

MINUTES
South Carolina Auctioneers' Commission Meeting

10:00 a.m., November 17, 2020
Virtual/Teleconference Commission Meeting

Tuesday, November 17, 2020

1. Meeting Called to Order

Matthew Holiday, Vice Chairperson, called the regular meeting of the South Carolina Auctioneers' Commission to order at 10:19 a.m. Other commissioners present for the meeting included: Victor J. Avendano, Chairperson, of Mount Pleasant; Joseph B. Burns, of Swansea; and Julian R. Dixon, Jr. of Sumter.

Staff members participating in the meeting included: Mary League, Advice Counsel, Office of Advice Counsel; Shayla Hayes, Disciplinary Counsel, Office of Disciplinary Counsel; Amy Holleman, Administrator; Norma McAllister, Program Assistant; Jeanie Rose, Administrative Assistant; and Rodney Pigford, Chief Investigator, Office of Investigations and Enforcement.

Members of the public attending the meeting: Lola Whitworth of Southeastern School of Auctioneers; and David Thompson

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. In accordance with the Governor's directives regarding social distancing, the meeting will be held via video and teleconference. Members of the public who wish to attend may do so by telephone. For telephone logon information, please email contact.auctioneer@llr.sc.gov.

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 August 11, 2020 & September 2, 2020 meetings

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

MOTION

Mr. Dixon made a motion to approve the August 11, 2020 and September 2, 2020 minutes as presented. Mr. Avendano seconded the motion, which carried unanimously.

5. Remarks – Matthew Holiday, Vice-Chairperson

Mr. Holiday thanked everyone for attending.

6. Administrator's Remarks – Amy Holleman

A. Financial Report

Ms. Holleman informed the Commission that the cash balance at the end of October 2020, was \$775,487.03 and that the Recovery Fund balance at the end of October 2020 was \$127,186.32.

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 of cases 2020-4, 2020-7 and 2020-8; a cease and desist for cases 2020-9, 2020-11 and 2020-12; and reconsideration of dismissal for case 2018-6.

Mr. Holiday 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. There are five active investigations, five do not open; six pending Board action and three closed.

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

Ms. Hayes presented the ODC Report as information only: two case pending Consent Agreement or Memorandum of Agreement and one pending Board action.

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. Diane Lynn Green

Ms. Diane Lynn Green appeared before the Commission on her own behalf.

Ms. Holleman informed the Commission that the application is complete; however, staff was unable to approve the application due to the Arizona criminal background reports. The applicant previously resided in the state of Arizona. Ms. Holleman stated that due to the state being a closed state the report lacked any identifiable information.

The Commission questioned Ms. Green regarding this matter. Ms. Green informed the Commission that she does not have a criminal history. Ms. Green informed the Commission that submitting for several criminal background checks for employment have never revealed a guilty conviction for a felony nor a misdemeanor. In addition, Ms. Green provided a signed affidavit declaring that her criminal background is clear.

Mr. Holiday called for a disposition in this matter.

MOTION

Mr. Dixon made a motion that the Commission approves Ms. Diane Green to take the auctioneer's exam. 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

Mr. Marshall McAbee, Director of Education for the South Carolina Auctioneers' Association appeared before the Commission asking for approval of Continuing Education Funding for the annual Association's conference.

Ms. Holleman inquired whether public health and safety guidelines are in place, since the conference is scheduled to convene during a pandemic. The Commission agreed that safety protocols, which were not addressed in the request, should be considered prior to the approval. The Commission questioned whether the Association developed a contingency plan for the reimbursement of funding, in the event if the Conference were to be cancelled due to the current medical crisis. The Commission further questioned Mr. McAbee regarding other concerns for the conference.

Mr. McAbee stated that the Association did not provide a contingency plan to him, nor does he have knowledge of an alternate conference schedule/agenda.

MOTION

Mr. Burns made a motion that the Commission table this matter concerning the funding the South Carolina Auctioneers' Association funding request until the matter can be discussed at a special business meeting in December 2020, allowing Mr. McAbee time to consult with the Association regarding the Commission's concerns. Mr. Avendano seconded the motion. Mr. Burns, Mr. Avendano and Mr. Holiday approved the motion, Mr. Dixon opposed.

10. Regulation – Advertisement

Ms. Holleman informed the Board that the advertising regulation 14-5 (renumbered as such) currently contains the verbiage, "Every advertisement shall clearly indicate..." Ms. Holleman stated that the wording "clearly indicate" which appears ambiguous, has presented an issue. Ms. Holleman suggested that the words "clearly indicate" be replaced with the word "state" having the verbiage read, "Every advertisement shall state....." The Commission discussed the matter.

MOTION

Mr. Burns made a motion that the Commission approve the wording change from "clearly indicate" to "state". Mr. Avendano seconded the motion. Mr. Burns, Mr. Avendano and Mr. Holiday approved the motion, Mr. Dixon abstained.

11. Public Comments (no votes taken)

There were no comments from the public.

12. Executive Session

13. Return to Public Session

14. 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 November 17, 2020 meeting of the South Carolina Auctioneers' Commission at 11:06 a.m.

The next scheduled Commission meeting for the South Carolina Auctioneers' Commission is March 23, 2021.