

MINUTES
South Carolina Auctioneers' Commission
Meeting

10:00 a.m., August 20, 2012
Synergy Business Park
110 Centerview Drive, Kingstree Building Room 108
Columbia, South Carolina

Meeting Called to Order

James Blocker, chairman, of Walterboro, called the regular meeting of the Auctioneers' Commission to order at 10:04 a.m. Other members participating in the meeting included: Matthew Holiday, of Spartanburg; Victor Avendano, of Mt. Pleasant; and Michelle Pinkney, of Irmo.

Staff members participating in the meeting included: Lenora Addison-Miles, Administrator; Jamie Saxon, General Counsel; Theresa Garner, Program Assistant; and DeLeon Andrews, OIE Investigator.

Public Notice

Mr. Blocker announced that Public Notice of this meeting was properly posted at the S. C. 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.

Pledge of Allegiance

All present recited the Pledge of Allegiance. The invocation was given by Mr. Blocker.

Approval of Excused Absences

Mr. Holiday made a motion to approve Mr. Burns' absence. Mrs. Pinkney seconded the motion which carried unanimously.

Approval of the May 7, 2012 Meeting Minutes

MOTION

Mr. Avendano made a motion to approve the May 7, 2012 meeting minutes as presented. Mrs. Pinkney seconded the motion which carried unanimously.

Chairman's Remarks – James Blocker

Mr. Blocker welcomed everyone to the meeting.

Administrator's Remarks – Lenora Addison-Miles

Mrs. Addison-Miles stated there were 1,025 Auctioneers, and 162 Auction firms licensed through June 30, 2013. The June 8th examination results included 12 Auctioneer candidates, 10 passed the exam, and the average score was 78. There were two Apprentice Auctioneer candidates, both of which passed with an average score of 71. The next exam is scheduled for September the 7th.

The June 2012 Cash Balance report reflected a Recovery Fund balance of \$124,043.64, and the Auctioneer cash balance was \$951,637.36.

Board members were reminded of the upcoming Insurance Reserve Fund class that will be offered at the S. C. Fire Academy, Denny Auditorium, on September 14, 2012. Members were encouraged to attend.

She reported the new mileage reimbursement rate increased to 55.5 cents per mile, effective July 1, 2012.

For information purposes, she provided board members with a summary of the new Temporary License for Military Spouse Law (H.3710).

Unfinished Business

There was no unfinished business.

New Business

Investigative Review Committee (IRC) Report – August 9, 2012

DeLeon Andrews, Investigator, presented the IRC report. The IRC recommended five cases for dismissal, two cases for formal complaints, and a Letter of Caution for one case. Mr. Andrews presented the Office of Investigations and Enforcement (OIE) Board Case Report for 2012. OIE received a total of 15 cases between January 1st and August 14th. There are eight active cases, and seven cases had no violations (Do Not Open Case). A total of 18 cases have been closed, 15 were closed and three had no violations (Do Not Open Case). During the same time period last year (2011), they received 14 cases, and closed four.

MOTION

Mr. Holiday made a motion to accept the IRC report as presented. Mr. Avendano seconded the motion which carried unanimously.

Reconsideration of Application via Examination

Richard Allen Jackson

Mr. Jackson requested to appear before the Commission for reconsideration of his application for licensure as an auctioneer. He originally appeared before the Commission on May 16, 2011 to explain items on his credit report. The Commission voted to deny the license until such time as he could appear and present third party documentation in the form of a mutually agreed upon plan of repayment from his creditors and provide a current credit report showing a significant reduction in the amount he owes. Mr. Jackson submitted an updated application packet, a current credit report, and payment receipts.

Mr. Jackson explained he had some credit issues and it has taken him a while to get them resolved. He stated he owns a thrift store and after he paid off his mortgage he remortgaged his property to pay off his debts. He asked the Commission to consider his request and allow him to become an auctioneer. Mr. Jackson stated according to his current credit report all debts have been paid.

