

STATE OF SOUTH CAROLINA
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BEFORE THE AUCTIONEERS' COMMISSION

IN THE MATTER OF)
)
Auctioneers' Commission)
Meeting)
) TRANSCRIPT OF DISCUSSIONS
)
)
)

Given before Tina F. Behles, Nationally Certified Court Reporter and Notary Public in and for the State of South Carolina, commencing at 10:02 a.m. on Monday, August 22, 2011 at the offices of the South Carolina Department of Labor, Licensing and Regulation, 110 Centerview Drive, Columbia, South Carolina.

Reported by:
Tina F. Behles, CVR

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Commission Members: James G. Blocker, Auctioneer (Chair)
Matthew J. Holiday, Auctioneer
E. Wendell Christopher, Auctioneer
Victor J. Avendano, Auctioneer
Michelle J. Pinckney, Public Member

For the State: N/A

For the Petitioner: N/A

Advising the Board: Sheridan Spoon, Esquire (LLR)

Also present: Lenora Addison-Miles, Administrator
Theresa Garner, LLR Staff
Bobby Taylor, LLR Staff

Reported by: Tina F. Behles, CVR

1 PROCEEDINGS

2 MR. BLOCKER: I've got ten o'clock. In fact, I've
3 got two minutes after. I'll call this meeting
4 to order. Notice of this meeting has been
5 published at the building, and all news media
6 have been notified prior. Now if I can get
7 you to join me to have the Pledge of
8 Allegiance.

9 (ALL STAND: Pledge of Allegiance).

10 MR. BLOCKER: Now, may we pray. Oh God, we invoke
11 your blessings this morning upon this meeting.
12 We pray that the things we say and do here
13 will be pleasing in your sight and will be
14 justice to everybody. For the name we pray,
15 Amen.

16 (ALL: Amen).

17 (Cell phone ringing).

18 MR. BLOCKER: It was supposed to be off, y'all.
19 I'm sorry, but I don't know how to work it
20 sometimes.

21 MR. CHRISTOPHER: That's why I leave mine in the
22 car.

23 (Cell phone ringing).

24 MR. BLOCKER: Oh, I didn't get it yet. (Pause).

25 All sounds off; maybe that got it. Let's get

1 back where we were. Excused absences: I
2 don't think we have such a thing today.

3 MS. ADDISON-MILES: No, sir.

4 MR. BLOCKER: We need to approve the minutes of the
5 last meeting. I trust that y'all have read
6 them. Do I hear a motion that we accept the
7 minutes as read? As printed?

8 MR. CHRISTOPHER: So moved.

9 MR. BLOCKER: Do I hear a second?

10 MR. AVENDANO: Second.

11 MR. BLOCKER: And a second. So are they. Next, I
12 would like to welcome all our visitors. We've
13 got a pretty good gallery back there this
14 morning. We're glad to have you. We
15 appreciate you coming in and showing interest
16 in our industry and what goes on with us, and
17 always welcome to have you.

18 I also want to welcome our new members.
19 I didn't know about Michelle until just a few
20 minutes ago. Michelle Pinckney. And we're
21 glad to have you. And Mr. Avendano?

22 MR. AVENDANO: Avendano.

23 MR. BLOCKER: Avendano. We're glad to have him.

24 MR. AVENDANO: Thank you.

25 MR. BLOCKER: He's just recently appointed.

1 Victor. And Matt Holiday, glad to have you.

2 MR. HOLIDAY: That's right.

3 MR. BLOCKER: And I'd like to say just for the
4 record that Archie Moody, I guess he might be
5 the longest-serving one to have been on the
6 board. He was one of the original
7 commissioners appointed way back in 70-
8 something.

9 MR. CHRISTOPHER: '78.

10 MR. BLOCKER: '78. And of course he's been off a
11 time or two in the meantime, but he has just
12 resigned. And we'll miss him. He had a lot
13 of knowledge and of course a lot of passion
14 for the auction industry. And he'll be
15 missed. And then George Martin had been on
16 for a term plus a little bit of time, and he's
17 been replaced. And George, too, had a -- I
18 know a great desire for the auction industry
19 to, to be fair. He took some issues pretty
20 seriously and always pushed to have justice
21 done whatever. And I'm sure we'll be missing
22 George. And Ms. Towery, she was our consumer
23 commissioner. And you've got pretty good big
24 shoes to fill. She did a wonderful job. She
25 was a nice lady. Knowledgeable about what was

1 going on although she wasn't in the auction --
2 an auctioneer as we are. But welcome to you
3 three. Glad to have you. Look forward to
4 working with you.

5 MR. HOLIDAY: Thank you.

6 MR. AVENDANO and MS. PINCKNEY: (Nod head).

7 MR. BLOCKER: And best of wishes to the other
8 three. Do we need to elect a vice-chair,
9 counselor?

10 MS. ADDISON-MILES: Do we?

11 MR. SPOON: I'm not sure when you, when you ---

12 MS. ADDISON-MILES: Well, we already did. But he
13 has ---

14 MR. BLOCKER: But George has just been replaced.
15 George Martin.

16 MR. SPOON: Right.

17 MR. BLOCKER: So we need a -- we don't have to have
18 it on the agenda to do that, do we?

19 MR. SPOON: You would need to have that on your
20 agenda.

21 MR. BLOCKER: We would need to do that, all right.
22 Y'all pray I don't get sick till the next
23 meeting.

24 (Laughter).

25 MR. BLOCKER: I haven't missed one yet. Thank you.

1 Please put that on there so we can get it.

2 MS. ADDISON-MILES: Okay.

3 (Laughter).

4 MR. BLOCKER: Okay. Always like to say a word of
5 praise to our staff. Ms. Miles and her staff
6 and the other support, it's always a pleasure
7 to come here. Everything's set up and ready
8 to go. All we have to do is read the list.

9 MS. ADDISON-MILES: Okay. Thank you.

10 MR. BLOCKER: And go by the order. Thank you for
11 your efforts.

12 MS. ADDISON-MILES: Thank you.

13 MR. BLOCKER: And now, Ms. Miles, if you'll bring
14 us up to date on ---

15 MS. ADDISON-MILES: Okay. Thank you.

16 MR. BLOCKER: --- where we are.

17 MS. ADDISON-MILES: The agency has initiated the
18 use of court reporters for all of our board
19 meetings in order to provide a verbatim
20 transcript of the meeting. So just to let you
21 know, everything will be recorded and there
22 will be a verbatim transcript of the meeting.

23 To reiterate what Mr. Blocker mentioned
24 about our new members, staff would also like
25 to welcome the members: Mr. Holiday, Mr.

1 Avendano and Ms. Pinckney. And we look
2 forward to working with each of you. And we
3 also would like to thank Mr. Moody and Mr.
4 Martin and Ms. Towery for their dedicated
5 service to the Commission as well as the
6 auctioneering profession.

7 To give you an update on the June 10th
8 auctioneer examination results, we had 16
9 auctioneer candidates for the June 10th exam;
10 15 of those candidates passed. The average
11 score was 80. And there were two apprentice
12 candidates, and one of those individuals
13 passed. Our next exam is scheduled for
14 September 9th.

15 Our renewal period ended on June 30th.
16 And there are currently 900 auctioneers and
17 146 auction firms that are licensed through
18 June 30th of 2013. 38 auction firms and 188
19 auctioneers have failed to renew. Those
20 licenses did lapse on June 30th. The
21 licensees may still apply for late renewal
22 until September 30th.

23 The July 2011 cash balance report, which
24 would be for the beginning of fiscal year 2012
25 -- the recovery fund balance is \$116,117.09.

1 The Auctioneer Commission cash balance is
2 \$997,569.63.

3 MR. BLOCKER: Thank you for that report.

4 MS. ADDISON-MILES: Thank you.

5 MR. BLOCKER: Did we have any unfinished business
6 carried over from the last meeting?

7 MS. ADDISON-MILES: No, sir.

8 MR. BLOCKER: How about the continuing education
9 exemption that we had talked about in
10 February, has that been taken care of?

