

MINUTES

South Carolina Auctioneers' Commission Meeting

10:00 a.m., May 18, 2021
Virtual/Teleconference Commission Meeting

Tuesday, May 18, 2021

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 9:55 a.m. Other commissioners present for the meeting included: Matthew Holiday, Vice Chairperson, of Spartanburg, Joseph B. Burns, of Swansea, Julian R. Dixon, Jr. of Sumter, and Lisa K. Davey, 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: Jerry Craig King, of J. P. King Auction Co. Inc. and Lola Whitworth, of Southeastern School of Auctioneering.

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. 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 Agenda

Mr. Avendano called for a motion to approve the agenda.

MOTION

Mr. Dixon made a motion to approve the agenda. Mr. Holiday seconded the motion, which carried unanimously.

5. Approval of Minutes from the March 23, 2021 meeting

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

MOTION

Mr. Holiday made a motion to approve the minutes amending the minutes indicating the section that the chair experienced connectivity issues. Mr. Burns seconded the motion, which carried unanimously.

6. Remarks – Victor Julio Avendano, Chairperson

Mr. Avendano thanked everyone for attending.

7. Administrator's Remarks – Amy Holleman

A. Financial Report

Ms. Holleman informed the Commission that the cash balance at the end of April 2021 was \$715,925.10 and the Recovery Fund balance was \$132,802.17.

Ms. Holleman reminded the Commission that all licenses are currently in renewal which ends on June 30, 2021 without a late fee penalty. Licensees that renew between July 1, 2021 and July 31, 2021 will be assessed a twenty-five dollar (\$25.00) late fee. Those that renew between August 1, 2021 through September 30, 2021 will be assessed a one-hundred dollar (\$100.00) late fee. All licensees that fail to renew on or before September 30, 2021 will be lapsed on October 1, 2021 as stated in Regulations 14-12 (C).

8. Reports

A. Investigative Review Committee (IRC) - Rodney Pigford

Mr. Pigford asked that the Commission review and approve the May 7, 2021 Investigative Review Committee Report recommending that a formal complaint be issued for case 2020-10.

Mr. Avendano called for a motion in this matter.

MOTION

Mr. Holiday made a motion to approve the Investigative Review Committee's recommendation. 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 were eight complaints received between January 1, 2021 and May 13, 2021. There are two active investigations and five closed.

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

Ms. Hayes presented the ODC Report as information only: one open case, one pending hearings/rescheduling, and two closed cases.

9. Disciplinary

A. **Consent Agreement**

1. Case No.: 2020-13

This hearing is confidential and the transcript is sealed.

Ms. Hayes presented the Consent Agreement to the Commission. The Commission reviewed the agreement. Mr. Avendano called for questions, there were none proposed. Mr. Avendano called for a motion to go into Executive Session or a disposition from the Commission.

MOTION

Mr. Dixon made a motion that the Commission accepts the Consent Agreement. Ms. Davey seconded the motion, which carried unanimously.

10. Application Hearings

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

The J. P. King Auction Co. Inc. and Jerry C. King application hearings will be heard simultaneously.

A. **Auctioneer's Renewal Application**

1. Jerry Craig King

B. **Auction Firm Renewal Application**

2. J. P. King Auction Co. Inc.

Mr. Jerry Craig King appeared before the Commission on his own behalf and J. P. King Auction Co. Inc.

Ms. Holleman informed the Board that the applications are complete. Ms. Holleman informed the Commission that Mr. King answered yes to having a disciplinary action against his license since his last renewal. Due to this reason staff was unable to approve the renewal.

Mr. King addressed the Commission. He stated that the Tennessee Real Estate Commission cited his company for failure to adequately supervise an associate. Mr. King informed the Commission that the matter has been resolved which included the payment of a fine imposed by the Tennessee Real Estate Commission.

Mr. Avendano, after ensuring there were no further questions from the Commission, called for a disposition in this matter.

MOTION

Mr. Dixon made a motion that the Commission approves the renewal applications for Mr. King and the firm, J. P. King Auction Co. Inc. Mr. Burns seconded the motion, which carried unanimously.

11. Online/Distance Learning

1. Southeastern School of Auctioneering

Ms. Holleman informed the Commission that in August 2020 the Commission approved Southeastern School of Auctioneering to offer online distance learning through May 2020.

Ms. Whitworth is requesting an extension at this time.

Ms. Whitworth addressed the Commission asking that the Commission grant an extension and consider granting a permanent approval for the online/distance learning option as a format for pre-licensing qualification. This would not replace the in-person learning, but would give the student an option of in-person or online/distance learning. Ms. Whitworth shared that an advantage for the students' opting for online/distance learning is that it lessens the burden of additional living and travel cost accrued with the traditional in-person learning model.

Ms. Whitworth informed the Commission that the instructors' classes are in actual time using the virtual format with the same in-person lesson plans. The only exception is the light auction, which the student produces a virtual filming of a mock auction. Ms. Whitworth addressed the Commission's concerns with one-on-one teaching, the mentoring process, and student interaction. She stated that in the online platform the students continue to foster great in-depth discussions seemingly with higher participation, which could be the result of the student being more relaxed in a familiar environment.

The Commission asked that in addition to the current delivery options that the school considers a hybrid learning option.

MOTION

Mr. Holiday made a motion that the Commission approve the online/distance learning extension request through May 31, 2022. Mr. Dixon seconded the motion, which carried unanimously.

12. Election of Officers

Ms. Holleman opened the floor for nominations for the Chairperson. Mr. Dixon nominated Mr. Matthew Holiday. There were no other nominations. Mr. Avendano seconded the nomination, which passed unanimously. Then, Mr. Holiday, as the elected Chairperson opened the floor for nominations for the Vice-Chairperson. Ms. Davey nominated Mr. Julian "Rafe" Dixon. There were no other nominations. Mr. Avendano seconded the nominations, which passed unanimously.

13. Public Comments (no votes taken)

There were no comments from the public.

14. Executive Session

15. Return to Public Session

16. Adjournment

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

MOTION

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

Mr. Holiday, after ensuring there being no further business to discuss, adjourned the May 18, 2021 meeting of the South Carolina Auctioneers' Commission at 11:10 a.m.

The next scheduled Commission meeting for the South Carolina Auctioneers' Commission is August 10, 2021.