

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

10:00 a.m., May 13, 2013  
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 10:02 a.m. Other members participating in the meeting included: Matthew Holiday, of Spartanburg; Victor Avendano, Vice Chairman, of Mt. Pleasant; Michelle Pinkney, of Irmo; and Joe Burns, of Swansea.

Staff members participating in the meeting included: Lenora Addison-Miles, Administrator; Georgia Lewis, Advice Counsel; Princess Hodges, General Counsel; Kristina Baker, General Counsel; DeLeon Andrews, OIE; Yolanda Rodgers, OIE; and Theresa Garner, Program Assistant.

**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**

All members were present for the meeting.

**Approval of the February 25, 2013 and April 9, 2013 Meeting Minutes**

**MOTION**

Mr. Burns made a motion to approve the February 25<sup>th</sup> and April 9<sup>th</sup> meeting minutes as presented. Mrs. Pinkney seconded the motion which carried unanimously.

**Chairman's Remarks – James Blocker**

Mr. Blocker welcomed everyone to the meeting and thanked staff for always having everything in order for the meetings.

**Administrator's Remarks – Lenora Addison-Miles**

Mrs. Miles stated online renewals were mailed to licensees on April 30, 2013. The March 8, 2013 examination results included 13 Auctioneer candidates, 11 passed the exam, and the average score was 80. There was one Auctioneer Apprentice candidate who passed the exam. The next exam is scheduled for June 7, 2013.

The Cash Balance report for March 2013 showed a balance of \$869,960.58, and a Recovery Fund balance of \$129,568.58.

Mrs. Miles informed board members of the National Auctioneers Association (NAA) annual meeting that will be held in July. She said if the board wished to send a representative, they would need a vote on record approving travel reimbursement.

**MOTION**

Mr. Holiday made a motion that the commission will cover the cost for members to attend the national meeting as per guidelines of the state. Mr. Avendano seconded the motion which carried unanimously.

**Office of Investigations and Enforcement (OIE) Report**

OIE Investigator, DeLeon Andrews, presented the report. He stated the board currently has three active investigations as of the last board meeting, and they have closed two cases since January 1, 2013.

**Office of General Counsel (OGC) Report**

Kristina Baker, Office of General Counsel, presented the report. She stated the Office of General Counsel currently has four open cases; one with pending action, one pending a final order, and one is currently on appeal.

**Unfinished Business**

There was no unfinished business.

**Hearing in the Matter of Linda Page (Auc.2672) OIE: No 2012-10**

This proceeding was recorded by a court reporter in order to produce a verbatim transcript, if requested, in accordance with the law.

It was noted for the record that Mr. Victor Avendano had worked with Mrs. Page in the past; therefore, he recused himself from the hearing. Mr. Avendano signed a statement of recusal and exited the meeting room.

**Executive Session**

**MOTION**

Mr. Holiday made a motion to enter into executive session for legal advice. Mr. Burns seconded the motion which carried unanimously.

**Return to Public Session**

**MOTION**

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

**MOTION**

Mrs. Pinkney made a motion the board found the respondent was not in violation of 40-6-290(A) because there is no requirement to have a written agreement with an auction house auction. The board did find Mrs. Page in violation of 40-6-110(A)(9) and 40-6-300(A) for failure to maintain a Trust Account. The board recommended that she be issued a Public Reprimand, and fined \$250, to be paid within thirty (30) days of the date of the final order. Mr. Burns seconded the motion which carried unanimously.

## **New Business**

### Investigative Review Committee (IRC) Report – February 19, 2013

Yolanda Rodgers, Investigator, for OIE, presented the IRC report. She reported the committee met on May 1, 2013, during which time four cases were heard with one recommendation for a formal complaint, one recommendation for dismissal, and one recommendation for Cease and Desist, and one for reconsideration.

Mrs. Rodgers informed board members that the Office of Investigations and Enforcements was undergoing reassignments, and Mr. George Barr will be the board's new investigator, he is very well versed in the cases, as well as experience.

### **MOTION**

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

### Review of Auctioneer Application by Examination

Mr. Blocker called the Application Hearings to Order. He reminded everyone that the proceedings were being recorded, all witnesses would be sworn in, and all remarks would be directed to the commission chair.