11 MS. ADDISON-MILES: As I reported at the last
12 meeting, our Notice of Intent was filed -- was
13 published in the April 22nd -- the Notice of
14 Drafting was published on April 22nd that we
15 intend to draft the regulations for continuing
16 education exemption.

17 MR. BLOCKER: All right.

18 MS. ADDISON-MILES: Okay.

19 MR. BLOCKER: All right, if we have no other
20 unfinished business, we'll get right into new
21 business. Do we have an IRC Report?

22 MS. ADDISON-MILES: Yes, sir.

23 MR. BLOCKER: Oh, okay.

24 MR. TAYLOR: Good morning. Bobby Taylor from
25 Investigations and Enforcement. To date, from

1 January 1 until today, we have received 14
2 complaints, 14 cases. And of the 14, we have
3 closed one through today. For today's board
4 approval, we have seven cases. Under the
5 dismissal: 2010-7; 2011-4; and 2011-7. Those
6 three for dismissal. We have three additional
7 to dismiss because a Cease and Desist Order
8 has been issued. That's 2011-2; 2011-3; and
9 2011-6. We have submitted one Letter of
10 Caution, and that's on case number 2011-5.

11 MR. BLOCKER: Okay.

12 MR. TAYLOR: And those are the seven for board
13 approval for today.

14 MR. BLOCKER: Do I hear a motion that we accept
15 this IRC Report?

16 MR. CHRISTOPHER: So moved.

17 MR. BLOCKER: A second?

18 MR. HOLIDAY: Second.

19 MR. BLOCKER: Second. All in favor of accepting
20 the report as read, say aye.

21 MEMBERS: Aye.

22 MR. BLOCKER: So ordered.

23 Review/Approval of application of our
24 examination for Linda Faye Branham. Ms.
25 Branham, are you here?

1 MS. BRANHAM: Yes.

2 MR. SPOON: Would you come forward?

3 MR. BLOCKER: Come forward, please.

4 (Complies).

5 MS. BEHLES, COURT REPORTER: Do you want me to go
6 ahead and swear her in?

7 MR. BLOCKER: Yeah, that'd be good.

8 MS. BEHLES, COURT REPORTER: Okay.

9 (In the Matter of Linda Faye Branham, the Commission goes on
10 the record at 10:13 a.m.)

11 Whereupon,

12 Linda Faye Branham is duly sworn and cautioned to
13 speak the truth, the whole truth, and nothing but
14 the truth.

15 MR. BLOCKER: Ms. Miles?

16 MS. ADDISON-MILES: Yes, sir. Okay, on May 23rd,
17 2011, the Commission received an Application
18 for Examination from Ms. Branham. Ms.
19 Branham's credit report contains unpaid
20 collection accounts that exceed the
21 established \$500 limit as set by the
22 Commission. She passed the examination on
23 June 10th, and her file is complete.

24 MR. BLOCKER: Okay. It's credit we're talking
25 about?

1 MS. ADDISON-MILES: Yes, sir.

2 MR. BLOCKER: Ms. Branham, would you try to explain
3 your situation to us, please?

4 MS. BRANHAM: Yes. I didn't know how much detail.
5 I need to go into everything on my -- do y'all
6 have a copy of my credit reports?

7 MR. BLOCKER: We have a copy.

8 MS. BRANHAM: Okay. Did you want me to just go
9 down? I would like to start by saying what is
10 reflected on my credit report -- my husband
11 was self-employed when all this went on there.
12 And he incorporated in -- we incorporated in
13 1994 in the logging business. And from 1994
14 to the summer of 2007, our logging company did
15 good. But in the middle of 2007, when the --
16 right before the economy fell in 2008, we just
17 did not have any work. And I'm -- I was a
18 stay-home mom, and I had six children at home.
19 So of course it was not economical for me to
20 work with that many kids at home, so I didn't
21 work other than do the bookkeeping in our
22 family business. And my husband did all the
23 foot work or all the manual labor. I did all
24 the paperwork; he did all the go out and ...
25 But when the economy fell in 2008 is when I

1 didn't really have a choice. My husband
2 didn't have a job. And I had to come to the
3 front and start providing for my family.

4 I do have details of everything that is
5 on my credit report. I did not get in
6 contracts with my creditors up to this point
7 to correct my credit report because I've not
8 had the income. And that's why I seek my
9 auctioneer's license so that I can establish a
10 new family business. (Witness becomes
11 emotional).

12 The first account that you see on my
13 credit report -- and all of my accounts were
14 credit cards that I was holding at the time of
15 my husband's unemployment. I had a -- the
16 first account was a Tractor Supply credit
17 card.

18 MR. BLOCKER: That was Citibank?

19 MS. BRANHAM: Yes, the Citibank. That was a
20 Tractor Supply credit card. We tried to file
21 bankruptcy, but because we lived on the 40
22 acres of land that we owned, they said we had
23 too much equity in our property. But at the
24 same time, the real estate mar -- we had it up
25 for sell to try to save our business. But at

1 the same time, the real estate market wasn't
2 selling. So we had too much equity in our
3 property to file for bankruptcy. They
4 wouldn't allow us to file for bankruptcy --
5 umbrella all these things in that.

6 So the Midlands Credit -- the first
7 thing that you see on my credit report, that
8 was a Tractor Supply credit card.

9 MR. BLOCKER: Have you paid any of that?

10 MS. BRANHAM: I have not.

11 MR. BLOCKER: Okay.

12 MS. BRANHAM: The next thing that you see that says
13 Medical, my daughter, on our -- where we live,
14 on the 40 acres I spoke of where we live, we
15 have horses. My daughter was in an accident,
16 a horse-riding accident where she broke her
17 jaw in three places. And that medical bill is
18 what reflect -- Can I pass these things
19 around? The paperwork, so everybody can kind
20 of look at them?

21 MR. SPOON: Bring it this way.

22 MR. BLOCKER: Give it to our attorney.

23 MS. BRANHAM: When she -- this is a -- the bill
24 here. And you can see it reflects payments I
25 was making. And she did get approved for

1 Medicaid. But because, at the time of her
2 accident, I had to start taking her, it --
3 they did retro her Medicaid, which should've
4 covered her doctor bills. But her doctor, the
5 malfacial (sic) surgery doctor said that if
6 she'd had Medicaid at the time of her
7 accident, they would've covered her. But
8 because she didn't, even though they went back
9 to the beginning of the month, they did not
10 cover her like ---

11 MR. BLOCKER: You checking it out, Mr. Spoon?

12 MS. BRANHAM: And then -- I'm going to court though
13 on the 31st -- when I did investigate these
14 things -- to show this to a judge to show that
15 she did have coverage and they could have got
16 paid back in 2006. They just opted not to.

17 MR. BLOCKER: And that would've paid it in full?

18 MS. BRANHAM: That would've paid it in full with
19 the Medicaid.

20 MR. SPOON: I was -- I was going to suggest, Mr.
21 Chairman, that we ---

22 MR. BLOCKER: Yeah.

23 MR. SPOON: --- the documents that have been
24 offered do reflect -- they're consistent with
25 the amount that you have in the credit report.

1 I would, because there are some legal issues
2 here as far as privacy of medical records, I
3 would suggest that you take notice of the fact
4 that the amount is the same that you see on
5 the credit report; that it would not be
6 necessary, however, to ---

7 MR. BLOCKER: Okay.

8 MR. SPOON: --- admit a medical record into the
9 proceeding.

10 MR. BLOCKER: Okay. So we can assume then that
11 everything that's on this report is still
12 there? You haven't paid them down other than
13 the medical deal you're working on?

14 MS. BRANHAM: Well, some of these things reflect
15 twice. And the reason they do is because when
16 I called to check on them -- like I say, I've
17 not had the funds in my, in my family budget
18 to work on these things. And when I did call,
19 some of them reflect twice where they sold my
20 account in collections. And even though it's
21 in collections with, say my Balk's credit
22 card, it was then sold to a collection
23 company. So some things reflect twice.

