

MINUTES
South Carolina Auctioneers' Commission Meeting

10:00 a.m., November 12, 2019
Commission Meeting
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 204
Columbia, South Carolina

Tuesday, November 12, 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 10:04 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; Shayla Hayes, Disciplinary Counsel, Office of Disciplinary Counsel; Amy Holleman, Administrator; Norma McAllister, Program Assistant; and Rodney Pigford, Chief Investigator, Office of Investigations and Enforcement.

Members of the public attending the meeting: James Wayne Lyle, Jr., and Jackie Dwayne Bennett

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.

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 from May 14, 2019 and August 26, 2019 meeting

The Commission members reviewed the minutes. Mr. Avendano called for a motion.

MOTION

Mr. Dixon made a motion to approve both the May 14, 2019 and August 26, 2019 minutes as presented. Mr. Holiday seconded the motion, which carried unanimously.

5. Chairperson's Remarks – Victor Avendano

Mr. Avendano thanked everyone for attending.

6. Administrator's Remarks – Amy Holleman

1. Financial Report

Ms. Holleman informed the Commission that the cash balance at the end of September 2019 was \$1,007,869.19 and that the Recovery Fund balance at the end of September 2019 was \$135,535.15

Ms. Holleman informed the Commission that the Director reviewed the fees for the Commission and determined that a fee adjustment is not required at this time.

Ms. Holleman stated that 153 licensees did not renew. In October 2019 cease and desist orders were issued to all licensees that did not renew during the renewal period.

Ms. Holleman provided an update regarding CE Broker. Ms. Holleman confirmed that the Commission approved the procedures that the continuing education provider will submit the completed certificates to CE Broker.

7. Reports

A. Investigative Review Committee (IRC) – Rodney Pigford

Mr. Pigford asked that the Commission review and approve the Investigative Review Committee Report recommending the dismissal with a cease and desist of case 2019-21; and to issue a letter of caution for cases 2019-9, 2019-10, and 2019-15.

Mr. Avendano called for a motion in this matter.

MOTION

Mr. Burns made a motion to approve the Investigative Review Committee's recommendations. Mr. Dixon seconded the motion, which carried unanimously.

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

Mr. Pigford presented the OIE report as information only, that between January 1, 2018 and October 30, 2019 there were four active investigations, two closed; nine do not open; two pending complaint analyst review and four pending further information.

C. Office of Disciplinary Counsel Report (ODC) – Shayla Hayes

Ms. Hayes presented the ODC Report as information only: four open cases, three 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. Auctioneers' Application

1. James Wayne Lyle, Jr.

Mr. James Wayne Lyle, Jr. 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 Mr. Lyle's credit report listing over \$1,000.00 (one thousand dollars) in collections. Ms. Holleman stated that Mr. Lyle as of today submitted documentation to the Commission paying the collection balances.

Mr. Lyles stated that the collection resulted from unsettled insurance claims which occurred after receiving medical services due to an automobile accident. Mr. Lyles presented documentation showing the collections paid as agreed.

The Commission questioned Mr. Lyle regarding this matter.

MOTION

Mr. Holiday made a motion that the Commission approve Mr. James Wayne Lyle, Jr's auctioneer application. Mr. Burns seconded the motion, which carried unanimously.

B. Apprentice Application

1. Jackie Dwayne Bennett

Mr. Jackie Dwayne Bennett 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 Mr. Bennett's credit report listing over \$1,000.00 (one thousand dollars) in collections. Ms. Holleman informed the Commission that Mr. Bennett has over \$40,000.00 in collections with the majority in medical billings and appropriately \$750.00 in non-medical.

Mr. Bennett informed the Commission that the medical bills are currently \$30,000.00. He stated that due to personal issues and serious extensive medical issues he has occurred numerous medical bills. He stated he is self-employed and is a self-payee when he and/or his family members receive medical treatment. Mr. Bennett stated he has several creditors due to the outstanding balances sold to other creditors/business.

The Commission questioned Mr. Bennett regarding this matter. Mr. Avendano called for motion to go into executive session to seek legal advice

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

Mr. Avendano called for a disposition in this matter.

MOTION

Mr. Dixon made a motion that the Commission grant Mr. Bennett's Apprentice Auctioneer's license provided that his supervising auctioneer oversees any payment made to the public and that a renewal of his apprentice auctioneer's license and/or granting an Auctioneer's license be subject to an appearance before the Commission with him providing documents of a reasonable reduction in his debt. Mr. Holiday seconded the motion, which carried unanimously.

9. Investigative Review Committee (IRC) Alternate Appointment

Ms. Holleman informed the Commission that the agency has requested that each Board/Commission provide at least two professional members to serve as alternates on the Investigative Review Committee. The Commission discussed this matter and decided to go into executive session to seek legal advice.

Executive Session

MOTION

Mr. Dixon 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. Holiday 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 stated that the Commission members will submit the names of prospective IRC members to the Administrator for the Administrator to contact regarding serving as an IRC member. If the individual agrees, the full Commission would review the individual's résumé.

10. Public Comments (no votes taken)

There were no comments from the public.

11. Adjournment

Mr. Avendano 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. Avendano, after ensuring there being no further business to discuss, adjourned the November 12, 2019, meeting of the South Carolina Auctioneers' Commission at 11:42 a.m.

The next scheduled Commission meeting for the South Carolina Auctioneers' Commission is March 31, 2020, at 10:00 a.m. at Synergy Business Park, 110 Centerview Drive, Kingstree Building Room 108, Columbia, South Carolina.