

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

10:00 a.m., August 14, 2018  
Conference Call  
Synergy Business Park  
110 Centerview Drive, Kingtree Building Room 108  
Columbia, South Carolina

**Tuesday, August 14, 2018**

**1. Meeting Called to Order**

Victor Avendano, Chairperson, of Mount Pleasant, called the regular meeting of the South Carolina Auctioneers' Commission to order at 10:07 a.m. Other commissioners present for the meeting included: Matthew Holiday, Vice Chairperson, of Spartanburg; Joseph B. Burns, of Swansea; Michelle Pinkney, of Irmo; and Jamison Marchant of Awendaw.

Staff members participating in the meeting included: Georgia Lewis, Advice Counsel, Office of Advice Counsel; Amy Holleman, Administrator; Norma McAllister, Program Assistant; and Sharon Wolfe, Chief Investigator, Office of Investigations and Enforcement.

Members of the public attending the meeting: India Jeror; William Cox and Bianca Cox.

**A. Public Notice**

Mr. Avendano announced that public notice of this meeting was properly posted at the SC Auctioneers' Commission office, Synergy Business Park, Kingtree 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.

**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 for the May 1, 2018 meeting**

Mr. Avendano called for approval of the May 1, 2018 minutes. The Commission members reviewed the minutes.

**MOTION**

Mr. Burns made a motion to approve the May 1, 2018 minutes with a correction to item 10 on page 4 to change the word "table" to "tabled". Ms. Pinkney seconded the motion, which carried unanimously.

**5. Chair's Remarks – Victor Avendano**

Mr. Avendano thanked everyone for participating in the conference call.

**6. Administrator's Remarks – Amy Holleman**

Ms. Holleman informed the Commission that the cash balance as of July 2018, was \$939,896.99 and the end of Fiscal Year 2018 was \$945,835.26. The Recovery Fund balance as of July 2018 was \$123,017.32.

Ms. Holleman as an update informed the Commission that the Agency is preparing to send the third party exam providers notice out for bids within the upcoming months. Ms. Holleman stated she has conferenced with CE Broker regarding the continuing education particulars and the project is in process.

Ms. Holleman informed the Commission that she, Mr. Burns and Mr. Marchant attended the annual NALLOA conference on July 20, 2018 in Jacksonville, FL. Ms. Holleman informed the Board that Mike Brandly was the presenter and spoke regarding firearms, which were very informative.

Mr. Holiday, initially approved by the Commission to attend, was unable to attend; however, he requested that the agency transfer his travel reimbursement to Mr. Burns. Ms. Holleman informed the Commission that the Agency has approved the transfer and advised Mr. Burns to submit the paperwork to staff for processing.

## **7. Reports**

### **A. Investigative Review Committee (IRC) Report**

Ms. Georgia Lewis stated that for the record the Investigative Review Committee did not hold a meeting.

### **B. Office of Investigation and Enforcement (OIE) Report as of August 7, 2018**

Ms. Sharon Wolfe presented the OIE report as information only, there were six cases received and six closed.

### **C. Office of Disciplinary Counsel Report (ODC) Report as of August 7, 2018**

Ms. Holleman presented the ODC Report as information only: one case opened; one pending a hearing; zero pending final orders; and one closed. Ms. Holleman stated as of August 7, 2018 that zero cases were pending final orders and zero cases on appeal.

Ms. Holleman informed the Commission that the Agency has assigned Donnell Jennings as the Disciplinary Counsel for the Auctioneers' Commission.

## **8. Consideration for Funding Approval**

The court reporter recorded this proceeding in order to produce a verbatim transcript should one be necessary.

### **1. South Carolina Auctioneers Association (SCAA) Continuing Education Funding Request**

Mr. Marshall McAbee was present on behalf of the South Carolina Auctioneers Association. Ms. Holleman informed the Commission that Mr. Yoder was also available if needed.

The South Carolina Auctioneers Commission submitted the request proposing to apply the funds toward printing and postage for \$1,500; instructor costs for \$4,300; meeting space \$2,000 and refreshments during breaks \$1,200 totaling \$9,000.

