

MINUTES

South Carolina Auctioneers' Commission Meeting

10:00 a.m., August 10, 2022
Virtual/Teleconference Commission Meeting

Wednesday, August 10, 2022

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; Joseph B. Burns, of Swansea; Lisa K. Davey, of Sumter; and James Bryan Hope, of Ninety Six.

Staff members participating in the meeting included: Kyle Tennis, Advice Counsel, Office of Advice Counsel; Amy Holleman, Administrator; Norma McAllister, Program Assistant; Kristina Zepp, Administrative Assistant; and Rodney Pigford, Chief Investigator, Office of Investigations and Enforcement.

Members of the public attending the meeting: Steven Starman; Lola Whitworth of Southeastern School of Auctioneering; Nicholas and Elizabeth Bennett of Western College of Auctioneering; and Jared McGaffee of 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.auctioneer@llr.sc.gov.

2. Approval of Agenda

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

MOTION: Mr. Burns made the motion, seconded by Mr. Dixon, to approve the August 10, 2022 agenda. The motion carried unanimously.

3. Introduction of Commission Members

The Commission members introduced themselves.

4. Approval of Excused Absences

All members were present.

5. Approval of Minutes from the May 17, 2022 meeting

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

MOTION: Mr. Burns made a motion, seconded by Mr. Hope, to approve the May 17, 2022 minutes without corrections. The motion carried unanimously.

6. Chairperson's Remarks – Mathew J. Holiday

Mr. Holiday welcomed everyone to the meeting and thanked everyone for attending.

7. Administrator's Remarks – Amy Holleman

A. Financial Report

Ms. Holleman informed the Commission that the cash balance on June 30, 2022 was \$635,703.51 and the Recovery Fund balance was \$123,725.06.

Ms. Holleman informed the Commissioners that PSI reported a glitch within its computer system that incorrectly denied auctioneer applicants the opportunity to immediately retake the test; however, PSI has initiated corrective measure to address this issue.

As a reminder, Ms. Holleman advised the Commissioners to avoid addressing the public as a Commission member, and, if approached by the public regarding Auctioneer Commission matters, please refer the individual or persons to the Board Administrator.

At 10:10 a.m. due to technical difficulties, Mr. Holiday video/audio system disconnected from the meeting. The participants paused the meeting until he rejoined at 10:12 a.m.

8. Reports

A. Investigative Review Committee (IRC) - Rodney Pigford

Mr. Pigford asked that the Commission review and approve the July 27, 2022 Investigative Review Committee Report recommending a dismissal of cases 2021-19, 2022-8, 2022-12, and 2022-9; to dismiss with a Cease & Desist to case 2022.7, and a letter of caution issue to case 2022-5..

Mr. Holiday called for a motion in this matter.

MOTION: Mr. Dixon made a motion, seconded by Mr. Burns, to approve the Investigative Review Committee's recommendation. The motion carried unanimously.

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

Mr. Pigford presented the OIE report as information only. There were 16 complaints received between January 1, 2022 and July 29, 2022. There are two active investigations.

C. Office of Disciplinary Counsel Report (ODC) – Amy Holleman

Ms. Holleman presented the July 20, 2022 ODC Report as information only: 2 one open case, and one closed since the last report.

9. Application Hearings

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

A. Auctioneers'

1. Steven Starman

Mr. Steven Starman appeared before the Commission on his own behalf.

Ms. Holleman informed the Board that the application is complete; however, Mr. Starman has resided within the past five years in the State of Arizona which is a closed record state. The state restricts the release of a person's criminal history to authorized people and agencies. South Carolina Department of Labor, Licensing, and Regulations is not an authorized agency. Arizona restricts agencies and the individual from obtaining a criminal background history with identifiable information. Due to these restrictions, Board staff unable to approve the application.

Mr. Starman, under oath addressed the Commission stating that he does not have a criminal history. Mr. Holiday, after ensuring there was no further discussion or questions called for a motion in this matter.

MOTION: Mr. Dixon made a motion, seconded by Mr. Hope, to approve the application for Mr. Steven Starman to become a licensed South Carolina Auctioneer. The motion carried unanimously.

Mr. Hope recused himself.

B. Online/Distance Learning for Pre-licensing education

1. Southeastern School of Auctioneering

Ms. Lola Whitworth appeared before the Commission on behalf of Southeastern Auctioneering College.

Ms. Hollman stated the documentation is complete and reminded the Commission that in August 2021 it approved Southeastern School of Auctioneering to offer online distance learning through May 31, 2022. At this time, Ms. Whitworth is requesting that the Commission grants permanent approval for the online/distance learning option as a format for pre-licensing qualification.

