

**MINUTES**  
**South Carolina Auctioneers' Commission**  
**Meeting**  
**10:00 A.M., February 24, 2014**  
**Synergy Business Park**  
**110 Centerview Drive, Kingtree 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 10:00 a.m. Other members participating in the meeting included: Victor Avendano, Vice Chairman, of Mt. Pleasant; Joe Burns, of Swansea; Matthew James Holiday, of Spartanburg; and Michelle Pinkney, of Irmo.

Staff members participating in the meeting included: Sandra Dickert, Administrative Assistant; Megan Flannery, Office of General Counsel; Theresa Garner, Program Assistant; Georgia Lewis, Advice Counsel; and Yolanda Rodgers, OIE.

Members of the public attending the meeting included: Ivan Broadwell, James Kenneth Metze, Jr., Larry Meares, and Beverly Smith.

**Public Notice**

Mr. Blocker announced that public notice of this meeting was properly posted at the S. C. 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.

**Pledge of Allegiance**

All Present recited the Pledge of Allegiance.

Mr. Blocker delivered the invocation.

**Approval of the November 18, 2013 Meeting Minutes**

**MOTION**

Mr. Burns made a motion with a correction to be made to page four of the November 18, 2013 minutes to state the motion made regarding real estate federal laws from EG to CE and that the November 18, 2013 minutes be approved as amended. Mr. Avendano seconded the motion, which carried unanimously.

**Approval of the February 11, 2014 Meeting Minutes**

**MOTION**

Mr. Burns made a motion the Commission approve the February 11, 2014 meeting minutes as presented. Mr. Holiday seconded the motion, which carried unanimously.

**Chairman's Remarks - James Blocker**

Mr. Blocker welcomed everyone to the meeting and thanked staff for preparation of the meeting.

## **Administrator's Remarks-Theresa Garner on behalf of Molly Price**

There are currently 940 auctioneers and 146 firms licensed in South Carolina.

### December 6, 2013 Examination Results

Of the six auctioneer candidates; four candidates passed the exam. The average score of those who passed was 83. One apprentice auctioneer candidate took and passed the exam.

The next exam is scheduled for March 21, 2014.

The next board meeting is scheduled for May 19, 2014.

The cash balance report for January 2014 showed a balance of \$1,041,947.35. The recovery fund showed a balance of \$138,454.56.

### STATEMENT OF ECONOMIC INTEREST FORMS

As a reminder, Statement of Financial Interest forms are to be completed by all current board members, even if you were recently appointed to the board. As of today only one board member has filed for this year. Filing the Statement of Economic Interest is required no later than 12:00 p.m. (noon), March 30<sup>th</sup>, 2014. Cathy Hazelwood is the contact at the State Ethics. The forms are to be completed online at: [www.ethics.sc.gov/StatementofEconomicinterests](http://www.ethics.sc.gov/StatementofEconomicinterests).

#### Advisory Opinions, If Needed, Office of General Counsel

No advisory opinions were given during this meeting.

#### Legislative Updates, If Needed, Legislative Liaison Office

No legislative updates were given during this meeting.

#### OGC Report-Office of General Counsel

Ms. Flannery, OGC, reported the Office of General Counsel currently has five cases, four of which are pending action, and one case is pending a consent agreement/memorandum of agreement (CA/MOA).

#### OIE Report-Office of Investigations and Enforcement

Ms. Rogers, of OIE, reported between January 1, 2013 and December 31, 2013 the Office of Investigations and Enforcement (OIE) had a total of 14 cases. Five of those cases were active investigations, four cases were Do not open cases, and five cases were pending action. The Office of Investigations closed 12 cases in 2013.

Ms. Rogers also reported between January 1, 2014 and February 18, 2014 the Office of Investigations and Enforcement had six active investigations, and has closed five cases.

### **New Business**

#### Investigative Review Committee (IRC) Report-February 6, 2014

Ms Rogers reported the IRC met on February 6, 2014 during which time six cases were discussed. Of the six cases, five cases were recommended for dismissal, and one case was recommended for formal complaint.

Review of Application via Reciprocity/Georgia  
Allan Baitcher

On November 25, 2013, the Commission received an application from Mr. Baitcher for licensure as an Auctioneer by reciprocity/Georgia. He has held a license in Georgia since 1995. Mr. Baitcher's credit report contains (1) unpaid "Placed for Collection" account, and therefore could not be approved at the staff level. His file was complete.

On February 5, 2014, staff received an email regarding the outstanding account. Mr. Baitcher explained in his email this was not a debt he was responsible for, and it was disputed. He stated in the last ten (10) days, he was successful in having it permanently removed from the Experian Credit Report, and was guaranteed a removal by TransUnion no later than 120 days from the date of (February 5<sup>th</sup>). TransUnion has noted the dispute, and updated the report to reflect the exact date this information will be removed from their system. He also included an email from Equifax dated January 5, 2014, Page 2, confirming that the item has been deleted from his credit file. Mr. Baitcher has previously held licenses in the states of North Carolina, Florida, Alabama, Rhode Island, and Massachusetts. Mr. Baitcher said he will not be doing any independent auctions in South Carolina, and would be willing to work under a licensed and existing auction company should the Commission grant him a license. Mr. Baitcher is unable to attend the meeting; however, he requested the board give consideration o his application.

This matter was recorded by a certified court reporter in order to provide a verbatim transcript should one be necessary.

**MOTION**

Mr. Burns made a motion the Commission discuss this matter in executive session. Mr. Holiday seconded the motion, which carried unanimously.

