

MINUTES
South Carolina Auctioneers' Commission Meeting

10:00 a.m., May 1, 2018
Synergy Business Park
110 Centerview Drive, Kingtree Building Room 108
Columbia, South Carolina

Tuesday, May 1, 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 10:05 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; Erin Baldwin, Disciplinary Counsel, Office of Disciplinary Counsel; Amy Holleman, Administrator; Norma McAllister, Program Assistant; Kathy Meadows, Investigator, Office of Investigations and Enforcement; and Dylan Sitterle, Project Coordinator, Professional and Occupational Licensing.

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.

B. Pledge of Allegiance

All in attendance recited the Pledge of Allegiance.

Mr. Burns gave the invocation.

2. Introduction of Commission Members

The commission members, staff, and all other persons attending the meeting introduced themselves.

3. Approval of Excused Absences

All members of the Commission were present.

4. Approval of Minutes for the March 6, 2018 meeting

Mr. Avendano called for approval of the March 6, 2018 minutes. The Commission members reviewed the minutes.

MOTION

Mr. Burns made a motion to approve the March 6, 2018 minutes with a correction to item 9 on page 5 to change the word "tablet" to "table". Ms. Pinkney seconded the motion, which carried unanimously.

5. Chair's Remarks – Victor Avendano

Mr. Avendano thanked everyone for attending.

6. Administrator's Remarks – Amy Holleman

Ms. Holleman informed the Commission that the cash balance as of March 2018, was \$1,012,904.20 and the Recovery Fund balance was \$120,024.69.

Ms. Holleman informed the Commission regarding the audit notices mailed to licensees that had not complied with the audit that everyone complied within a short period after receiving the notice.

Ms. Holleman reported that the Commission currently has 1,034 licensees of which there are 163 licensed firms, three apprentices, and 868 licensed auctioneers.

Ms. Holleman informed the Commission of the upcoming scheduled NALLOA annual meeting in conjunction with the National Association of Auctioneers' Conference in Jacksonville, Florida on July 20, 2018. Ms. Holleman stated that she is Vice President of NALLOA.

Ms. Holleman stated traditionally the agency has allowed the Commission to approve travel and hotel accommodations for the Administrator and two Commissioners. Ms. Holleman informed the Commission that the agency is requiring specific names of the Commissioners that would be attending.

Mr. Avendano called for a motion to approve the Administrator and two Commissioners to attend the NALLOA annual meeting.

MOTION

Mr. Burns made a motion to approve/authorize the Administrator, Mr. Matthew Holiday, and Mr. Jamison Marchant to attend the NALLOA annual meeting on July 20, 2018 in Jacksonville, Florida at the National Auctioneers' Conference. Ms. Pinkney seconded the motion, which carried unanimously.

Ms. Holleman informed the Commission that the agency will reimburse the hotel stay for one night at the GSA rate of \$98.00 per night and travel by car or airplane whichever is the least expensive. Ms. Holleman stated the conference's hotel rate is \$140.00 per night.

7. Reports

A. Investigative Review Committee (IRC) Report

Ms. Meadows asked the Commission to approve the April 25, 2018 IRC report to dismiss cases no. 2017-22; and 2018-1 with a letter of caution.

Mr. Avendano called for a motion to approve the IRC recommendations.

MOTION

Mr. Holiday made a motion to approve the April 25, 2018 IRC recommendations. Mr. Marchant seconded the motion which carried unanimously.

B. Office of Investigation and Enforcement (OIE) Report – January 1, 2018 – April 25, 2018

Ms. Meadows presented the OIE report as information only: one do not open, one pending action and one pending complaint analyst review. There were two cases closed and one do not open between January 1, 2018 and April 25, 2018.

C. Office of Disciplinary Counsel Report (ODC) Report as of April 2018

Ms. Baldwin presented the ODC Report as information only: one case pending.

Old Business

Application Hearing

8. Approval of Auctioneers' Application

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

1. India Brook Jeror

Ms. India Brook Jeror and Mr. William Cox appeared before the Commission on her behalf.