24 MR. BLOCKER: Okay.

25 MS. BRANHAM: So it doesn't -- you know, out of the

1 things that reflect, there are only like six
2 cards that I was holding. One was my Penney's
3 card, my Belk's card, Tractor Supply, Lowe's,
4 and Cato -- my Cato's and Lane Bryant card.
5 And so those were all credit cards, but some
6 of them reflect twice because you'll -- you'll
7 notice at the left-hand side, you'll see where
8 it says revolving on, on some of the accounts.

9 MR. BLOCKER: Uh-huh.

10 MS. BRANHAM: And then like on the second page
11 where -- about middle of the page where it
12 says GMB Belk's, that -- also, that amount
13 reflects at the bottom of the page.

14 MR. BLOCKER: Okay.

15 MS. BRANHAM: It's just where the collections
16 company also reflects on my report. But I
17 would like to note that some of the -- as I
18 went through this, some of these things are
19 not all where I didn't pay. On the third page
20 in -- and you'll notice this is in the 2007
21 era I was talking about -- this is where I
22 started getting behind on my payments trying
23 to help my husband, you know -- we had to
24 pretty much like centralize our funds. So at
25 the top where it says AMOSOA, that just

1 reflects I made a 30-day late payment. The
2 account under that shows a, a Lane Bryant late
3 payment that was more than 30 days. And after
4 that where it starts -- after that Lane Bryant
5 account, every account past that is a
6 satisfactory account until the last page. So
7 the last two -- from the middle of the last
8 page to the entire last page are all
9 satisfactory accounts that I did pay over the
10 years. And if you'll look at those amounts,
11 they more than exceed the amounts that were
12 with the credit cards that I was holding at
13 the time.

14 MR. BLOCKER: Is your husband employed now, or is
15 he ---

16 MS. BRANHAM: He is not. He had a construction job
17 that he went to once his logging business was
18 over. That same year, they did foreclose --
19 (Witness becomes emotional) -- on our family
20 home. But there was deficiency waived on the
21 foreclosure. (Passing up documents).

22 MR. BLOCKER: Mr. Spoon ---

23 MR. SPOON: Okay, thank you.

24 MS. BRANHAM: I'm sorry. This was just an
25 emotional time.

1 MR. BLOCKER: I, I can feel for you.

2 MR. SPOON: Mr. Chairman, this is the Kershaw
3 County Court of Common Pleas, Master in Equity
4 Order. You can admit this. I would have no
5 issues with making this part of the record.

6 MS. BRANHAM: That does reflect also ---

7 MR. BLOCKER: --- foreclosure ---

8 MS. BRANHAM: --- also on my credit report. At the
9 time when all this was going on I had to step
10 up and start providing for my entire family,
11 which I was not used to as a stay-at-home mom
12 for 18 years. I currently have been employed
13 since that time though -- I'm sorry -- with
14 the Kershaw County School District. I drive a
15 high school bus and have since that time. But
16 I did make a copy of my -- these are my check
17 stubs for the month of June. And if you would
18 just note what my bring-home pay is. It's
19 kind of ---

20 MR. SPOON: These are the pay records for her
21 employment.

22 MR. BLOCKER: Okay.

23 MS. BRANHAM: This is what I currently make.

24 MR. BLOCKER: Okay.

25 MS. BRANHAM: And, as you can see, it doesn't

1 reflect outside of -- what I pay now is my
2 light bill, my insurances, groceries. That
3 much extra in a budget of a household of --
4 there are currently six in my household now.
5 My two older daughters have moved out of the
6 house. But at the time when all this
7 happened, there were eight of us at home.

8 And in my behalf, though, since I spent
9 the majority of my time at home and doing the
10 book work for my husband -- and I did pride
11 myself -- the first four years we were
12 incorporated, I did pay my accountant to do my
13 books. But after four years, I had learned
14 through him how to do my own books. And I was
15 responsible for doing all my bookkeeping in my
16 logging company. And I did bring what -- my
17 stumpage journal just to show you that I am
18 capable of managing other people's money.

19 MR. BLOCKER: Well, I don't think we need to get
20 into that. Do you?

21 MR. SPOON: No, sir.

22 MR. BLOCKER: We don't need to ---

23 MR. SPOON: You've testified that you ---

24 MS. BRANHAM: Yes, and ---

25 MR. SPOON: --- performed bookkeeping for the

1 company.

2 MS. BRANHAM: --- I have had to handle other
3 people's money, and I am responsible in doing
4 so. And I've not ever had any issues ---

5 MR. BLOCKER: Well, that's what this Commission is
6 concerned about. All our money's in escrow
7 for somebody.

8 MS. BRANHAM: Right.

9 MR. BLOCKER: And that's, that's why we check the
10 credit ---

11 MS. BRANHAM: And stumpage is a lot like that. We
12 used to have to buy timber and pay a person
13 for the timber that they would cut. And
14 that's called stumpage in the logging
15 business. And we would get into an agreement
16 with someone and for the amount of wood that
17 would come off a tract of timber, that would
18 be our, you know, what -- according to the
19 agreement, that would be our part to pay them
20 to get to cut their wood. And so we did that
21 for many years. And we've never had any
22 complaints against our company when we were in
23 business.

24 MR. BLOCKER: Mr. Holiday, you got any questions of
25 Ms. Branham?

1 MR. HOLIDAY: No, sir.

2 MR. BLOCKER: Mr. Christopher?

3 MR. CHRISTOPHER: Ms. Branham, were you and your
4 husband in the timber cruising business or the
5 logging business?

6 MS. BRANHAM: He was in the logging business in our
7 county, in Kershaw County. We usually only
8 logged within a 50-mile radius. And we didn't
9 cut company wood like a lot of loggers do. We
10 -- our wood was considered gate wood. So they
11 would take certain amount of loads from him
12 and if they put him on quota, then they would
13 not accept any wood from us until we were
14 allotted more wood. And we did that for many
15 years.

16 MR. CHRISTOPHER: How many children do you have in
17 your home?

18 MS. BRANHAM: I currently have four children.

19 MR. CHRISTOPHER: Four children.

20 MS. BRANHAM: Uh-huh.

21 MR. CHRISTOPHER: Should this Commission issue you
22 a license, do you -- what type of auctions do
23 you plan to do?

24 MS. BRANHAM: We have talked about doing a small
25 animal auction in our community since we have

1 so much -- our land is the only thing we
2 didn't lose. And we have our hay barn that we
3 can convert into a small animal auction. And
4 that's what we hope to do.

5 MR. CHRISTOPHER: I don't have any other questions.

6 MR. BLOCKER: Okay. Mr. Avendano?

7 MR. AVENDANO: No questions at this time, sir.

8 MR. BLOCKER: Ms. Pinckney?

9 MS. PINCKNEY: No questions.

10 MR. BLOCKER: Okay. Well, I would entertain a
11 motion.

12 MR. CHRISTOPHER: I move we take it up in executive
13 session.

14 MR. HOLIDAY: I second that.

15 MR. BLOCKER: All in favor of taking it up in
16 executive session say aye.

17 MEMBERS: Aye.

18 MR. BLOCKER: All right. We will let you know
19 something just shortly as we can. If you want
20 to wait around, it might be late this
21 afternoon. I don't know, but we will be
22 notified and -- Mr. Spoon?

23 MR. SPOON: I would do either the decision would be
24 reflected in the minutes or, if the license is
25 issued with any conditions, I would write a

1 brief order that we would have to get you to
2 sign of course.

3 MR. BLOCKER: Okay.

4 MR. SPOON: And then it would be -- it'd be mailed
5 to you.

6 MR. BLOCKER: Within ten or 15 days, something like
7 that?

8 MR. SPOON: Yes.

9 MR. BLOCKER: Yeah, okay.

10 MS. BRANHAM: And before ---

11 MR. SPOON: Max.

12 MS. BRANHAM: --- before I get out from in front of
13 the Commission, if it's found that I cannot
14 get my auctioneer's license, I still think
15 I've met the requirements to have an auction
16 firm if you would consider that.