MOTION

Mr. Holiday made a motion to take his request under advisement in executive session. Mrs. Pinkney seconded the motion which carried unanimously.

Review of Application via Reciprocity

Mark A. Taylor

On June 26, 2012, the Commission received an application for licensure as an auctioneer by reciprocity from Mr. Taylor. His credit report indicates a civil judgment in the amount of \$85,265.

Mr. Taylor was notified by letter dated June 26, 2012 that the Commission needed additional information regarding the origin and disposition of the civil judgment. On July 2, 2012, staff received an explanation and a copy of the Agreed Judgment of Dissolution of Marriage. Mr. Taylor was notified of today's application hearing, by letter dated July 13, 2012.

Mr. Taylor gave Commission Members copies of his references. He explained that after the divorce, his ex-wife was decreed all the equipment from the farm and she assumed all liability but did not remove his name from the deed, and the bank filed a lien on the property. As of the board date, Mr. Taylor's name still appears as the property owner. Mr. Taylor stated the only option he has is to go back to court, but his attorney has advised against this since it has been over seven years since the divorce.

MOTION

Mrs. Pinkney made a motion the matter be taken under advisement in executive session. Mr. Holiday seconded the motion which carried unanimously.

Review of Application via Examination

James M. Easterling, III

On June 4, 2012, the Commission received an application for licensure as an auctioneer by examination from Mr. Easterling. His credit report indicates an unpaid collection account. Mr. Easterling was notified by letter dated June 5, 2012 that the Commission needed additional information regarding the origin and disposition of the unpaid account. On June 8, 2012, staff received a statement from Mr. Easterling that the debt was for unpaid parking tickets he received as a college student. The debt was not paid because if there were adequate parking he would not have received the tickets. Mr. Easterling's criminal history report contains a felony conviction in 2010. Mr. Easterling was notified of today's application hearing, and his incomplete application packet, by letters dated June 12, 2012. His file is missing the 2" X 2" head and shoulders photograph taken in the last six months.

Mr. Easterling stated he must have skipped over the part on the application that said he was required to submit a photo. He stated the credit report and SLED report ran hand in hand. He said the credit report that showed the \$225 charges were parking tickets that he had received when he was a student at USC. He said he left school, went back home, and forgot about the tickets. After dropping out of school he got into some trouble and went to jail, and was placed on 18 months probation, which ends January 2013.

MOTION

Mrs. Pinkney made a motion the matter be taken under advisement in executive session. Mr. Avendano seconded the motion which carried unanimously.

Benjamin A. Hester, Sr.

On May 30, 2012, the Commission received an application for licensure as an apprentice auctioneer by examination from Mr. Hester. His credit report indicates unpaid collection accounts that exceed \$500. Mr. Hester was notified by letter dated June 1, 2012 that the Commission needed additional information regarding the origin and disposition of the unpaid accounts. We did not receive a response. Mr. Hester was notified of today's application hearing, by letter dated June 12, 2012.

Mr. Hester stated that in 2008 he was in the home building and remodeling business which at that time dropped greatly, along with his income. At this time he was also paying for sitters for his elderly mother who needed round the clock care. He was only able to pay his mortgage, car,

and utility bills. Since then, he has had a heart attack and is unable to work full time. He said he had two surgeries on his left eye which left him completely blind, and he has not been able to pay the bills off from the surgeries. He stated he hopes to have everything paid off within the next 13 months.

MOTION

Mr. Avendano made a motion that the matter be taken under advisement in executive session. Mrs. Pinkney seconded the motion which carried unanimously.

James D. Quinn

On May 29, 2012, the Commission received an application for licensure as an apprentice auctioneer by examination from Mr. Quinn. His credit report indicates unpaid collection accounts that exceed \$500. Mr. Quinn was notified of today's application hearing, and his incomplete application packet by letters dated June 12, 2012. His file is missing a head and shoulders photograph taken in the last six months, and an Escrow Affidavit signed and sealed by a Notary Public.

