

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

10:00 a.m., May 19, 2020  
Virtual/Teleconference Commission Meeting

**Tuesday, May 19, 2020**

**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; Shayla Hayes, Disciplinary Counsel, Office of Disciplinary Counsel; Mary League, Advice Counsel, Office of Advice 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: Paul Dewees and Lonnie W. Strickland

**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.

**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 the November 12, 2019 meeting**

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

**MOTION**

Mr. Burns made a motion to approve the November 12, 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 April 2020, was \$909,317.63 and that the Recovery Fund balance at the end of April 2020 was \$142,728.41.

## 2. U.S. Census

Ms. Holleman reminded the Commission and attendees that it is time to complete the U.S. Census which completed and submitted electronically.

## 7. **Reports**

### A. Investigative Review Committee (IRC)

Ms. Holleman asked that the Commission review and approve the Investigative Review Committee Report recommending the dismissal with a cease and desist of case 2019-18; issue a letter of caution for case 2019-16; and dismiss cases 2019-17, 2019-20 and 2019-22.

Mr. Avendano called for a motion in this matter.

#### **MOTION**

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

### B. Office of Investigation and Enforcement (OIE)

Ms. Holleman presented the OIE report as information only, that there are two active investigations, six closed; 12 do not open; five pending board action; one pending complaint analyst review and one pending review by the IRC.

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

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

## **Disciplinary**

### **Disciplinary Hearings**

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

## 8. **A. Consent Agreement**

### 1. 2019-1

Ms. Hayes presented the Consent Agreement to the Commission. Mr. Avendano asked if there was any discussion. There was none. Mr. Avendano called for a motion.

#### **MOTION**

Mr. Burns made a motion to accept the Consent Agreement as presented. Mr. Holiday seconded the motion, which carried unanimously.

## **New Business**

## 9. **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. Lonnie Wilson Strickland

Mr. Lonnie Wilson Strickland 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. Strickland's credit report listing over \$1,000.00 (one-thousand dollars) in collections.

Mr. Strickland stated that the collection resulted from unsettled hospital bills, and he had no other Collections on his credit. Mr. Strickland stated that within the next 14 days he intends to have a settlement agreement with the creditors.

The Commission questioned Mr. Strickland regarding this matter.

**MOTION**

Mr. Holiday made a motion that the Commission approves Mr. Lonnie Wilson Strickland's auctioneer application. Mr. Burns seconded the motion, which carried unanimously.

**10. Auction School Request for Online Distance Learning Program**

**1. Missouri Auction School**

Ms. Holleman informed the Commission that Missouri Auction School is asking that the Commission accept the school's online course curriculum. Mr. Dewee addressed the Commission stating that the South Carolina Auctioneers' Commission accepted the traditional curriculum from Missouri Auction School, founded in 1905, for many years. He stated that prior to the current medical crisis the school partnered with other states to explore and research expanding online distance learning. According to Mr. Dewee, currently, 33 states do not require an auctioneer's license, and the states Louisiana and West Virginia offer the Missouri Auction School's online distance learning program. He stated in 2019 Texas, Virginia, and New Hampshire approved the online distance learning program.

Mr. Dewee stated that the same traditional program courses are offered, but they are offered in a live video/virtual class setting with study materials. He stated that it is a traditional course program with a different method of instructions/delivery.

The Commission questioned Mr. Dewee regarding this matter.

Mr. Avendano asked for a 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. Holiday 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 to approve the Missouri Auction School's online distance learning program through the duration of the Governor's emergency health order. Mr. Dixon then amended the motion to approve the Missouri Auction School's online distance learning program for one year only and any renewal would be subject to the Commission developing and submitting online distance learning requirements. Mr. Holiday seconded the motion. Mr. Holiday, Mr. Dixon, and Mr. Burns voted in favor of the motion. Mr. Avendano opposed the motion. The motion carried by majority vote.

## 11. **Exams**

Ms. Holleman reminded the Commission that the next scheduled exam is June 19, 2020. In consideration of the Governor's social distancing guidelines, pertaining to the COVID-19 medical emergency, she asked if the Commission consider rescheduling or postponing the exam. Also, as an exam update and consideration, Ms. Holleman informed the Commission that the new testing provider, PSI will be able to offer exams beginning July 1, 2020.

In providing additional information, Ms. Holleman and Ms. Lewis read the current exam statute Sections 40-6-230(3)(b); 40-6-235(3)(b) and regulation 14-1(A). Ms. Lewis expounded that exceptional circumstances, as referenced in regulations 14-1(A) could include the exam being offered by the third party PSI and/or due to the current pandemic.

The Commission, discussing the matter concluded that due to the pandemic and based upon the third party, PSI, administrating the exam beginning July 1, 2020, that the June 19, 2020 exam should be postponed. The Commission made a motion concerning the matter.

Mr. Avendano called for a motion in this matter.

### **MOTION**

Mr. Burns made the motion that the testing be available year round including the months of March, June, September and December as provided in Regulations 14-1(A) beginning on July 1, 2020 with PSI. Mr. Dixon seconded the motion, which carried unanimously.

## 12. **Legislative Updates**

Ms. Holleman informed the Commission that Senate Bill 758 passed the Senate which moved it to the House. If the House meets prior to January 2021, it may take up the matter, however, if it does not consider the matter or does not vote to pass the bill, it will die and would need to be reintroduced.

The bill states that a licensee with a minimum of 25 years' experience may apply to the Commission to be granted a continuing education waiver.

The Commission discussed the matter. The update was for information only.

## 13. **Election of Officers**

Ms. Hollman opened the floor for nominations for the Chairperson. Mr. Holiday nominated Mr. Victor Julio Avendano. There were no other nominations. Mr. Burns seconded the nomination, which passed unanimously. Then, Mr. Avendano as the elected Chairperson opened the floor for nominations for the Vice-Chairperson. Mr. Avendano nominated Mr. Holiday. There were no other nominations. Mr. Dixon seconded the nomination, which carried unanimously.

## 14. **Public Comments (no votes taken)**

There were no comments from the public.

## 15. **Executive Session**

## 16. **Return to Public Session**

## 17. **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 May 19, 2020 meeting of the South Carolina Auctioneers' Commission at 12:33 p.m.

The next scheduled Commission meeting for the South Carolina Auctioneers' Commission is August 11, 2020.