

MINUTES

South Carolina Auctioneers' Commission Meeting

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

Tuesday, August 10, 2021

1. Meeting Called to Order

Matthew J. Holiday, Chairperson, of Spartanburg, called the regular meeting of the South Carolina Auctioneers' Commission to order at 10:00 a.m. Other commissioners present for the meeting included: Julian R. Dixon, Jr., Vice-Chairperson, of Sumter; Victor J. Avendano, of Mount Pleasant; Joseph B. Burns, of Swansea, and Lisa K. Davey, of Sumter.

Staff members participating in the meeting included: Donnell Jennings, 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: Gwen Bryant, President, and Marshall McAbee, members of the South Carolina Auctioneers' Association.

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. 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.auctioneers@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. Holiday called for a motion to approve the agenda.

MOTION

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

5. Approval of Minutes from the May 18, 2021 meeting

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

MOTION

Mr. Dixon made a motion to approve the May 18, 2021 meeting minutes. Mr. Avendano seconded the motion, which carried unanimously.

6. Remarks – Mathew J. Holiday, Chairperson

Mr. Holiday welcomed Donnell Jennings, the newly appointed Advice Counsel. Mr. Holiday thanked the Commissioners for their service to the public and recognized the continual supportive work of LLR staff members.

7. Administrator's Remarks – Amy Holleman

A. Financial Report

Ms. Holleman informed the Commission that the cash balance on June 30, 2021 was \$830,115.18 and the Recovery Fund balance was \$134,082.71.

Ms. Holleman informed the Commission that the renewal period without penalty ended on June 30, 2021. Any licensee that renews between August 1st and September 30th will be assessed a one-hundred dollar (\$100.00) late fee. All licensees that fail to renew prior to October 1, 2021 will lapse. According to regulations, any licensee in a lapsed status must submit a new application which could include taking the written exam.

Ms. Holleman informed the Commission that currently there are 157 active licensed auction firms with an additional 43 in active renewal and 709 active licensed auctioneers with an additional 176 in active renewal.

8. Reports

A. Investigative Review Committee (IRC) - Rodney Pigford

Mr. Pigford asked that the Commission review and approve the July 29, 2021 Investigative Review Committee Report recommending the dismissal of cases 2021-2, 2021-6 and 2021-12; and that a formal complaint be issued for cases 2021-3 and 2021-10.

Mr. Holiday called for a motion in this matter.

MOTION

Mr. Burns made a motion to approve the Investigative Review Committee's recommendation. Mr. Avendano 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 33 complaints received between January 1, 2021 and July 29, 2021. There are two active investigations and 14 closed.

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

Ms. Hayes presented the July 27, 2021 ODC Report as information only: one open case, one pending hearings/agreements. Since March 19, 2021, three additional cases were closed totaling six closed cases since January 2021.

9. Consent Agreement

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

A. Case No.: 2020-10

Ms. Shayla Hayes presented the Consent Agreement to the Commission. During Ms. Hayes' presentation, Mr. Avendano informed the Commission that he needed to recuse himself from this matter. Mr. Jennings, after consulting with Mr. Avendano stated that due to business and personal relationships with the Respondent, Mr. Avendano recused himself.

Mr. Avendano promptly removed himself from the meeting. Thereafter, Ms. Hayes proceeded with presenting the Consent Agreement to the Commission. The Commissioners reviewed the agreement.

Mr. Holiday called for disposition on the Consent Agreement or 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.

Immediately, Mr. Burns informed the Commission that due to computer issues he was unable to pose his question prior to the executive session vote. The Chair entertained the question and a discussion which occurred during public session. After the discussion the Advice Counsel instructed Mr. Holiday to close-out the unexecuted executive session, the chairman entertained a motion to return to public session.

Return to Public Session

MOTION

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

Mr. Holiday then called for another motion to go into executive session to receive 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. Holiday noted, for the record, there were no votes taken during Executive Session and called for a motion to approve the Consent Agreement.

MOTION

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

Mr. Holiday asked that the Office of Disciplinary Counsel include investigative talks in future Consent Agreements. Mr. Holiday granted the Administrator permission to affix his electronic signature on the Consent Agreement.

Mr. Avendano returned to the session.

10. Consideration for Continuing Education Funding

1. South Carolina Auctioneers' Association (SCAA) request for Continuing Education Funding

Ms. Gwen Bryant, President of the South Carolina Auctioneers' Commission, presented the continuing education funding request to the Commission. Ms. Bryant stated that the Association is asking for \$6,700 to assist the Association in providing continuing education courses at no cost to all South Carolina auctioneer licensees that attend the sessions offered at the January 7-8, 2022 Annual Convention. Ms. Bryant stated that the allocation of the funds would be as follows:

Printing and postage	\$1,500.00
Instructor costs	\$2,100.00
Meeting space	\$1,500.00
Refreshments during breaks	\$1,600.00

MOTION

Mr. Dixon made a motion to approve the South Carolina Auctioneers' Association Continuing Education funding request of \$6,700. Mr. Burns seconded the motion, which carried unanimously.