Mr. Quinn presented his photograph and Escrow Affidavit to Mrs. Miles. Mr. Quinn said he has made a few mistakes in his life, and he had never been told he had bad credit or that he had good credit. He said he has not tried to establish credit but he has more against him than going for him. He stated he presently owns an antique store in Newberry, which he has maintained for over two and a half years. Two years ago he was admitted to ICU for six days, his hospital bills totaled \$177,000. He is currently trying to maintain payments to the hospital and pay for medications as he can no longer afford health insurance.

MOTION

Mrs. Pinkney made a motion the matter be taken under advisement in executive session. Mr. Holiday seconded the motion which carried unanimously.

Stanley E. Wooten

On May 21, 2012, the Commission received an application for licensure as an auctioneer by examination from Mr. Wooten. His credit report indicates unpaid collection accounts that exceed \$500. Mr. Wooten was notified of today's application hearing by letter dated June 12, 2012.

Mr. Wooten stated the items on his credit report occurred seven years ago, when he stuck his nose where it did not belong. He said he was not aware of the charges on his credit report until Mrs. Miles notified him. He stated since it has been seven years, he has been unsuccessful in reaching the majority of creditors listed on the credit report. He was able to contact HBSC which were credit cards that had been issued to him. He has since entered into a class action suit against the credit card companies for fraudulent charges against their clients.

MOTION

Mr. Avendano made a motion to take this matter under advisement in executive session. Mrs. Pinkney seconded the motion which carried unanimously.

Review of Auction Firm Application

Tracey Reeder Cook – Big Chief's Country Auction

On July 16, 2012, the Commission received an application for licensure as an auction firm from Ms. Cook. Her credit report indicates unpaid collection accounts that exceed \$500, and three civil judgments. In an e-mail dated August 2, 2012, Ms. Cook requested to be placed on the

agenda. In a letter dated August 3, 2012, she was notified of her application hearing. Ms. Cook's file is missing the 2" X 2" head and shoulders photograph taken in the last six months.

Ms. Cook stated she did not realize she had charges on her credit report until Mrs. Miles notified her. Her husband left her with four children and she had to quit school to go to work to pay the bills. She said she has contacted all of the creditors and made payment arrangements.

MOTION

Mrs. Pinkney made a motion to take the matter under advisement in executive session. Mr. Avendano seconded the motion which carried unanimously.

Terry Lee Carroll – Carroll's Auction Firm

On July 25, 2012, the Commission received an application for licensure as an auction firm from Mr. Carroll. His credit report indicates two unpaid collection accounts that exceed \$500, one account is disputed. Mr. Carroll has provided a written explanation regarding his credit report. In an e-mail dated August 6, 2012, Mr. Carroll requested the Commission review his application in his absence.

MOTION

Mr. Holiday made a motion to take the matter under advisement in executive session. Mr. Avendano seconded the motion which carried unanimously.

Instructor Approvals – All Star Training, Inc.

John Mason, Pamela Mason, Anita M. Wells

All Star Training submitted a request for approval of three instructors. The current instructor is planning to retire and they would like to have these individuals approved as replacements.

MOTION

Mr. Holiday made a motion to accept All Star's request for instructor approval. Mrs. Pinkney seconded the motion which carried unanimously.

Instructor Approval – Southeastern School of Auctioneering

David W. Taylor

Southeastern School of Auctioneering submitted a request for approval of David W. Taylor to instruct their Bid Assistant Training Course.

MOTION

Mr. Holiday made a motion to approve Mr. Taylor as an instructor. Mr. Avendano seconded the motion which carried unanimously.

CE Course Approval – Southeastern School of Auctioneering

Top 10 Ways to Be Disciplined

Working with Bankruptcy Trustees

Southeastern School of Auctioneering submitted a request for approval of two continuing education courses. Each course is two hours of credit.