17 MR. BLOCKER: Well, okay. But I would think it'd
18 be about the same thing.

19 MS. BRANHAM: Okay.

20 MR. BLOCKER: We're still talking about a credit
21 issue. But yeah.

22 MS. BRANHAM: So I should just wait to receive
23 something in the mail?

24 MR. SPOON: Are you going to executive session
25 after each hearing or ---

1 MR. BLOCKER: No. No. We go in executive after we
2 hear the rest of the cases.

3 MR. SPOON: There are some other applications on
4 the agenda. But I think what the Commission's
5 preference is is to go into executive session
6 on the ones after all the applications are
7 heard.

8 MR. BLOCKER: Yeah.

9 MS. BRANHAM: Okay.

10 MR. BLOCKER: Rather than taking time between them.
11 But I sure thank you for coming, ma'am. And
12 best of luck.

13 MS. BRANHAM: So you could reach a decision as late
14 as today?

15 MR. BLOCKER: Yeah, we ---

16 MS. BRANHAM: Should, should I leave and come check
17 back in a little bit?

18 MR. BLOCKER: That'd be fine.

19 MS. BRANHAM: Okay.

20 MR. BLOCKER: But we'll be here for a while yet.
21 We've got several of them.

22 MS. BRANHAM: All right. Thank you.

23 MR. BLOCKER: Thank you, ma'am. Appreciate you
24 coming.

25 (Adjourned at 10:28 a.m.)

1 MR. BLOCKER: Cathy Dunn Corona. Ms. Corona? You
2 can get her sworn in, please.

3 (In the Matter of Cathy Dunn Corona, the Commission goes on
4 the record at 10:29 a.m.)

5 Whereupon,

6 Cathy Dunn Corona is duly sworn and cautioned to
7 speak the truth, the whole truth, and nothing but
8 the truth.

9 MS. ADDISON-MILES: On June 10th, 2011, the
10 Commission received an Application for
11 Examination from Ms. Corona. Her credit
12 report contains unpaid collection accounts
13 that exceed the \$500 limit as set by the
14 Commission. She passed the examination on
15 June 10th. Her file is missing an Escrow
16 Account Affidavit and a Criminal History
17 Report.

18 MR. BLOCKER: It is missing?

19 MS. ADDISON-MILES: Yes, sir.

20 MR. BLOCKER: Well, Ms. Corona, you want to
21 explain, I guess first thing is why we don't
22 have an escrow ---

23 MS. CORONA: Well, I had mailed it with my ---

24 MR. BLOCKER: --- report or a SLED report.

25 MS. CORONA: I had mailed it with my original

1 papers, and they didn't receive those. So
2 when I came down here, she had -- I talked
3 with her about coming because they -- I had
4 never received a letter to come and take my
5 test. So she told me to go on line and copy
6 off the paperwork and fill it out and come.
7 Well, in the paperwork that I got off the
8 Internet, it didn't have the escrow account in
9 it, so I didn't bring it.

10 My SLED account was in there and I have
11 another copy of it. I think it's in my
12 vehicle. As a matter of fact, yeah, it's in
13 my vehicle. I don't have it with me. But I
14 had mailed the whole package in the beginning
15 and she didn't receive it, so she told me to
16 bring it with me when I came. And that was
17 the day before the test.

18 MR. BLOCKER: Okay. Have you got the SLED report
19 or ---

20 MS. CORONA: It's in -- it's not in here. It's in
21 my vehicle. I thought I had all the paperwork
22 here. And since then, I have went and got the
23 escrow account. But I haven't had it
24 notarized.

25 MR. BLOCKER: Well, I think what we'll have to do,

1 counselor, is have those reports before we can

2 ---

3 MR. SPOON: I would agree. I mean, I think it's an
4 incomplete ---

5 MR. BLOCKER: If you can get that for us, then we
6 would be glad to go back into it. But we
7 would have to see those. I mean -- but thank
8 you.

9 MS. CORONA: You're welcome.

10 MR. BLOCKER: If you can get that to us, we'll
11 still listen today.

12 MS. CORONA: Okay.

13 (Adjourned at 10:31 a.m.)

14 MR. BLOCKER: Next is Elisabeth Ann Martindale
15 Markley.

16 MS. ADDISON-MILES: One second.

17 MR. BLOCKER: Is Ms. Markley here?

18 (Unknown people in the gallery respond she is present.

19 Someone exits hearing room to go get Ms. Markley).

20 (Off the record discussion).

21 MR. BLOCKER: Do we need a motion?

22 MR. SPOON: I didn't know if you wanted to just
23 recess that hearing and do the next one in the
24 meantime or table the application. But you're
25 right, it should be proper.

1 MR. BLOCKER: All right. I'll entertain a motion
2 that we table that application until such a
3 time we have the information.

4 MR. CHRISTOPHER: Mr. Chairman, I move that we
5 table Ms. Corona's application until we get
6 the further information needed like the report
7 from the SLED report.

8 MR. BLOCKER: You heard the motion. Is there a
9 second?

10 MR. AVENDANO: Second.

11 MR. BLOCKER: Second. All in favor, say aye.

12 MEMBERS: Aye.

13 MR. BLOCKER: So ordered. Okay. Thank you,
14 Wendell.

15 (In the Matter of Elisabeth M. Markley, the Commission goes
16 on record at 10:33 a.m.)

17 MR. BLOCKER: Ms. Markley?

18 MS. MARKLEY: Yes.

19 MR. BLOCKER: Okay. We need to swear you.

20 Whereupon,

21 Elisabeth M. Markley is duly sworn and cautioned to
22 speak the truth, the whole truth, and nothing but
23 the truth.

24 MS. ADDISON-MILES: On May 25th, 2001, the
25 Commission received an Application for

1 Examination from Ms. Markley. Her credit
2 report contains unpaid collection accounts
3 that exceed the \$500 limit set by the
4 Commission. She passed the examination on
5 June 10th, and her file is complete.

6 MR. BLOCKER: Okay. Ms. Markley, you want to
7 explain your credit report to us?

8 MS. MARKLEY: I do. The Charter Communications
9 that's on here, that's being taken off. What
10 had happened was when we discontinued service,
11 we had their equipment. And they placed us on
12 here in saying that they didn't have the
13 equipment, but I did provide them with a
14 receipt and it is being removed because I did
15 ---

16 MR. BLOCKER: Have you got a copy of that receipt?

17 MS. MARKLEY: I actually left my house in a hurry
18 and I forgot everything this morning. But I,
19 I do have that. The next thing that's on here
20 is the Target Stores. And I'm investigating
21 that. And I'm also working with Ted
22 Burkhardt, who is a tax attorney who always
23 helps with these credit issues. And he is
24 working on this because I've never had a
25 Target store credit card. And it's not -- you

1 know, I've never made any charges on, on that.

2 MR. BLOCKER: Okay.

3 MS. MARKLEY: So that is actually some sort of
4 mistake. There is the medical charge on here
5 for \$263, and that was from Saint Francis
6 Woman's Hospital. And it has been paid.

7 MR. BLOCKER: You got a receipt for that?

8 MS. MARKLEY: I have them all at home. Like I
9 said, I, I -- I left and I forgot everything
10 this morning. There is one on here for \$425
11 which I'm not sure what that is. I'm still
12 investigating that because that was -- I --
13 you know, they -- all they've told me that it
14 was for something with Highland Center. And I
15 haven't been to that doctor since my daughter
16 was born in March of that year. And the --
17 there's the collections for the 71 and 51.
18 They have both been paid. There are three tax
19 liens on here, all of which have been paid.
20 We were audited one year because of an
21 inheritance that we had. And all of these, as
22 you can see, it has that they're paid except
23 the one from 2009, which we paid that one in
24 December of this year except for \$6. Which I
25 didn't realize this was on here. And I talked

1 to them on Friday and I'm mailing them a check
2 for the \$6 which will close this account on
3 here.

4 MR. BLOCKER: But the 1,300 and the 1,600 has been
5 paid?

6 MS. MARKLEY: Yes. And it's actually written on
7 this report that they've -- they were -- as
8 soon as I was aware of them, they were paid.
9 The one on here from the 2009 for the 1,669,
10 it has been paid minus \$6. And I mailed them
11 a check this week for the \$6. And they said
12 they would close that out.