Ms. Lewis informed the Commission that the written request signed by Mr. Yonder is included in the packet presented before the Commission. She confirmed that the Association is asking for \$9,000 to cover the cost for the continued education offered to all South Carolina Auctioneer licensees that attend the classes at the annual conference. These classes would be offered at no cost to all attending South Carolina Auctioneer licensees.

Ms. Holleman informed the Commission that Elaine Christian requested that on Saturday, February 23, 2018 that she be a presenter, speaking in reference to the statute and laws pertaining to the

South Carolina Auctioneers' Commission. The requested funds would also cover the overnight hotel cost for Ms. Holleman.

The Commission reviewed the history of its continuing education approval for the South Carolina Auctioneers' Association (SCAA) annual meeting. The Commission discussed the request and asked that the Association provide a final report/invoice stating the usage of the funds. Ms. Holleman explained that the SCAA normally submit a line item detailed invoice for reimbursement.

Ms. Holleman stated that historically on May 6, 2017, the Commission approved the continuing education cost of \$7,500. Ms. Holleman stated the invoice submitted by the South Carolina Auctioneers' Association included an itemized statement.

Mr. McAbee explained that the continuing education portion of the Conference is offered at no cost to all South Carolina Auctioneers' Commission licensees and those persons that registered will attend all functions of the Conference.

Ms. Holleman added Mr. Yoder to the conversation via telephone. Mr. Yoder confirmed that the continuing education portion of the conference would be opened to all South Carolina Auctioneers' Commission licensees at no cost. There is no charge for those South Carolina licensees attending the continuing education only. These individuals will not be charged a registration fee.

Mr. Avendano entertained a motion to approve the funding request by the South Carolina Auctioneers Association annual conference's continuing education seminars offered on February 22-23, 2019.

#### **MOTION**

Mr. Holiday made a motion to approve the \$9,000.00 for the continuing education and other cost for the South Carolina Auctioneers Association's annual conference on February 22-23, 2019 meeting. Ms. Pinkney seconded the motion which carried unanimously.

### **9. Review of Auctioneer Commission's Regulatory Review Report dated August 15, 2017**

Ms. Holleman reminded the Commission that in 2017, Governor McMasters issued an executive order that all Boards and Commission review its regulations to determine redundancy, conflict with the statute, those that were overly burdensome, and that the regulations appropriately protect the public. Thereafter the Commission reviewed its regulations and submitted the report dated August 15, 2017.

Ms. Lewis explained that the statute and regulations control the operations of the Boards/Commissions. Ms. Lewis stated that the Boards/Commissions maintain the authority to make and change the regulations according to the statutes/laws. She stated that the purpose of the regulations are to interpret, reinforce and/or to explain the statutes. The Board/Commission does not have the authority to initiate new regulations that do not pertain to the current statute.

Ms. Lewis stated that based on the review and findings, the Agency's Director has advised that each Board/Commission begin the process of implementing these findings. Ms. Lewis stated the process would include the Boards/Commissions reviewing the report and approving that the report be submitted to Holly Beason. At such time, Ms. Beason would notice the state register regarding the proposed changes to the current regulations. The notice of drafting would be posted in the July and August addition of the State Register in order for the publication of these proposed regulations in September and October. Ms. Lewis explained the process.

Ms. Lewis stated after careful review of the report it does not include new regulations. The Commission reviewed the report.

Mr. Avendano called for an approval to begin the drafting of the changes submitted in the Regulatory Review report dated August 15, 2017.

**MOTION**

Ms. Pinkney made a motion that the Commission approves the process to begin drafting the changes submitted in the Regulatory Review Report dated August 15, 2017. Mr. Marchant seconded the motion, which passed unanimously.

**10. Public Comments (no votes taken)**

There were no public comments.

**11. Executive Session**

**12. Return to Public Session**

**13. Adjournment**

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

**MOTION**

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

Mr. Avendano, after ensuring there being no further business to discuss, adjourned the August 14, 2018, meeting of the South Carolina Auctioneers' Commission at 10:49 a.m.

The next scheduled Commission meeting for the South Carolina Auctioneers' Commission is November 28, 2018, at 10:00 a.m. at Synergy Business Park, 110 Centerview Drive, Kingtree Building Room 108, Columbia, South Carolina.