Ms. Whitworth addressed the Commission and reiterated that the online platform would not replace the in-person learning, but will provide two options for the student. The online/distance learning platform consist of eight consecutive days in a virtual interactive format for each course. The traditional learning option would be the in-person classroom setting.

Secondly, Ms. Whitworth asked that the Commission consider an approval for school to offer at least 25 percent of its curriculum, such as Ethics for Auctioneers, Art, and Personal Hygiene and Appearances, in a video format.

The Commission discussed both request and deferred the second matter/request to a later date.

MOTION: Mr. Dixon made a motion, amending it, seconded by Ms. Davey, that the Commission indefinitely approves the interactive online/distance learning program consisting of eight consecutive days for the South Carolina Auctioneers' pre-licensing qualification and that the Commission must approve any future curriculum modifications. The motion carried unanimously.

Mr. Hope returned to the session.

C. Auction School Request Approval For South Carolina Auctioneer Candidates

1. Western College of Auctioneering

Mr. Nicholas Bennett appeared before the Commission on behalf of Western College of Auctioneering.

Ms. Holleman informed the Commission that Mr. Bennett is asking the Commission to approve Western College of Auctioneering's curriculum and its instructors for South Carolina auctioneers' pre-licensing qualification.

Mr. Bennett addressed the Commission stating the curriculum consists of 85 hours of course studies in an online platform for four days in addition to an On-Demand section. After acceptance, and a month prior to the live seminars, the school grants the student access to an

online 10 hour training course. Completion of this training is a required pre-requisite to the student attending the virtual four days classes.

After completing the four days, the student must complete an online On-Demand course at his/her pace. The school allots the student 45 days to complete the online training after the live course.

Mr. Bennett stated that there are strategically placed check points throughout the course that requires the student's immediate response, ensuring a live presence during the course, and the software administers a test at the end of each course.

The Commission questioned Mr. Bennett regarding the program. After ensuring there were no further statements, comments and/or questions, Mr. Holiday called for a deposition in the matter or a motion to go into executive session to receive legal advice.

Executive Session:

MOTION: Mr. Dixon made a motion, seconded by Ms. Davey, to go into executive session to receive legal advice. The motion carried unanimously.

Return to Public Session:

MOTION: Mr. Burns made a motion, seconded by Ms. Davey, to come out of Executive Session. The motion carried unanimously.

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

Mr. Holiday called for a disposition in this matter.

MOTION: Mr. Dixon made a motion, seconded by Mr. Hope that the Commission approves Western School of Auctioneering and its instructors for South Carolina Auctioneering candidates subject to the curriculum and the instructors provided with the application. The motion carried unanimously.

10. Consideration for Continuing Education Funding

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

Mr. Jared McGaffee, of the South Carolina Auctioneers' Association, presented the continuing education funding request to the Commission. Mr. McGaffee stated that the Association is asking for \$9,900.00 to assist the Association in providing continuing education courses at no cost to all South Carolina auctioneer licensees that attend the education sessions offered at the January 13-14, 2023 Annual Convention.

Printing and postage	\$ 650.00
Instructor cost	\$ 5,750.00
Meeting space	\$ 2,000.00
Refreshments during breaks	\$ 1,500.00

MOTION: Mr. Dixon made a motion, seconded by Mr. Burns, to approve the South Carolina Auctioneers' Association continuing education funding request for \$9,900.00. The motion carried unanimously.

11. Discussion – CE Broker

Ms. Holleman informed the Commission that the Agency has requested Boards/Commissions service by CE Broker examine the continual usage of the products with or without modifications or discontinuing the entire service.

The Commission discussed the matter, and then the Chair called for a motion.

MOTION: Mr. Burns made a motion, seconded by Mr. Hope that the Commission continue to require mandatory compliance for licenses to register his/her completed continuing education courses with CE Broker.

12. Approval of 2023 Meeting Dates/Calendar

Mr. Holiday called for a motion to approve the 2023 South Carolina Auctioneers' Commission meeting calendar as follows:

Tuesday	March 23, 2023	Room 108
Tuesday	May 16, 2023	Room 108
Tuesday	August 15, 2023	Room 108
Tuesday	November 14, 2023	Room 108

MOTION: Ms. Davey made a motion, seconded by Mr. Hope, to approve the 2023 South Carolina Auctioneers' Commission meeting calendar. The motion carried 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. Burns made a motion, seconded by Mr. Hope to adjourn the Commission meeting. The motion carried unanimously.

Mr. Holiday, after ensuring there being no further business to discuss, adjourned the August 10, 2022 meeting of the South Carolina Auctioneers' Commission at 12:13 p.m.

The next scheduled Commission meeting for the South Carolina Auctioneers' Commission is **November 15, 2022.**