11. Collection Debt Limits

Ms. Holleman asked that the Commission consider reviewing the current credit worthiness requirements that an applicant with over \$1,000 in debt collections must appear before the full Commission for approval to take the auctioneers' exam.

Ms. Holleman questioned if the Commission would consider consumer and medical debt separately and/or consider debt limits differently when pertaining to credit worthiness. The Commission discussed the matter. After the discussion, the Chair entertained a motion regarding the Commission's position regarding credit worthiness requirements.

MOTION

Mr. Dixon made a motion that the Commission authorizes staff to approve an applicant with a medical debt collection of less than twenty-five thousand dollars (\$25,000) and that all applicants above this amount must appear before the Commission. Ms. Davy seconded the motion.

Mr. Holiday called for a discussion of the motion.

After the discussion, Mr. Holiday called for a vote on the motion. Mr. Dixon, Mr. Holiday, and Ms. Davy voted "yes". Mr. Avendano and Mr. Burns opposed the motion. The motion passed with the majority vote.

MOTION

Mr. Avendano made a motion to reconsider for further discussion the twenty-five thousand dollars (\$25,000) medical debt credit worthiness requirement. Mr. Burns seconded the motion. Mr. Holiday called for a vote on the motion. Mr. Dixon, Mr. Burns, and Mr. Avendano voted yes. Mr. Holiday opposed. Ms. Davy abstained. The motion to reconsider passed. A reconsideration discussion pursued. Thereafter, the chairman entertained a motion.

MOTION

Mr. Avendano made a motion to create a Task Force with members, the Advice Counsel, Administrator, Mr. Avendano, and Mr. Holiday to research credit worthiness requirements for applicants. The Task Force shall report the findings at the next scheduled Commission meeting. Mr. Dixon seconded the motion. Mr. Holiday called for a discussion of the motion. There were none. All Commissioners voted in favor of the motion.

Mr. Jennings stated that during this period the Commission will operate under the \$25,000 medical debt cap pending the recommendations of a Task Force.

As a note, the Commission did not change the debt collection limit for consumer debt, which is one-thousand dollars (\$1,000.00).

12. IRC Members

Ms. Holleman reminded the Commission that in November 2019 the Commissioners made a decision to individually contact Ms. Holleman with the names of prospective Investigative Review Committee (IRC) members. Ms. Holleman confirmed receipt of the prospective names that would require the nomination and confirmation of the Commission. In addition, the Commission might consider expanding the number of IRC members.

Mr. Holiday called for a motion to expand the IRC members up to four members.

MOTION

Mr. Dixon made a motion to expand the IRC professional members to up to four members.

Mr. Burns seconded the motion. Mr. Holiday, Mr. Burns, Ms. Davey, and Mr. Dixon voted in favor of the motion. Mr. Avendano abstained. The motion passed with the majority vote.

Mr. Holiday called for IRC professional members nominations.

MOTION

Mr. Dixon made a motion that the Commission accepts the nomination of Mr. Chris Pracht, of Anderson, and confirms him as an IRC member. Ms. Davey seconded the motion. Mr. Holiday called for a discussion. The Commission discussed the nomination. Mr. Holiday, Mr. Burns, Ms. Davey, and Mr. Dixon voted in favor of the motion. Mr. Avendano abstained. The motion passed with the majority vote.

MOTION

Mr. Holiday made a motion that the Commission accepts the nomination of Mr. David Taylor, of Inman, and confirms him as an IRC member. Mr. Dixon seconded the motion. Mr. Holiday called for a discussion. There were none. Mr. Holiday, Mr. Burns, Ms. Davey, and Mr. Dixon voted in favor of the motion. Mr. Avendano abstained. The motion passed with the majority vote.

Mr. Jennings asked that the Commission set the minimum requirements for IRC members.

MOTION

Mr. Dixon made a motion that IRC members must not have a disciplinary history, any conflict of interest, and be active licensed South Carolina Auctioneer. Ms. Davey seconded the motion, which carried unanimously.

Mr. Ivan Broadwell will remain as a member of the IRC.

13. Approval of Meeting Dates/Calendar for 2022

Mr. Holiday called for a motion to approve the 2022 South Carolina Auctioneers' Commission meeting calendar as follows:

Tuesday	March 22, 2022	Room 108
Tuesday	May 17, 2022	Room 108
Wednesday	August 10, 2022	Room 108
Tuesday	November 15, 2022	Room 108

MOTION

Mr. Dixon made a motion that the Commission approve the listed 2022 meeting dates. Mr. Burns seconded the motion, 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. 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 August 10, 2021 meeting of the South Carolina Auctioneers' Commission at 11:46 a.m.

The next scheduled Commission meeting for the South Carolina Auctioneers' Commission is **November 16, 2021**.