13 MR. BLOCKER: You got -- you got proof of that with
14 you?

15 MS. MARKLEY: Not, not with me. I mean ---

16 MR. BLOCKER: Oh, I thought you said you had it on
17 that report there.

18 MS. MARKLEY: Oh, well, this is just your report
19 that you gave me ---

20 MR. BLOCKER: Oh, okay.

21 MS. MARKLEY: --- that I'm going by.

22 MR. BLOCKER: Okay.

23 MS. MARKLEY: There is the -- I -- the student
24 loans that are on here, all of which are in --
25 you know, I make payments on there. It comes

1 out of my account every month. They actually,
2 from what I understand from them, as of
3 September that will come off my credit because
4 I've made enough payments for that to be paid
5 off. And that was a misunderstanding on my
6 part that they're even on there. But I can
7 get you copies of everything that shows what I
8 paid. Like I said, this morning -- my son
9 just started back to school, and so I had to
10 rush to get him there. And then my husband
11 had a design process meeting, and he was
12 supposed to keep my daughter and so I --
13 that's why she's here. And I was running
14 around trying to get him to school and get
15 here and, and I did forget the paperwork.

16 MR. BLOCKER: Okay.

17 MS. MARKLEY: But everything will be taken care of
18 -- everything that isn't taken care of, I'm
19 working with Ted Burkhardt who is a tax
20 attorney, and he will make sure that
21 everything else is taken care of if ---
22 (inaudible due to Ms. Markley's daughter
23 talking/playing).

24 MR. BLOCKER: Mr. Holiday, any questions?

25 MR. HOLIDAY: Now the, the student loan, is that

1 being garnished or are you paying it?

2 MS. MARKLEY: It comes out of my checking account
3 every month. I don't have -- nothing's being
4 garnished.

5 MR. HOLIDAY: Okay.

6 MS. MARKLEY: No. Huh-uh. No, I set up ---

7 MR. HOLIDAY: So you're set up on an automatic
8 payment?

9 MS. MARKLEY: I'm set up on an automatic payment
10 where they draft it out of my account on the
11 25th of each month. You know, I've lived in
12 the same house for 11 years. I've had the
13 same Duke Energy account, the same mortgage,
14 the same -- well, we refinanced once, you
15 know, for -- since 2001. And I pay my bills.
16 I'm responsible.

17 MR. BLOCKER: Anything else, Mr. Holiday?

18 MR. HOLIDAY: No, sir.

19 MR. BLOCKER: Mr. Christopher?

20 MR. CHRISTOPHER: Ms. Markley, do you -- you're
21 presently unemployed, is that right? You're a
22 stay-at-home mom?

23 MS. MARKLEY: I'm a stay-at-home mom. I am.

24 MR. CHRISTOPHER: Does your husband work?

25 MS. MARKLEY: He does.

1 MR. CHRISTOPHER: So you do have income coming in?

2 MS. MARKLEY: I do.

3 MR. CHRISTOPHER: Okay. What type of auctions were
4 you planning on?

5 MS. MARKLEY: Well, in the past, I've worked with
6 my children's schools. And I've done, you
7 know, like silent auctions and that sort of
8 thing to help them -- to help their schools.
9 And that's one thing that I want to do. I
10 want to be able to offer it like on the
11 Internet and so forth to make more money for
12 them. And then, also, I'm interested in doing
13 maybe some estates or storage auctions.
14 Mostly just benefit-type, type things.

15 MR. BLOCKER: Mr. Avendano?

16 MR. AVENDANO: No questions.

17 MR. BLOCKER: Ms. Pinckney?

18 MS. PINCKNEY: No questions.

19 MR. BLOCKER: Okay. I'll entertain a motion as to
20 what we need to do with this.

21 MR. CHRISTOPHER: I move we take it up in executive
22 session.

23 MR. BLOCKER: A second?

24 MS. PINCKNEY: Second.

25 MR. BLOCKER: All in favor to take it up in

1 executive session say aye.

2 MEMBERS: Aye.

3 MR. BLOCKER: So ordered. We will take it up
4 shortly. If you want to wait around -- if
5 not, it'll be mailed to you.

6 MS. MARKLEY: Okay. Sounds good. Thank you.

7 MR. BLOCKER: Thank you.

8 (Adjourned at 10:40 a.m.)

9 MR. BLOCKER: Next is Mr. Dorn Keith Saylor. Mr.
10 Saylor here?

11 MR. SAYLORS: Yes, sir.

12 MR. BLOCKER: Okay.

13 (In the Matter of Dorn Keith Saylor, the Commission goes on
14 record at 10:40 a.m.)

15 Whereupon,

16 Dorn Keith Saylor is duly sworn and cautioned to
17 speak the truth, the whole truth, and nothing but
18 the truth.

19 MS. ADDISON-MILES: On May 25th, the Commission
20 received an Application for Examination from
21 Mr. Saylor. His credit report contains
22 unpaid collection accounts that exceed the
23 \$500 limit as set by the Commission. He
24 passed the examination on June 10th, and his
25 file is complete.

1 MR. BLOCKER: Okay. Mr. Saylor's?

2 MR. SAYLORS: Yes, sir. When I, when I went around
3 and took care of all my debts, the lady did
4 keep my credit report because I do have ---

5 MR. BLOCKER: Give it to the attorney, Mr. Spoon
6 there.

7 MR. SAYLORS: --- have a letter attached.

8 Everything except medical -- there's no way in
9 God's earth I can pay my medical. I mean,
10 I've had \$972,000 worth of surgery since '07.
11 I got what they call severe PAD, peripheral
12 arterial disease. And I've had 12 surgeries.
13 And I paid the 80%. But I mean, you know, you
14 talking 970-something thousand dollars worth
15 of surgeries. And no income at the time, you
16 know, until I got on my disability in
17 beginning of this year -- in December. And
18 so, you know, we got 2,200 going -- coming in.
19 We got 36 going out. I got four boys at home.
20 I mean, there's just -- you know, insurance is
21 getting 80% -- I mean paying 80%. The 20%, I
22 just don't have the money. No way of ever
23 paying it. I mean, it's just -- you know, you
24 have that kind of surgeries in that many
25 years, it's -- with no income, 20% is hard to

1 come up with. And trying to send four boys --
2 but all my other accounts is taken care of.

3 MR. BLOCKER: Mr. Spoon?

4 MR. SPOON: Okay, Mr. Saylor, let me ask you a
5 couple questions about these documents that
6 you've offered to make part of the record.
7 The first one is the letter from Capital Bank
8 from Mr. Simpson. Where is that referenced on
9 your credit report? It said you had a loan
10 with Bank of Abbeville opened in '03, paid in
11 '05. Mr. Simpson's letter has no amount, so
12 is there any reference ---

13 MR. SAYLORS: They said balance was on there -- on
14 that letter said no -- nothing due, did it
15 not? Paid in full?

16 MR. SPOON: Correct. But there's no amount --
17 there's no amount in the letter that was
18 actually paid. So my -- I think the question
19 the Commission might have is where does it
20 reference on your credit report?

21 (Ms. Addison-Miles looking at report with Mr. Saylor).

22 MR. SAYLORS: I can't see. I'm sorry. I mean, I
23 owe -- I owe no one. I -- my house has always
24 been paid for. I owe no one. Always -- I owe
25 Seymour Credit Union ---

1 MR. SPOON: How much was the bank loan with the
2 Bank of Abbeville?

3 MR. SAYLORS: At one, at one time, \$190,000.

4 MR. SPOON: Okay.

5 MR. SAYLORS: It was a -- it was a tree service.

6 MR. SPOON: So are you saying that this is not --
7 this was not something that would even be on
8 your credit report at this point?

