend the NALLOA conference. The Agency's payment would cover, at per diem rate, the night of July 12, 2019 for each person and the cost of airfare.

MOTION

Mr. Dixon made a motion for the Commission to approve Mr. Joseph Burns, the administrator, and one other Commissioner to be determined to attend the NALLOA educational conference and annual meeting on July 12, 2019 in New Orleans, Louisiana. Ms. Pinkney seconded the motion, which carried unanimously.

3. Legislative Updates

There were no updates.

Ms. Holleman informed the Commission that the travel budget is due in June 2019 which requires the Commission's approval. The Commission agreed to a scheduled conference call prior to the due date to review and approve the travel budget.

Ms. Holleman reminded the Commission that it is currently in renewals and that as of date there are approximately 1107 licensees, including firms and individuals. The current renewal totals are 39 firms, three apprentices, and 112 Auctioneers.

Ms. Holleman informed the Commission that currently the agency has the capability to invoice customers electronically which enables the consumer/licensee to pay fines and fees via laptops, computer, smart phone, and tablets onsite or online.

11. Discussion and Action: Delegation of authority to Board Chair to issue Cease & Desist for unlicensed practice (Advice Counsel)

Ms. Lewis stated that the agency has requested that each Board/Commission delegate authority for the Board/Commission Chairperson to sign the Cease & Desist order for unlicensed practices by unlicensed individuals in the State of South Carolina. These individuals have never held a South Carolina Auctioneers' license. Currently the process for issuing a Cease & Desist for unlicensed practice requires that the complaint moves through the investigative process; subsequently approved by the Investigative Review Committee, and the final step presented to the full Commission prior to the issuance of the Cease & Desist.

Ms. Lewis explained that in an effort to better protect the public, the agency has recommended a more efficient process that would circumvent the waiting period, and provide a more direct avenue for the Commission's approval. Ms. Lewis stated that the Commission would receive a separate report listing these types of Cease & Desist.

Mr. Holiday called for a motion to delegate the authority to the Commission Chairperson to issue Cease and Desist for unlicensed practices through the United States Postal Services at the last known address of the unlicensed person(s).

MOTION

Mr. Dixon made a motion that the Commission grants authority for the Commission Chairperson to issue Cease & Desist for unlicensed practice. Ms. Pinkney seconded the motion, which carried unanimously.

12. Public Comments (no votes taken)

13. Executive Session

MOTION

Ms. Pinkney made a motion to go into executive session to seek legal advice on felony convictions with staff remaining in the session. Mr. Burns seconded the motion which carried unanimously.

14. Return to Public Session

MOTION

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

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

Mr. Holiday called for a disposition in this matter.

MOTION

Mr. Dixon made a motion to stay the motion made on March 5, 2019 that the Commission instructed the Administrator to notify the Commission of applicants with a felony history greater than five years and that staff shall review and update the application with the change. Ms. Pinkney seconded the motion, which carried unanimously.

15. Adjournment

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

MOTION

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

Mr. Holiday, after ensuring there being no further business to discuss, adjourned the May 14, 2019, meeting of the South Carolina Auctioneers' Commission at 1:29 p.m.

The next scheduled Commission meeting for the South Carolina Auctioneers' Commission is August 13, 2019, at 10:00 a.m. at Synergy Business Park, 110 Centerview Drive, Kingstree Building Room 108, Columbia, South Carolina.