MOTION

Mr. Avendano made a motion to approve the Southeastern School request for CE course approval for "Top 10 Ways to Be Disciplined," and "Working with Bankruptcy Trustees." Mr. Holiday seconded the motion which carried unanimously.

Credit Guidelines

Mrs. Miles stated that Mr. Blocker requested this item be placed on the agenda so the Commission could revisit the current policy.

MOTION

Mr. Holiday made a motion to authorize staff to approve credit issues up to \$1,000 unless it is a disputed matter. The issues equaling \$1001 and above must be approved by the Commission. Mrs. Pinkney seconded the motion which carried unanimously.

Public Comments

Mr. Darron Meares addressed the Commission. He inquired about the status of the revision to the Engine in rewriting the section about the one year versus two year license discrepancy. Mrs. Miles stated she would check on the status of the Engine revisions and let him know of any changes. Mr. Meares stated the Commission was a member of NALLOA, and on the last conference call there was no representation from the Commission. He said he would like to request for the January 2013 meeting, that someone participate in the conference call.

Mr. Randy Ligon, President of the S.C. Auctioneers' Association, addressed the Commission. Mr. Ligon informed the members that the association is going back to the convention date stated in the bylaws. The convention will be held in Myrtle Beach, at the Sands Resort, on January 11 through January 13, 2013. SCAA is planning a Lunch and Learn to benefit auctioneers. Currently there are about 126 association members.

Executive Session

MOTION

Mr. Avendano made a motion to enter into Executive Session for legal advice. Mr. Holiday seconded the motion which carried unanimously.

Return to Public Session

MOTION

Mr. Holiday made a motion to come out of executive session. Mr. Avendano seconded the motion which carried unanimously. It was noted for the record that no votes or actions were taken while in executive session.

Richard Allen Jackson

MOTION

Mr. Holiday made a motion to grant Mr. Jackson's motion for reconsideration. He must provide a current credit report within one year. Mrs. Pinkney seconded the motion which carried unanimously.

Mark A. Taylor

MOTION:

Mrs. Pinkney made a motion to grant Mr. Taylor's request for reciprocity. Mr. Holiday seconded the motion which carried unanimously.

James M. Easterling, III

MOTION

Mr. Avendano made a motion to deny Mr. Easterling's request for licensure. Mr. Holiday seconded the motion which carried unanimously.

Benjamin A. Hester, Sr.

MOTION

Mrs. Pinkney made a motion to grant Mr. Hester's license with conditions. Mr. Hester must satisfy all judgments, liens, and claims or provide written evidence of payment arrangements with his debtors within 12 months. Mr. Avendano seconded the motion which carried unanimously.

James D. Quinn

MOTION

Mr. Holiday made a motion to grant Mr. Quinn's request for licensure with the conditions. He must satisfy all judgments, liens, and claims or provide written evidence of payment arrangements with any debtors within 12 months. Mrs. Pinkney seconded the motion which carried unanimously.

Stanley E. Wooten

MOTION

Mr. Avendano made a motion to grant Mr. Wooten's request for licensure with conditions. He must satisfy all judgments, liens, and claims or provide written evidence of a payment arrangement with his debtors within 12 months. Mrs. Pinkney seconded the motion which carried unanimously.

Tracey Reeder Cook – Big Chief's Country Auction

MOTION

Mrs. Pinkney made a motion to grant Mrs. Cook an auction firm license. Mr. Avendano seconded the motion which carried unanimously.

Terry Lee Carroll – Carroll's Auction Firm

MOTION

Mr. Avendano made a motion to grant Mr. Carroll's request for licensure with conditions. He must satisfy all judgments, liens, and claims or provide written evidence of a payment plan with his debtors within 12 months. Mrs. Pinkney seconded the motion which carried unanimously.

Adjournment

Mrs. Pinkney made a motion to adjourn the meeting at 1:45 p.m. The motion was seconded by Mr. Avendano which carried unanimously.

The next meeting of the SC Auctioneers' Commission is scheduled for November 19, 2012.