9 MR. SAYLORS: It, it was on here. It was something
10 from -- but it's -- did say balance due was
11 zero. But it -- since it was on there, I did
12 want to get ---

13 MR. BLOCKER: I don't see it either.

14 MS. ADDISON-MILES: Is it the Bank of Abbeville ---

15 MR. SPOON: I'm just trying to give them a
16 reference ---

17 MR. SAYLORS: Yes, ma'am.

18 MS. ADDISON-MILES: The last one, the Bank of
19 Abbeville ---

20 MR. HOLIDAY: 115 ---

21 MS. ADDISON-MILES: 115,000.

22 MR. SAYLORS: Well, all right. I know that at one
23 time we owed them 190.

24 MR. SPOON: See that. Okay. Good. Good deal.

25 MR. SAYLORS: So that one's paid.

1 MR. SPOON: And the second thing that you've
2 offered to make part of the record is for
3 Nationwide. The amount is 78.32. And the
4 agent, Beth Brown, indicates that that was
5 from an old policy that was re-written. And
6 the remaining balance was an oversight on
7 their part. So the Commission should be
8 looking for a balance on there, on your credit
9 report, of 78.32, correct?

10 MR. SAYLORS: Yes, sir.

11 MR. SPOON: Okay. The third thing is a letter from
12 Abbeville Seymour Federal Credit Union, August
13 18th of this year. And Trish Fuller, who is a
14 loan officer there, indicates that this is a
15 letter to verify the loan being reported past
16 due and with a balance remaining for Mr.
17 Saylor is incorrect. And in fact paid in
18 full on September 1st, 2006. Do you know the
19 amount that Ms. Fuller's referring to?

20 MR. SAYLORS: Does it tell it on there? I don't
21 have a clue about this.

22 MS. ADDISON-MILES: Could that possibly be the
23 automobile?

24 MR. SAYLORS: Yes, ma'am. It would've been.

25 MS. ADDISON-MILES: Abbeville Credit Union?

1 MR. SAYLORS: Yes, ma'am.

2 MS. ADDISON-MILES: That says 5,700 was the high
3 credit amount?

4 MR. SAYLORS: That's, that's been paid.

5 MR. SPOON: Okay. Just, just for reference
6 purposes, that's what your testimony is: It
7 has to do with a car?

8 MR. SAYLORS: Yes, sir.

9 MR. SPOON: Okay. And then the last thing I think
10 ---

11 MR. SAYLORS: And -- but -- excuse me one minute.
12 The way that came about, I did have disability
13 insurance on my loan at the credit union. And
14 what took place was Seymour Credit Union never
15 got my form to me to get filled out by my
16 doctors. And that's how that came about that
17 I wasn't paying. But I did pay it. It was
18 paid in full.

19 MR. SPOON: Okay. And then the last thing is the -
20 - from the Palmetto Bank. It's dated August
21 19th of this year. And it's from Teel Goodwin
22 (ph), who was a loan officer there. And makes
23 reference to a joint -- you being a joint
24 applicant on a credit card with your mother.
25 And since your mother's death, the credit card

1 is paid in full and there's no amount again on
2 this letter. So is there any amount that you
3 can testify to that would help the Commission
4 ---

5 MR. SAYLORS: I, I didn't -- other words ---

6 MR. SPOON: --- efforts?

7 MR. SAYLORS: --- let me tell you, in '08 my dad
8 came down with cancer. It was diagnosed
9 cancer-free. The same day he was diagnosed
10 cancer-free, he came home and took my mom to
11 the doctor. Diagnosed her with stage four
12 lung cancer. And so I had two bedridden in
13 '09 and '10. Both of them died. But my mom
14 wanted me to put my name on her credit card
15 and they were supposed to been making
16 withdrawals, you know, just drafting it
17 straight out of the account. And they never
18 did do it. So at the end of her death, I just
19 went down there and wrote them a check and
20 paid for it.

21 MR. SPOON: How much was that check for?

22 MR. SAYLORS: I'm thinking it was 300 and -- about
23 \$400. I don't really know to be honest with
24 you because the executive (sic) might have
25 paid it. I ain't sure. I'm thinking I paid

1 that though. I'm almost certain I did.

2 MR. SPOON: All right. Mr. Chairman, I think there
3 wouldn't be any legal issues in making these
4 letters part of the record.

5 MR. BLOCKER: Okay. And are you testifying that
6 the only thing you owe is the medical bills --
7 -

8 MR. SAYLORS: Yes, sir.

9 MR. BLOCKER: --- 20%? Okay, thank you.

10 MR. SAYLORS: And, and that's only 20%. I mean ---

11 MR. BLOCKER: Okay.

12 MR. SAYLORS: And, you know, this don't mean
13 nothing, you know, but in '93 I had aorta
14 bypass and I got an itemized statement because
15 the bill was so high. And they charged me \$18
16 for two Tylenol. If you, if you do the 80% of
17 that, I think it's \$14.30 they made off two
18 Tylenol. I don't see where they missing the
19 20% other than people that don't have
20 insurance.

21 MR. BLOCKER: We, we know about the billing
22 process. Mr. Holiday, questions?

23 MR. HOLIDAY: Answer no for criminal convictions.
24 Do you have any on your application? Could
25 you explain?

1 MR. SAYLORS: No, sir. I mean, I did when I was a
2 young man, DUI, you know. But that was just a
3 youngun. You know, I ain't drank in seven
4 years. I don't touch it.

5 MR. HOLIDAY: Okay.

6 MR. BLOCKER: Mr. Christopher?

7 MR. CHRISTOPHER: Mr. Saylor, should this
8 Commission issue you a license, what type of
9 auction do you plan on doing and ---

10 MR. SAYLORS: I hope, I hope to do just some
11 contract auctioneers, you know, like for
12 auction firms, you know, people that has
13 auction firm houses. I'd like to go in and
14 just do their auction. I don't -- I'm not
15 interested -- I wouldn't do an estate sale.
16 If you gave me ten of them, I wouldn't take
17 one. It's just too much of a headache and a
18 hassle. My health ain't good enough for it.
19 All I want to do is set up there and catch
20 bids and auction off general merchandise.
21 That's it. Period. No cars, no houses, no
22 homes, no land, no -- nothing but general
23 merchandise.

24 MR. CHRISTOPHER: So you just really intend to be a
25 bid caller?

1 MR. SAYLORS: That's about the size of it. Yes,
2 sir.

3 MR. CHRISTOPHER: No questions.

4 MR. BLOCKER: Okay. Mr. Avendano?

5 MR. AVENDANO: No questions, sir.

6 MS. PINCKNEY: (Shakes head).

7 MR. BLOCKER: Ms. Pinckney, no questions?

8 MS. PINCKNEY: No questions.

9 MR. BLOCKER: All right. Thank you, sir. I would
10 entertain a motion as to the disposition of
11 this case.

12 MR. CHRISTOPHER: I move we take it up in executive
13 session.

14 MR. BLOCKER: Do I hear a second?

15 MR. HOLIDAY: Second.

16 MR. BLOCKER: All in favor to take it up in
17 executive session, say aye.

18 MEMBERS: Aye.

19 MR. BLOCKER: All right, sir. We'll let you know.
20 You want to wait around ---

21 MR. SAYLORS: No, sir. I got to go to Georgia to a
22 sale today.

23 MR. BLOCKER: Hurry back.

24 MR. SAYLORS: Can I get a copy of -- can I get the
25 ---

1 MR. SPOON: You want your originals back?

2 MR. SAYLORS: Sir?

3 MR. SPOON: You need your originals back?

4 MR. SAYLORS: Yes, sir. Because -- in case -- I
5 mean, not that I need to borrow no money, but
6 I ---

7 MR. BLOCKER: Do we need this?

8 MR. SPOON: We can make a copy of those and let him
9 have his originals back.

10 MR. BLOCKER: Okay.

11 MR. SAYLORS: But if you check with all my credit
12 paper other than medical -- my credit's -- she
13 said my Beacon score would be (inaudible).
14 Thank y'all, gentleman and ladies.

15 MR. BLOCKER: Thank you, sir.

16 MR. SAYLORS: Thank y'all.

17 (Adjourned at 10:49 a.m.)

18 MR. BLOCKER: Mr. Ronald B. Zigmund. Did I
19 pronounce that close?

20 (In the Matter of Ronald B. Zigmund, the Commission goes on
21 record at 10:50 a.m.)