Review of Apprentice Application by Examination  
James Kenneth Metze, Jr.

On November 20, 2013, the Commission received an application from Mr. Metze for licensure as an apprentice auctioneer by examination. Mr. Metze's credit report contains (1) unpaid "Placed for Collection" account and, therefore, could not be approved at the staff level. He passed the exam on December 12, 2013, with a passing score of 78. His file was complete. Mr. Metze was sent a letter on February 5, 2014, asking if he would like to appear before the Commission to offer explanation of the debt. He confirmed by telephone that he would be present at the February 24<sup>th</sup> meeting.

This matter was recorded by a certified court reporter in order to provide a verbatim transcript should one be necessary.

Mr. Metze and Ms. Smith were sworn to give correct testimony.

**MOTION**

Mr. Holiday made a motion the Commission discuss this matter in executive session. Mr. Burns seconded the motion, which carried unanimously.

CE Instructor/Course Approvals  
Kentucky Auction Academy-Steve Henry

Mr. Henry submitted a request for approval for accreditation for the Kentucky Auction Academy, to instruct continuing education classes. He has submitted the necessary packet/catalog outlining curriculum, course schedules, instructors, and their credentials, location and cost for

attendance. He will be one of the instructors and has met the board's guidelines for pre-approval.

This matter was recorded by a certified court reporter in order to provide a verbatim transcript should one be necessary.

**MOTION**

Mr. Holiday made a motion the Commission approve the CE courses. Mr. Avendano seconded the motion, which carried unanimously.

CE Instructor/Course Approvals

The Paperless Auctioneer – two hours – Joe Burns

The Paperless Real Estate Auctioneer & Broker – four hours – Joe Burns

Mr. Joe Burns submitted a request for approval for a Power Point Presentation for a (2) hour course on "The Paperless" Auctioneer, and a (4) hour course on the "Paperless Real Estate Auctioneer & Broker.

Mr. Burns recused himself from participating and voting in this matter. He completed a recusal form and left the room during discussion and voting on this matter.

**MOTION**

Mr. Holiday made a motion the Commission approve the two courses as requested. Mr. Avendano seconded the motion, which carried unanimously.

Reciprocal CE Agreement

North Carolina & South Carolina

On January 16, 2014, Mrs. Garner received a telephone call from Mr. Bill Cox, President of the North Carolina Auctioneers' Association. His question was, since North Carolina has reciprocity with South Carolina would we recognize continuing education (CE) courses given by North Carolina for South Carolina licensees. Recently North Carolina made changes to their Auction laws regarding continuing education to include: "mandatory" courses for Ethics and Integrity & NC Auctioneers Laws/Rules and Regulations. Mrs. Garner asked Mr. Cox to submit copies of the CE courses for the Commission's review; however, he indicated he did not have any information at that time, he stated he would forward the information when it became available.

Mrs. Garner also received an email from Joe Burns, regarding the changes, and questions he had received when he attended the Auctioneers' Conference. He was asked how this new law would affect South Carolina's agreement with North Carolina.

The Commission also received an email from Mr. Darron Meares, Southeastern School of Auctioneering, who voiced his concerns regarding recent changes in North Carolina's Auction Law.

This item was placed on the agenda for discussion.

The Commission discussed the reciprocity agreement with North Carolina and the mandatory requirement that licensees take the mandatory Ethics and Integrity and North Carolina Auctioneers laws/rules and regulations courses with Mr. Ivan Broadwell and Mr. Larry Meares.

During the discussion it was noted that only licensed South Carolina continuing education providers, who are licensed continuing education providers with North Carolina, received the DVDs. Instructors did not receive the DVDs. It was also noted that North Carolina statutes require five students to attend these classes or the licensees will not receive credit.

Mrs. Lewis noted during the discussion that the burden of obtaining these classes lies with the licensees, not with the Commission.

No action was taken on this matter.

### **Public Comments**

No public comments were given during this meeting.

### **Executive Session**

#### **MOTION**

Mr. Burns made a motion the Commission enter into executive session to seek legal advice. Mr. Avendano seconded the motion, which carried unanimously.

### **Return to Public Session**

#### **MOTION**

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

Mr. Blocker noted for the record that no motions were made and no votes were taken during executive session.

Allan Baitcher

#### **MOTION**

Mr. Burns made a motion to approve Mr. Baitcher's application with conditions that he may perform auctions for licensee's or for a licensed auction firm, and will submit documentation of posted claims on his credit report that have been removed. Mr. Avendano seconded the motion, which carried unanimously.

James Kenneth Metze, Jr.

#### **MOTION**

Mr. Avendano made a motion the Commission grant Mr. Metze an apprentice license with the condition he submit an updated credit report at the next renewal period. Ms. Pinkney seconded the motion, which carried unanimously.

CE Instructor/Course Approvals – Kentucky Auction Academy – Steve Henry

#### **MOTION**

Mr. Holiday made a motion the Commission accept Mr. Henry's request for approval to instruct continuing education classes at the Kentucky Auction Academy. Mr. Avendano seconded the motion, which carried unanimously.

## **Adjournment**

### **MOTION**

There being no further business to be discussed at this time, Mr. Burns made a motion the meeting be adjourned. Mr. Holiday seconded the motion, which carried unanimously.

The February 24, 2014 meeting of the SC Auctioneers' Commission adjourned at 11:41 a.m..

The next meeting of the SC Auctioneers' Commission is scheduled for May 19, 2014 in conference room 108.