

**MINUTES**  
**South Carolina Auctioneers' Commission Meeting**  
**10:00 A.M., November 10, 2014**  
**Synergy Business Park**  
**110 Centerview Drive, Kingstree Building, Room 108**  
**Columbia, South Carolina**

**Meeting Called to Order**

Chairman, Victor Avendano, of Mt. Pleasant, called the regular meeting of the Auctioneers' Commission to order at 10:00 a.m. Other members participating in the meeting included: Joe Burns, of Swansea; Matthew Holiday, of Spartanburg; Jamison Marchant, of Isle of Palms; and Michelle Pinkney, of Irmo.

Staff members participating in the meeting included: Molly Price, Administrator; Georgia Lewis, Office of General Counsel; Zubin Billimoria, Office of Disciplinary Counsel; and Theresa Garner, Program Assistant.

Members of the public attending the meeting included: Ivan Broadwell, Board IRC Representative, David Taylor, Upstate Auction Service, Rafe Dixon, J. R. Dixon Auctions, Marshall McAbee, Darron and Larry Meares, Southeastern School of Auctioneers.

**Public Notice**

Mr. Avendano 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. Burns delivered the invocation.

**Approval of the August 18, 2014 Minutes**

**MOTION**

Mr. Burns made a motion the Commission approve the August 18, 2014 meeting minutes. Mr. Holiday seconded the motion which carried unanimously.

### **Chairman's Remarks-Victor Avendano**

Mr. Avendano thanked Molly, and staff, for providing board members with the necessary board information. He welcomed members of the public.

### **Administrator's Remarks-Molly Price**

Mrs. Price reported there were currently 993 auctioneers, 161 auction firms, and 2 apprentice auctioneers.

The examination results for the September 19, 2014 exam were as follows: Of the eleven candidates who took the exam, nine passed, and two failed. The average score of those that passed was 79.

The next exam is scheduled for December 12, 2014.

The next board meeting is scheduled for February 23, 2015.

The cash balance report for September 2014 showed a total revenue balance of \$1,029,251.04. The Recovery Fund Balance is \$142,181.83.

Mrs. Price suggested the board consider the following changes as possible updates to the laws:

High school diploma/GED Requirements

Limit number of times an individual takes the exam

1 year experience required for Auctioneer before they can supervise an apprentice

Online Auction Laws

Sealed Bids

Penny Auctions/Online Bidding Platforms

Board members requested that Mrs. Price schedule a special conference call meeting for review of the statutes and regulations.

### Legislative Updates, Legislative Liaison Office

There were no legislative updates at this meeting.

### OGC Report-Office of Disciplinary Counsel

Zubin Billimoria, OGC, reported the Office of Disciplinary Counsel (ODC) currently has one open case, 1 pending final order hearing, and 2 closed cases.

### OIE Report-Office of Investigations and Enforcement

Mrs. Price reported January 1, 2014 through November 5, 2014, the Office of Investigations and Enforcement (OIE) had thirteen closed cases, five Do Not Open Cases, one opened case, one pending further information, fifteen pending board action, and one pending IRC, totaling 36 . Twenty-nine cases were closed, and they had five, Do Not Open Cases.

### **New Business**

#### Investigative Review Committee (IRC) Report-November 3, 2014

Mrs. Price reported the IRC met on November 3, 2014 during which time, fifteen cases were discussed. Two with insufficient evidence, two with no violations, two cease and desists, six with statute violations, one with corrective action taken, one using false bids or bidders, and one practicing with a suspended license.

#### **MOTION**

Mr. Holiday made a motion to approve the IRC recommendation for dismissal of four cases. Ms. Pinkney seconded the motion, which carried unanimously.

#### **MOTION**

Mr. Burns made a motion to approve the IRC recommendation to issue Cease and Desists for two cases. Mr. Marchant seconded the motion, which carried unanimously.

#### **MOTION**

Mr. Holiday made a motion to approve the IRC recommendation to issue formal complaints for six cases. Mr. Marchant seconded the motion, which carried unanimously.

#### **MOTION**

Mr. Burns made a motion to approve the IRC recommendation to issue Letters of Caution for three cases. Ms. Pinkney seconded the motion, which carried unanimously.