Ms. Holleman informed the Commission that the application is complete. Ms. Holleman stated in 2017 Ms. Jeror appeared before the Commission with an application to license as an auctioneer. Ms. Holleman stated that at the hearing Ms. Jeror's collection report over \$1,000.00. The initial collections debt in August 2017 was \$11,782.00 with approximately \$4,000.00 in medical bills. Ms. Holleman reminded the Commission that at the previous hearing it held the disposition in abeyance. Ms. Holleman stated Ms. Jeror is before the Commission seeking a disposition on her auctioneer's application.

Ms. Holleman informed the Commission that as of today, Ms. Jeror is submitting information regarding this matter.

Ms. Jeror presented a credit report dated April 19, 2018 showing the reduction of the collection amount to \$7,265.00. Ms. Jeror informed the Commission that she has hired a company, HOPE USA, to provide her with credit counseling and assistance.

Ms. Jeror submitted a copy of the credit report obtained from HOPE USA dated May 1, 2018 showing her current credit history/status. The report concurred with the outstanding collection balance of \$7,265.00.

The Commission questioned Ms. Jeror regarding her current collections. Ms. Jeror informed the Commission that HOPE USA will provide credit counseling and managing tools to improve her credit standing such as making payment arrangement and formalizing disputes, if appropriate. Ms. Jeror informed the Commission that one collection is currently under dispute with the credit bureau.

Mr. Cox, currently employed at L and S Auctions, LLC since June 2017 with Ms. Jeror as the owner, spoke on her behalf. He stated that the auction firm has operated without any complaints. Mr. Cox stated Ms. Jeror's firm has been beneficial to the community employing several individuals and providing special benefit projects for the area.

Mr. Avendano called for a motion to go into executive session to receive legal advice.

Executive Session:

MOTION

Ms. Pinkney made a motion to go into executive session to receive legal advice. Mr. Marchant seconded the motion, which carried unanimously.

Return to Public Session:

MOTION

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

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

Mr. Avendano called for a motion in this matter.

MOTION

Mr. Holiday made a motion to accept the application and allow Ms. Jeror to take the exam and that Ms. Jeror, upon issuance of her license must report her credit progress to the Commission staff to be reviewed by the Administrator. Ms. Pinkney seconded the motion which carried unanimously.

Ms. Holleman asked that the Commission amend the agenda moving item #11 next on the agenda. Mr. Avendano called for a motion to change the agenda.

MOTION

Mr. Holiday made a motion to move Item #11 next on the agenda. Mr. Marchant seconded the motion, which carried unanimously.

9. Discussion: CE Broker – Dylan Sitterle

Mr. Sitterle presented the continuing education managing, reporting, and auditing online program offered by CE Broker. After the presentation, the Commission discussed CE Broker's features as an online tool to track and audit continuing education for the South Carolina Auctioneers' Commission.

Ms. Holleman explained that the agency is transitioning toward outsourcing all continuing education monitoring, and that CE Broker is currently providing services to other Boards. The Commission agreed that a monitoring company would provide the database of instructors and continuing education sponsors that the Commission has requested.

Mr. Avendano called for a motion in this matter.

MOTION

Mr. Holiday made a motion to allow staff to initiate the process to retain CE Broker to manage continuing education for the South Carolina Auctioneers' Commission. Ms. Pinkney seconded the motion. Mr. Holiday amended the motion to allow staff to initiate the process to retain a continuing education provider selected by the agency to manage continuing education for the South Carolina Auctioneers' Commission and require that all continuing education providers electronically report all continuing education information to the managing company selected by the agency. Mr. Marchant seconded the motion, which carried unanimously.

10. Discussion: School Audit

Ms. Holleman reminded the Commission it tabled the school audit discussion. The Commission previously decided to audit auction schools, however after discussion it was determined that the Commission does not have jurisdiction to require out-of-state auction schools to comply with the new criteria. Also, an audit has the potential to produce conflicts with approved reciprocity States. The Commission agreed that the language in the statute, "substantially equivalent" clearly provides guidance if a state has been accepted for reciprocity its approval of the auction schools are accepted.