#### *Daniel C. Watkins*

On February 19, 2013, the Commission received an application from Mr. Watkins for licensure as an auctioneer by examination. Mr. Watkins's credit report contains unpaid collection accounts that exceed \$1000. He passed the auctioneer examination on March 8, 2013. His file is complete.

Mr. Watkins was not represented by legal counsel. Mr. Watkins stated he was not responsible for his stepson's medical bills, the boy's father was supposed to be paying them. His wife signed the stepson under his medical card, and the bills were not covered and the father still has not paid them, which resulted in the collection accounts totaling \$3,200. Mr. Watkins said he did not realize they were on his credit report until the commission notified him. He said he has written letters to all the collectors asking what he owes, so that he can take care of it. He said he received one letter stating the \$800 account has been closed. No one else responded.

### **MOTION**

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

#### *Lloyd Williams*

On February 19, 2013, the Commission received an application from Mr. Williams for licensure as an auctioneer by examination. Mr. Williams' credit report contains unpaid collection accounts and two civil judgments that exceed \$1000. He passed the auctioneer examination on March 8, 2013. His file is complete.

Mr. Williams was not represented by legal counsel. Mr. Williams stated that he is currently going through a divorce and the judgments will be paid out of the divorce settlement. The liens are against the house. He stated there is another collection by Charter, where he purchased a bundle which included telephone, television, and internet. He returned all of the equipment but they say he owes the balance of the contract.

### **MOTION**

Mr. Burns made a motion to take this matter up in executive session. Mrs. Pinkney seconded the motion which carried unanimously.

*Lenell M. Dean*

Mrs. Pinkney asked to be recused from the hearing because she is a friend of the family. Mrs. Pinkney signed a statement of recusal and exited the meeting room.

On February 28, 2013, the Commission received an application from Mr. Dean for licensure as an auctioneer by examination. Mr. Dean's credit report contains an unpaid collection account and two student loans, placed for collection, that exceed \$1000. He passed the auctioneer examination on March 8, 2013. His file is complete.

Mr. Dean was not represented by legal counsel. He stated regarding the student loans, when he graduated from college and went back to Newberry, and attended Tri-County Technical College, the South Carolina student loan and the federal student loan were supposed to be consolidated but only half of the South Carolina loan was put with the federal loan. He is still paying on the South Carolina student loan and he also has another loan with Texas Guaranteed which shows up on the credit report. He said it was hard for him to pay both loans. Currently he is in the process to set up a repayment plan for the loans.

**MOTION**

Mr. Holiday made a motion to take this matter up in executive session. Mr. Burns seconded the motion which carried unanimously.

**Ivan Broadwell Educational Seminars Course Review**

Mr. Broadwell submitted a course outline for review for a proposed two-hour continuing education course titled "American Antique and Collectible Glassware".

**MOTION**

Mr. Holiday made a motion to approve Mr. Broadwell's course review request. Mr. Avendano seconded the motion which carried unanimously.

**Public Comments**

There were no public comments.

**Executive Session**

**MOTION**

Mr. Burns made a motion to go into executive session for legal advice. Mrs. Pinkney seconded the motion which carried unanimously.

Legal Counsel, Georgia Lewis, noted for the record that Mrs. Pinkney would be allowed to sit in on the executive session for Daniel C. Watkins and Lloyd Williams. She would not be allowed to sit in for Mr. Lenell M. Dean's case.

**Return to Public Session**

**MOTION**

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

*Daniel C. Watkins*

**MOTION**

Mr. Holiday made a motion to grant Mr. Watkins an Auctioneers' license with the condition that he provides a satisfactory credit report upon renewal of his license. Mr. Avendano seconded the motion which carried unanimously.

*Lloyd Williams*

**MOTION**

Mrs. Pinkney made a motion to grant Mr. Williams an Auctioneers' license on the condition that he submits a satisfactory credit report at renewal of his Auctioneers' license. Mr. Burns seconded the motion which carried unanimously.

*Lenell M. Dean*

**MOTION**

Mr. Avendano made a motion to grant Mr. Dean's request for an Auctioneers' license with the condition he provide documentation towards payment of the student loans listed on the credit report or a reasonable effort towards an agreement of payment within ninety (90) days. Mr. Burns seconded the motion which carried unanimously.

**Adjournment**

Mr. Burns made a motion to adjourn the meeting at 2:04 p.m. Mr. Avendano seconded the motion which carried unanimously.

The next meeting of the SC Auctioneers' Commission is scheduled for August 19, 2013.