Request for Recovery Funds to be used for Continuing Education

**S. C. Auctioneers Association**

Mr. Rafe Dixon, President, of the South Carolina Auctioneers' Association; requested that \$2,550.00 to be taken from the Recovery Fund, and used for continuing education purposes.

**MOTION**

Mr. Holiday made a motion the commission approve Mr. Dixon's request for Recovery Funds to be used for continuing education purposes. Mr. Burns seconded the motion, which carried unanimously.

CE Instructors/Course Approvals

**Southeastern School of Auctioneers'-Instructor Approvals**

Daniel Lyles

**MOTION**

Mr. Burns made a motion the commission approve Mr. Daniel Lyles as a continuing education instructor. Ms. Pinkney seconded the motion, which carried unanimously.

Robert Howard

**MOTION**

Ms. Pinkney made a motion the commission approve Mr. Howard as a continuing education instructor. Mr. Marchant seconded the motion, which carried unanimously.

**Southeastern School of Auctioneers'-CE Course Approval**

Timed vs. Online Live Auctions

**MOTION**

Mr. Holiday made a motion the commission approve Southeastern School of Auctioneers CE course, titled, Timed vs. Online Live Auctions. Mr. Burns seconded the motion, which carried unanimously.

Succession Planning for Auctioneers'

**MOTION**

Mr. Burns made a motion the commission approve Southeastern School of Auctioneers CE course, titled, Succession Planning for Auctioneers'. Ms. Pinkney seconded the motion, which carried unanimously.

## **S. C. Auctioneers' Association Annual Convention-CE Instructor/Course Approval**

J. J. Dower

### **MOTION**

Mr. Burns made a motion the commission approve Mr. Dower as a CE Instructor for "Getting the Best of Both Worlds", and "Gaining a Competitive Advantage." Mr. Marchant seconded the motion, which carried unanimously.

Best of Both Worlds

### **MOTION**

Ms. Pinkney made a motion the commission approve the continuing education course, titled, "Best of Both Worlds". Mr. Burns seconded the motion, which carried unanimously.

Gaining a Competitive Advantage

### **MOTION**

Mr. Burns made a motion the commission approve the continuing education course, titled, "Gaining a Competitive Advantage." Mr. Holiday seconded the motion, which carried unanimously.

## **Old Business**

### **Auction School Information Review**

Mrs. Price stated that it was helpful receiving information from each of the schools. She reported on the Auction School Audits.

- 14 schools were audited, 12 responded. Mendenhall School of Auctioneering and Florida Auctioneer Academy did not respond by the October 24, 2014 deadline, and as of the board date, had not responded. Each school was asked the following questions:
  1. Course syllabus/curriculum
  2. List of instructors, along with their credentials and the classes they teach
  3. Information regarding the facilities, equipment and teaching aids used
- All of this information was scanned in, and can be made available for board members viewing.
- This information will be retained, and can be used during the exam update process.

### Exam Update

Mrs. Price stated the commission will need to decide who will develop the questions, and if the commission would like the exams to be administered through LLR online, or if they would like the exams to be given by a testing center at various locations. She said she would keep the schools updated on the exam process.

### MOTION

Mr. Holiday made a motion that Mr. Burns assist Ivan Broadwell; and Molly Price in the exam review process. Mr. Marchant seconded the motion, which carried unanimously.

### **Public Comments**

Mr. Larry Meares, Mr. Darron Meares, Mr. David Taylor, and Mr. Ivan Broadwell appeared before the commission to offer suggestions regarding updating the exams. They were all in agreement that it would be helpful for examinees to have a study guide to follow, and helpful for the instructors to have a breakdown of the various categories relating to questions on the exams.

### **Executive Session**

The board did not enter into executive session at this meeting.

### **Adjournment**

#### MOTION

There being no further business to be discussed at this time, Mr. Burns made a motion at 11:25 a.m., the meeting be adjourned. Ms. Pinkney seconded the motion, which carried unanimously.

The next meeting of the Auctioneers' Commission is scheduled for February 23, 2015, in room 108.