

MINUTES
South Carolina Auctioneers' Commission Meeting

10:00 a.m., October 30, 2017
Synergy Business Park
110 Centerview Drive, Kingtree Building Room 108
Columbia, South Carolina

Monday, October 30, 2017

1. Meeting Called to Order

Victor Avendano, Chairperson, of Mount Pleasant, called the regular meeting of the South Carolina Auctioneers' Commission to order at 10:12 a.m. Other commissioners present for the meeting included: Matthew Holiday, Vice Chairperson, of Spartanburg; Joseph B. Burns, of Swansea; and Michelle Pinkney, of Irmo.

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

Members of the public attending the meeting: Mark and India Jeror. Grant Himes, with Concierge Auctions, joined via teleconference.

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 introduced themselves.

3. Approval of Excused Absences

Mr. Marchant was not present. Mr. Avendano called for motion to approve Mr. Marchant's absent.

MOTION

Mr. Burns made a motion to approve Mr. Marchant's absent. Ms. Pinkney seconded the motion, which carried unanimously.

4. Approval of Minutes for the August 15, 2017 meeting.

Mr. Avendano called for approval of the August 15, 2017 minutes. The Commission members reviewed the minutes.

MOTION

Mr. Burns made a motion to approve the August 15, 2017 minutes. 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 September 2017, was \$1,080,118.06, and the Recovery Fund balance was \$121,907.43.

Ms. Holleman updated the Commission on the renewal status. September 30, 2017 was the last date for a licensee to renew, all licensees not renewed by this date will be in lapsed status, and will need to submit an application and take and pass the Auctioneers' exam in order to be relicensed as an Auctioneer. Ms. Holleman stated as of date only one person has submitted a renewal after September 30, 2017.

Ms. Holleman informed the Commission that staff would be mailing the Cease and Desist to the licensees that have failed to renew. Ms. Holleman informed the Commission that preparations for the continuing education audit have begun, which will include ten percent of the licensees.

Ms. Holleman informed the Commission that Pearson Vue is allowing the upcoming Auctioneers' exam to be administered at their facility, using their proctors with Ms. Holleman observing. Ms. Holleman informed the Commission that Pearson Vue has several testing locations within the state that will accommodate the perspective licensees.

Ms. Holleman informed the Commission that the comment period for persons to submit their request for hearings and/or questions regarding the proposed changes in the regulations (new fees) passed without any public input.

Ms. Holleman informed the Commission that she and Ms. Lewis and participated in the NALLOA conference call along with other regulatory agencies and online platform providers. Ms. Holleman stated the group formed a committee to research online auctions and to possibly draft industry standards/language for online auctions. Ms. Lewis stated that most States are presenting similar concerns pertaining to online auctions.

7. Reports

A. Investigative Review Committee (IRC) Report

Ms. Wolfe asked the Commission to approve the October 25, 2017 IRC report which ask that case nos. 2017-6; 2017-15; 2017-7; and 2017-19 be dismissed; and a formal complaint be issued for case no. 2017-18.

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

MOTION

Mr. Holiday made a motion to approve the IRC recommendations. Ms. Pinkney seconded the motion which carried unanimously.

B. Office of Investigation and Enforcement (OIE) Report – January 1, 2017 – August 7, 2017

Ms. Wolfe presented the OIE report as information only: one case opened; nine pending board action; one pending IRC; with 22 complaints received and 16 closed between January 1, 2017 and October 25, 2017.

Mr. Avendano thanked Ms. Wolfe for the report.

C. Office of Disciplinary Counsel Report (ODC) Report as of August 8, 2017

Mr. Tennis presented the ODC Report as information only: four open cases; three pending actions; and one pending Administrative Law Court (ALC) hearing.

Mr. Avendano thanked Mr. Tennis for the report.

Disciplinary

8. Consent Agreement

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

1. Case Nos.: 2017-3 and 2017-4

Mr. Tennis presented the Consent Agreement.

Mr. Avendano called for a motion to approve the Consent Agreement.

MOTION

Mr. Burns made a motion to approve the consent agreement with the corrected date to item five of the document to read "January 18, 2017", and in the Conclusions of Law, #2, reads, "S.C. Code of Laws §§ 40-6-110(A)(3)". Mr. Holiday seconded the motion, which carried unanimously.

2. Case No: 2017-8

Mr. Tennis presented the Consent Agreement.