22 Whereupon,

23 Ronald B. Zigmund is duly sworn and cautioned to
24 speak the truth, the whole truth, and nothing but
25 the truth.

1 MS. ADDISON-MILES: Okay. On June 29th, 2011, the
2 Commission received Mr. Zigmund's Application
3 for Licensure by Reciprocity with Florida.
4 Mr. Zigmund filed Chapter 13 bankruptcy in
5 December of 2010. And his file is complete.

6 MR. BLOCKER: Okay. Mr. Zigmund?

7 MR. ZIGMUND: Yeah, I lost my job two years ago. I
8 was an IT director for a large corporation.
9 So ended up that I pretty much lost
10 everything. So the IT business in Florida is
11 really tough right now because the market's
12 flooded with a bunch of people who put on the
13 IT hat and say, I'm an IT guy, because they're
14 unemployed and looking for jobs. So to have
15 the position that I had with -- income-wise,
16 there was no work in that position. And so I
17 wanted to do something. So my friend Jake
18 here got me interested in the auction
19 business. So I came up here to South
20 Carolina. I did an auction. I said, This is
21 it. I'm changing careers. I'm done with
22 corporate America. I want to do something
23 different. So I went back to Florida. I went
24 to the Florida Auctioneers' Academy. I got my
25 Auctioneer's License in Florida and I've been

1 auctioning since.

2 MR. BLOCKER: You still have an active license ---

3 MR. ZIGMUND: Yes, sir. And I do have the
4 supporting documents for the, for the
5 bankruptcy here from my attorney, so give that
6 to you.

7 MR. SPOON: Tell us what this is.

8 MR. ZIGMUND: It's the bankruptcy from my creditors
9 when I filed Chapter 13.

10 MR. SPOON: This is the filing packet I guess?

11 MR. ZIGMUND: Yes. Yeah.

12 MR. SPOON: I don't, I don't practice bankruptcy
13 law.

14 MR. ZIGMUND: Yeah, she told me to give you, so.

15 MR. SPOON: Okay. You want to make this a part of
16 the record?

17 MR. ZIGMUND: Yes.

18 MR. SPOON: Okay.

19 MR. ZIGMUND: You can have that copy. And it's
20 great to have a great start, you know, to get
21 a clean start in my life again. It was a
22 scary time for me. I almost lost my home. I
23 was upside down on my mortgage. And it was
24 just really, really tough for me. So now, you
25 know, the bankruptcy -- Chapter 13 is a

1 repayment. It's not a Chapter 7 where I'm
2 just, you know, not paying my creditors back.
3 I am on a Chapter 13 plan. And it's been
4 working out great for me, and it's helped me
5 tremendously.

6 MR. BLOCKER: You are up to date then on your
7 payments?

8 MR. ZIGMUND: Yes, sir. I pay every single month
9 to the, to the courts.

10 MR. BLOCKER: How long have you had your license in
11 Florida?

12 MR. ZIGMUND: I'm going now -- it's probably about
13 nine months, somewhere around there. I got it
14 I think back in February or -- what -- I
15 forgot the date. February or March, somewhere
16 around there. But I work full time for an
17 auction firm right now. And I auction. I bid
18 call. I do personal property. It's a lot of
19 fun. I wish I would have done this years ago
20 before I got into IT.

21 MR. BLOCKER: Any questions?

22 MR. HOLIDAY: Sure. Do you operate an auction
23 facility in Greenville, South Carolina?

24 MR. ZIGMUND: No. What my plan is, is I'm gonna
25 come live up here six months of the year. I

1 have family and friends up here. And I
2 eventually want to move to South Carolina. So
3 I kind of want to come up here when I do live
4 half of the year up here to do auction firms.
5 To go and, you know, do some auctions and
6 stuff like that, because people up here are so
7 nice in South Carolina. And I just thought
8 this is a great place to be, so.

9 MR. HOLIDAY: Now, do you advertise on, on your
10 website a location in Greenville, South
11 Carolina at this time?

12 MR. ZIGMUND: We have estate sales in Greenville,
13 South Carolina. I don't own the, the company.
14 So the auction firm advertises the company.
15 But they don't advertise doing auctions. We
16 do estate sales up here in Greenville. We
17 don't do auctions. The goal is, is once I get
18 my license, then to apply for the auction firm
19 license and then hopefully get a business.

20 MR. HOLIDAY: Because there is a location and it
21 does mention auctions and selling, is that
22 correct, on, on the company website in
23 Florida?

24 MR. ZIGMUND: Oh, I don't know. I don't own the
25 company.

1 MR. HOLIDAY: Okay.

2 MR. ZIGMUND: I'm just an auctioneer.

3 MR. HOLIDAY: You work for them?

4 MR. ZIGMUND: Yes, sir.

5 MR. HOLIDAY: Okay. Do you work out of that
6 facility in Greenville taking estate ---

7 MR. ZIGMUND: No, sir.

8 MR. HOLIDAY: --- estate sales ---

9 MR. ZIGMUND: No, I do not.

10 MR. HOLIDAY: Okay.

11 MR. ZIGMUND: Nope, because it's my -- I haven't
12 been up here since I got my license back in
13 the beginning of the year so.

14 MR. HOLIDAY: Okay.

15 MR. CHRISTOPHER: Ms. Lenora, is he coming under
16 reciprocity?

17 MS. ADDISON-MILES: Yes.

18 MR. CHRISTOPHER: Kind of off the record ---

19 (Off the record discussion).

20 MR. ZIGMUND: It didn't deregulate. No. Let me
21 tell you, it was a scary situation. Because I
22 thought, Gosh, I just spent all this money to
23 go to school and now they want to deregulate.
24 It didn't pass. So it is regulated still.

25 MR. CHRISTOPHER: Okay. No questions.

1 MR. BLOCKER: Okay. All right, Mr. Avendano?

2 MR. AVENDANO: No questions, sir.

3 MR. BLOCKER: Ms. Pinckney?

4 MS. PINCKNEY: No questions.

5 MR. BLOCKER: No questions.

6 MR. SPOON: Just, just for application ---

7 MR. ZIGMUND: Yes, sir.

8 MR. SPOON: --- purposes as far as the questions on
9 here that ask about criminal issues.

10 MR. ZIGMUND: Uh-huh.

11 MR. SPOON: The information that the Commission has
12 from Florida is that your Florida equivalent
13 of a SLED check -- there are no convictions on
14 there?

15 MR. ZIGMUND: No, sir.

16 MR. SPOON: Okay. So this, this one 1995 event was
17 dismissed?

18 MR. ZIGMUND: It was dismissed. It was a traffic
19 pullover. And the officer pulled me over
20 three nights in a row. I was working for a
21 hotel. And he pulled me over three nights in
22 a row. And the third night, when I handed him
23 my wallet he thought I was throwing my wallet
24 at him. So it was dismissed because there was
25 nothing to, to prove that I was being unlawful

1 to the officer. I got a clean background.

2 Never ---

3 MR. SPOON: What was the charge?

4 MR. ZIGMUND: I forgot what it was. Back in 1995.

5 I don't even know. It was totally dismissed

6 though. It wasn't even -- it wasn't even --

7 it didn't even go to court. And you should

8 see that in your criminal background record

9 that you did on me.

10 MR. SPOON: Yeah. I think that -- I think the

11 Commission has the Florida information.

12 MR. ZIGMUND: Yeah, right. I did follow the

13 guidelines for the background check. I did

14 submit the background check, so.

15 MR. BLOCKER: Okay. If we don't have any further

16 questions ---

17 MR. ZIGMUND: No, I'm fine.

18 MR. BLOCKER: --- what's the disposition?

19 MR. CHRISTOPHER: Take it up in executive session.

20 MR. BLOCKER: Do I hear a second?

21 MS. PINCKNEY: Second.

22 MR. BLOCKER: Second. We'll take it up -- well,

23 all in favor, say aye.

24 MEMBERS: Aye.

25 MR. BLOCKER: We'll take it up and let you know.

1 MR. ZIGMUND: All right. Thank you.

2 MR. BLOCKER: Thank you very much.

3 (Adjourns 10:57 a.m.)

