

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

10:00 a.m., November 18, 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 10:05 a.m. Other members participating in the meeting included: Victor Avendano, Vice Chairman, of Mt. Pleasant; Joe Burns, of Swansea; and Michelle Pinkney, of Irmo.

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

Members of the public attending the meeting included Ivan Broadwell and Jane Summer.

**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.

Mr. Blocker delivered the invocation.

**Approval of Excused Absences**

**MOTION**

Mr. Burns moved the Commission excuse Matthew Holiday's absence from this meeting. Mr. Avendano seconded the motion, which carried unanimously.

**3. Approval of the August 19, 2013 Meeting Minutes**

**MOTION**

Mr. Avendano made a motion the Commission approve the August 19, 2013 meeting minutes as presented. Ms. Pinkney seconded the motion, which carried unanimously.

**4. Approval of the 2014 Board Meeting Schedule**

Mr. Blocker stated the proposed meetings for 2014 are February 24, 2014, May 19, 2014, August 18, 2014 and November 10, 2014.

**MOTION**

Mr. Burns moved the Commission accept the board meeting schedule for 2014 as presented. Ms. Pinkney seconded the motion, which carried unanimously.

**5. Chairman's Remarks – James Blocker**

Mr. Blocker thanked staff for preparation of the meeting. He thanked Mrs. Garner for her hard work during the transition period. He thanked those present for attending the meeting.

## **6. Interim Administrator's Remarks – Theresa Garner**

Mrs. Garner stated there are 142 auction firms and 935 auctioneers licensed through June 30, 2015. She further stated the next exam will be administered on December 6, 2013.

Mrs. Garner stated the Commission's cash balance for October was \$1,041,947.35. She noted the recovery fund's cash balance for October was \$132,906.24.

### *a. Advisory Opinions, If Needed, Office of General Counsel*

No advisory opinions were given during this meeting.

### *b. Legislative Update, If Needed, Legislative Liaison Office*

Mrs. Lewis stated the revision to the regulations regarding the biennial licensure is moving along.

### *c. OGC Report - Office of General Counsel*

Megan Flannery stated the Office of General Counsel currently has two open cases pending action. She noted since May 1, 2013 OGC has closed seven cases.

### *d. OIE Report – Office of Investigations and Enforcement*

Mrs. Wolfe stated OIE has received and currently has five active cases from January 1, 2013 to November 8, 2013, four cases were 'do not open' cases' for no jurisdiction. OIE has a total of six active cases carried forward from 2012. In addition to the four cases closed for no jurisdiction, OIE has closed 12 cases since January 1, 2013.

## **7. New Business**

### *a. Investigative Review Committee (IRC) Report – October 28, 2013*

The IRC met on October 28, 2013 at which time five cases were discussed. Cases #2012-29 and #2013-10 are being recommended for dismissal. Cases #2013-2, #2013-3, and #2013-13 are being recommended for formal complaint.

Ms. Wolfe stated the IRC had agreed to ask the Commission to consider dismissal for case #2013-2 as the respondent's license has lapsed and the individual has moved out of state. Following discussion the Commission asked that this case be referred back to the IRC.

### **MOTION**

Ms. Pinkney moved the Commission approve the IRC report except item #2013-2; that case #2013-2 be referred back to IRC for further review. Mr. Burns seconded the motion, which carried unanimously.

### *b. Review of Renewal Application-No Continuing Education 2011-2013*

#### *i. Jane C. Summer-AUC 2863*

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

Mrs. Lenora Addison-Miles spoke with Ms. Summer on May 30, 2013 regarding her arm injury. Ms. Summer stated that she was unable to attend her scheduled continuing education class. Mrs. Addison-Miles suggested that Ms. Summer attempt to obtain online continuing education,

however, Ms. Summer stated that she was unable to completed online continuing education due to her injury.

On June 24, 2013, staff received Ms. Summer's renewal payment and form. Under the section indicating the number of continuing education hours completed during the July 1, 2011 through June 30, 2013, Ms. Summer entered "all except 2013".

Staff also received a note on June 24, 2013, from Ms. Summer requesting an exemption from obtaining continuing education for this period (July 1, 2011 through June 30, 2013). She also included an excuse from Sumter Orthopedic Associations regarding her injury.

Based on Ms. Summers' request for an exemption her renewal could not be processed at the staff level.

Mrs. Garner stated clarification on this matter is that Ms. Summer needs to provide prove that she has obtained eight hours of continuing education.

### **MOTION**

Ms. Pinkney made a motion the Commission discuss this matter in executive session. Mr. Avendano seconded the motion. Mr. Burns amended the motion to state that the Commission discuss the matter in executive session at the appropriate time on the agenda. Mr. Avendano seconded the amendment. The motion carried unanimously.