Mr. Avendano opened the hearing for members of the Commission to present any questions. Mr. Avendano, after assuring that the Commission did not have any further questions, called for a motion to approve the Consent Agreement.

MOTION

Mr. Holiday made a motion to approve the consent agreement. Ms. Pinkney seconded the motion, which carried unanimously.

New Business

Application Hearings

9. Approval of Auctioneers' Renewal Application

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

1. Concierge Auctions, LLC – Austin, TX

Mr. Himes, sworn in by notary Veronica Trejo spoke by conference call on behalf of the firm as the Compliance Attorney.

Ms. Holleman informed the Commission that Concierge Auctions, LLC submitted a renewal, and a change of manager application on September 26, 2017. The applicant disclosed on the change of manager application that in 2015 the Virginia Auctioneers Board sanctioned the Firm for a professional violation. Ms. Holleman informed the Commission that Concierge Auctions, LLC is currently in good standing with its state license.

Ms. Lewis reminded the Commission that staff does not have the authority to approve a renewal with disciplinary actions disclosed.

The Commission questioned Mr. Himes regarding this matter. Mr. Himes informed the Commission that he joined the company in October 2015 as the compliance attorney. Mr. Himes stated he has taken steps to remedies previous issues regarding licensing.

Due to technical issues neither Ms. Holleman nor Ms. Lewis had the ability to access the electronic record.

Mr. Avendano called for a motion for a disposition of the application.

MOTION

Mr. Holiday made a motion to accept the application. Ms. Pinkney seconded the motion which carried unanimously.

10. 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

Mr. Mark Jeror and Mrs. India Brook Jeror appeared on her behalf.

Ms. Holleman informed the Commission that August 30, 2017 staff received Ms. Jeror auctioneer's application. Ms. Holleman stated that Ms. Jeror has more than \$10,000.00 in collections, with \$4,781.00 in non-medical debt. Ms. Holleman reminded the Commission that the Administrator does not have the authority to approve an application with more than \$1,000.00 in collections.

Ms. Jeror informed the Commission that she had been unemployed for seven years with survivor's benefits as the sole income which covered the essentials. Ms. Jeror acknowledged that she is aware of some delinquent bills. Ms. Jeror asked the Commission to approve her application.

The Commission reviewed the credit report, and questioned Ms. Jeror regarding collections listed on the credit report.

Executive Session

Mr. Avendano entertained a motion to move into Executive Session.

MOTION

Ms. Pinkney made a motion to go into Executive Session to receive legal advice
Mr. Burns seconded the motion, which carried unanimously.

Return to Public Session

Mr. Burns made a motion that the Commission return to public session.
Ms. Pinkney seconded the motion, which carried unanimously.

Mr. Avendano stated, for the record, there were no votes taken during executive session.

Ms. Jeror explained to the Commission that L&S Auctions operates with Mr. William A. Cox AU 3153 as the auctioneer.

Mr. Avendano informed Ms. Jeror that the Commission could defer the disposition in this matter or render a disposition at this time. Ms. Jeror informed the Commission that she would like additional time to rectify her finances.

Mr. Avendano called for a motion to table the application hearing for a later date.

MOTION

Mr. Burns made a motion to table making a disposition in the matter to a later date.
Ms. Pinkney seconded the motion, which carried unanimously.

11. Approval of Meeting Dates/Calendar for 2018

The Commission reviewed the proposed 2018 meeting dates. Mr. Avendano called for a motion to approve the 2018 South Carolina Auctioneers' Commission meeting dates.

MOTION

Mr. Holiday made the motion to approve the 2018 South Carolina Auctioneers' meeting dates as follows:

Tuesday, March 6, 2018 Room 108

Tuesday, May 1, 2018 Room 108

Tuesday, August 14, 2018 Room 108

Wednesday, November 28, 2018 Room 108

Ms. Pinkney seconded the motion, which carried unanimously.

Ms. Holleman reminded the Commission that a session to review applications for continuing education providers would be scheduled in January 2018.

12. Public Comments (no votes taken)

There were no public comments.

13. Executive Session, if needed

14. Return to Public Session

15. 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 October 30, 2017, meeting of the South Carolina Auctioneers' Commission at 11:58 a.m.

The next scheduled Commission meeting for the South Carolina Auctioneers' Commission is March 6, 2018, at 10:00 a.m. at Synergy Business Park, 110 Centerview Drive, Kingstree Building Room 108, Columbia, South Carolina.