Ms. Holleman asked that the Commission clarify its previous motion/position to audit all auction schools.

Mr. Avendano called for a motion in this matter.

MOTION

Mr. Burns made a motion to limit the Commission's audit/review to the auction schools located in South Carolina. Mr. Marchant seconded the motion, which carried unanimously.

Mr. Avendano called for a motion for a 15 minute recess.

MOTION

Mr. Holiday made a motion to break for a 15 minute recess. Ms. Pinkney seconded the motion, which carried unanimously.

New Business

11. Review of South Carolina Auction School’s Curriculum and Instructors

Ms. Lewis asked that the Commission consider granting permission for legal counsel and the Administrator to review the information submitted by Southeastern School of Auctioneering. Staff would provide Ms. Lewis with the contact information to speak with the school’s director to ensure the school provides the most recent information to the Commission. Thereafter, Ms. Lewis and the Administrator would report the findings, if there are discrepancies to the Commission. The Commission agreed for Legal Counsel and the administrator to conduct a review of the Southeastern School of Auctioneering educational materials submitted to the Commission.

The Commission determined the purpose of the review is to provide guidance to the school regarding the revised auction school criteria approved by the South Carolina Auctioneers’ Commission.

Mr. Avendano called for a motion in this matter.

MOTION

Mr. Burns made a motion that legal counsel and the administrator will review the educational materials submitted by the Southeastern School of Auctioneering to provide guidance to the school ensuring that its curriculum coincides with the current auction school criteria approved by the South Carolina Auctioneers’ Commission. Mr. Marchant seconded the motion, which carried unanimously.

12. Discussion: South Carolina Auctioneers’ Commission Travel Budget

Ms. Holleman presented the Fiscal Year 2019 to the Commission. Ms. Holleman stated that the Director has asked each Board/Commission in conjunction with its Administrator provide a travel budget for Fiscal Year 2019. In addition, Ms. Holleman stated the Director has asked that each Board/Commission identifies areas to trim cost. Ms. Holleman provided information on past budgets and presented the projected budget for the upcoming year.

Ms. Holleman provided the following information:

Historical			
Fiscal Year	In State	Out of State	Total
2015-2016	\$1,371	\$1,864	\$3,232
2016-2017	\$1,065	0	\$1,065

2018 Fiscal Year Budget			
Fiscal Year	In State	Out of State	Total
2017-2018	\$1,300	\$2,000	\$3,300

Note: The FY18 budget includes out-of-state travel for the Administrator and one Commissioner.

YTD Expenditures of 04/30/2018			
Fiscal Year	In State	Out of State	Total
2017-2018	\$1,142	\$1,844	\$2,986

Proposed Budget			
Fiscal Year	In State	Out of State	Total
2018-2019	\$1,725	\$2,007	\$3,732

Ms. Holleman informed the Commission that the proposed FY19 in-state budget includes mileage, meals, and hotel accommodations for the current five Commissioners. Ms. Holleman stated the FY19 proposed out-of-state includes the cost for three people to attend the NALLOA conference in Jacksonville, Florida in July 2018.

Mr. Avendano called for a motion to approve the proposed Fiscal Year 2018-2019 budget of \$3,732.00.

MOTION

Ms. Pinkney made a motion to approve the Fiscal Year 2018-2019 budget of \$3,732.00. Mr. Holiday seconded the motion, which carried unanimously.

13. Public Comments (no votes taken)

There were no public comments.

14. Executive Session, if needed

15. Return to Public Session

16. Adjournment

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

MOTION

Mr. Holiday 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 May 1, 2018, meeting of the South Carolina Auctioneers' Commission at 12:20 p.m.

The next scheduled Commission meeting for the South Carolina Auctioneers' Commission is August 14, 2018, at 10:00 a.m. at Synergy Business Park, 110 Centerview Drive, Kingstree Building Room 108, Columbia, South Carolina.