- c. Review of Reinstatement Application
  - i. Sherrell Scott Stewart-AUC 2151

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

The Auctioneers' Commission received Mr. Sherrell Scott Stewart's application for reinstatement on August 26, 2013. He is requesting reciprocity certification through North Carolina. Mr. Stewart's credit report contains an "unpaid" collection account that exceeds \$1,000.00. Mr. Stewart was informed that he could appear before the Commission to answer any questions the members may have. Mr. Stewart lives in North Carolina and has asked that the Commission review his file and make a decision based on the information provided. On November 12, 2013, Mr. Stewart provided a detailed email regarding his circumstances, and on November 13, 2013, he provided a copy of his petition for bankruptcy. His file is complete. Based on this information his reinstatement could not be processed at the staff level.

### **MOTION**

Mr. Burns moved the Commission discuss the matter in executive session at the appropriate time on the agenda. Mr. Avendano seconded the motion, which carried unanimously.

- d. CE Instructor/Course Approvals – SC Auctioneers' Association Annual Convention
  - i. Real Estate CE Federal Laws Update 4 CEU's-Frankie Griffin
  - ii. Customer Service & Leadership, 2 CEU's-Rich Schur
  - iii. Storage Auctions, 2 CEU's-Rich Schur

The Auctioneers' Commission received a request for course approvals from Frankie Griffin and Rich Schur. They are requesting approval for continuing education courses to be given at the

SC Auctioneers' annual convention on January 10th, 11th, and 12th, 2014. An agenda was included along with biographies and course description.

Ms. Pinkney made a motion the Commission approve the two gentlemen as instructors and accept the courses to be taught at the annual convention.

*Real Estate CE Federal Laws Update 4 CEU's-Frankie Griffin*

**MOTION**

Mr. Burns moved the Commission approve the Real Estate CE Federal Laws Update as a four hour class. Mr. Avendano seconded the motion, which carried unanimously.

*Frankie Griffin*

**MOTION**

Mr. Avendano moved the Commission approve Frankie Griffin as an instructor for the Auctioneers' Commission. Mr. Burns seconded the motion, which carried unanimously.

*Customer Service & Leadership, 2 CEU's-Rich Schur*

Mr. Burns made a motion the Commission approve the Customer Service and Leadership course as a two hour course. Ms. Pinkney seconded the motion, which carried unanimously.

*Rich Schur*

**MOTION**

Mr. Avendano made a motion the Commission approve Rich Schur as an instructor. Mr. Burns seconded the motion, which carried unanimously.

*Storage Auctions, 2 CEU's-Rich Schur*

Ms. Pinkney made a motion the Commission approve Storage Auctions as a two hour continuing education course. Mr. Avendano seconded the motion, which carried unanimously.

**8. Public Comments**

No public comments were made during this meeting.

**9. Executive Session**

**MOTION**

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

**10. Return to Public Session**

**MOTION**

Mr. Burns moved the Commission come out of executive 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.

*Sherrell Scott Stewart*

**MOTION**

Mr. Burns made a motion the applicant's license be reinstated under reciprocity from North Carolina with the following conditions: that the applicant shall continue to file under Chapter 13 payment process for repayment to creditors to completion, and the applicant shall provide documentation to the Commission showing that if Chapter 13 should be dismissed prior to

repayment of the creditors, proof of the alternative means of repayment. Mr. Stewart shall provide an updated credit report prior at his next renewal of his license. Ms. Pinkney seconded the motion, which carried unanimously.

Ms. Summer reappeared before the Commission at this time.

#### **Executive Session**

##### **MOTION**

Ms Pinkney moved the Commission discuss this matter in executive session. Mr. Avenando seconded the motion, which carried unanimously

#### **Public Session**

##### **MOTION**

Mr. Burns moved the Commission come out of executive session. Mr. Avendano 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.

##### **MOTION**

Ms. Pinkney made a motion that the Commission find Ms. Summer is lacking four hours of CE credit for the 2011-2013 period; and that the Commission grant her license on the condition that she attend four hours of continuing education credit on or before March 31, 2014 for the 2013-2015 period, and that she provide documentation to staff on or before April 15, 2014 documenting her attendance. Mr. Avendano seconded the motion, which carried unanimously.

#### **11. Adjournment**

##### **MOTION**

Mr. Burns made a motion this meeting be adjourned. Ms. Pinkney seconded the motion, which carried unanimously.

The November 18, 2013 meeting of the SC Auctioneers' Commission adjourned at 11:39 a.m.

The next meeting of the S.C. Auctioneers' Commission is scheduled February 24, 2014, in room 108.