4 MR. BLOCKER: Next review is Grover D. Dodgen. Mr.
5 Dodgen?

6 Whereupon,

7 Grover D. Dodgen is duly sworn and cautioned to
8 speak the truth, the whole truth, and nothing but
9 the truth.

10 (In the Matter of Grover D. Dodgen, the Commission goes on
11 record at 10:57 a.m.)

12 MS. ADDISON-MILES: On June 30th, 2011, the
13 Commission received Mr. Dodgen's Application
14 for Renewal. He truthfully answered yes to
15 having disciplinary action taken in another
16 state. The North Carolina Auctioneer
17 Licensing Board revoked Mr. Dodgen's license
18 effective February 10th, 2011 for failure to
19 sign a contract and to pay for items sold at
20 auction. Mr. Dodgen waived his right to
21 appear and agreed to that board's findings.

22 MR. BLOCKER: So your license has been revoked in
23 North Carolina?

24 MR. DODGEN: Yes, sir.

25 MR. BLOCKER: What, what was the circumstance of

1 that?

2 MR. DODGEN: Well, Mr. Blocker, I was actually
3 going there working for a guy just bid
4 calling. He had a firm license. It was Tony
5 Quarels Enterprises is who it was. He had a
6 firm license, and he was using me as his
7 licensed auctioneer. But really all I was
8 doing was calling bids for him there. He was
9 taking in the consignments, doing the
10 contracts with the customers. He was handling
11 the money. And he was paying out the money.
12 He paid me a flat fee to come in and do a, a -
13 - just say a weekend auction where we would
14 sell Saturday and Sunday. I handled no money.
15 He paid me a flat fee; I got in the car and
16 went home.

17 What he done, he took about 15
18 consignment items from a guy and done a
19 contract with him, and we sold the items. Now
20 whether I sold the items or somebody else sold
21 the items, I can't say because sometimes we
22 would handle eight, 900 hundred items.
23 Several auctioneers there. I never told North
24 Carolina how many auctioneers was working
25 there. And one reason I didn't go to North

1 Carolina -- and I hate I didn't now -- to
2 fight that is because I got that on my record
3 in North Carolina, and me and my father has
4 been in the auction business for -- he's been
5 there 40 years and I've been there for 30.
6 And I've never had a complaint against me.

7 Well, we sold the parts and the guy
8 didn't -- the Tony Quarels Enterprises didn't
9 pay the man for the parts on time. Now from
10 the time that I received the letter from North
11 Carolina about this, Mr. Quarels did pay the
12 guy for his parts. So the guy was -- he, he
13 was paid. But now the commissioner wanted to
14 investigate it, so they did. And they were
15 right, I didn't have contracts with nobody at
16 the auction sell just because I was showing up
17 bid calling. This guy would go in Thursday
18 and take in parts on Thursday and Friday. And
19 he had his own people there doing that at the
20 firm, you know. And I would just show up on
21 Saturday morning, call bids. I was done. He
22 paid me.

23 But now far as the guy getting paid, he
24 did get paid. And, and it wasn't much I could
25 do other than -- I didn't know it went on till

1 I received the letter from North Carolina, you
2 know. And really, I don't know how y'all
3 gonna rule this case. I would love to keep my
4 auctioneer's license. I love doing it. I've
5 always tried to do what's right and what I'm
6 supposed to do. And when I do my auction
7 sales, I pay my customer on Tuesday morning.
8 If I do the sale on Saturday, I pay them on
9 Tuesday. And I've always done that for 30
10 years. Never had a complaint. But I got
11 tangled up with him and he made a mistake, and
12 it's cost me my license in North Carolina.

13 MR. BLOCKER: What happened to him? Did he -- I
14 guess what I'm asking, was he using your
15 license or did he have a firm license or ---

16 MR. DODGEN: He had a firm license.

17 MR. BLOCKER: And where does he stand?

18 MR. DODGEN: They revoked his license also. And
19 the reason I didn't go to North Carolina and
20 fight that at the time is because I kind of
21 seen what was going on with this cat and I
22 thought something was gonna go down with it.
23 And I wasn't going back to doing auction sales
24 for him in North Carolina, so I pretty much --
25 I didn't need my North Carolina Auctioneers'

1 License. But I had no idea it was gonna come
2 to hurt my South Carolina reputation also, you
3 know. And I want to get that cleared in North
4 Carolina if it's possible, but I definitely
5 want to get it cleared with South Carolina
6 before I, before I attempt to do that.

7 MR. BLOCKER: You've got a permanent revocation or
8 suspended or what? What is the ruling up
9 there?

10 MR. DODGEN: Just revoked I guess. I don't guess I
11 could -- I don't know if I could get my
12 license back in North Carolina, but I would
13 definitely like to get my name cleared.

14 MR. BLOCKER: Well, you live in Greenwood?

15 MR. DODGEN: I do.

16 MR. BLOCKER: South Carolina?

17 MR. DODGEN: That's right.

18 MR. BLOCKER: Mr. Holiday?

19 MR. HOLIDAY: I've read this over about five
20 different times. It's kind of complicated.
21 So I believe I understand. Who is Gordon
22 Andretti (ph)? How, how -- what does he have
23 to do with this complaint?

24 MR. DODGEN: I guess he must have been a consignor
25 for him.

1 MR. HOLIDAY: Okay.

2 MR. DODGEN: For the parts. Now, see, I never met
3 those people. I wasn't there when they
4 checked in their parts and stuff like that, so
5 I didn't ---

6 MR. HOLIDAY: Yeah.

7 MR. DODGEN: --- I didn't never meet these people.
8 And the guy that made the complaint, I don't
9 know him.

10 MR. HOLIDAY: Now do you have knowledge if this
11 debt has been satisfied? It indicates that a
12 check was delivered to the party that filed
13 the complaint and there was a promise of an
14 accounting after, you know, after the fact.
15 And there's no record that that accounting was
16 ever delivered. So my question is, Is there -
17 - do you have any knowledge of the debt being
18 satisfied? Is it still an ongoing issue with
19 Mr. Quarels?

20 MR. DODGEN: No, sir. As far as I know, the, the
21 investigator with North Carolina told me Mr.
22 Quarels had paid the man for his parts. And
23 if that's from North Carolina (indicating), I
24 thought it was in that paperwork to where he
25 had paid him for his parts, you know. It was

1 done.

2 MR. HOLIDAY: It shows that he paid, but there
3 wasn't an accounting. I may have missed
4 something, but.

5 MR. DODGEN: Yeah.

6 MR. HOLIDAY: Just giving somebody a check doesn't
7 necessarily mean that ---

8 MR. DODGEN: That's right.

9 MR. HOLIDAY: --- it's satisfied. This is a while
10 back, so.

11 MR. DODGEN: I understand.

12 MR. HOLIDAY: No further questions. Thank you very
13 much.

14 MR. BLOCKER: Mr. Christopher?

15 MR. CHRISTOPHER: How long have you been licensed
16 in North Carolina?

17 MR. DODGEN: I was licensed in North Carolina for I
18 think 11 years.

19 MR. CHRISTOPHER: Correct me -- I read the reports
20 you had here -- did North Carolina actually
21 give you a chance to come to a hearing to
22 clarify your -- what you just told us?

23 MR. DODGEN: Yes, sir. They did. And I hate I
24 didn't go now, you know. And it -- and I
25 wasn't gonna renew my North Carolina license

1 and that's the reason I didn't go.

2 MR. CHRISTOPHER: Okay. No questions.

3 MR. DODGEN: But I did -- I did talk with -- I
4 graduated auctioneers' school in 1980 and
5 that's when I got my license. And I talked to
6 Forrest Mendenhall -- that's where I went to
7 auctioneers' school -- and went over the
8 circumstances that had happened there. And he
9 agreed that I should go to the commission and
10 try to get this black mark cleared off my
11 name. And I also have talked to one of the
12 chairpersons on North Carolina Auctioneers'
13 Commission that is not on the commission now -
14 - was Mr. Keith Pierce. He also suggested I
15 go there and talk with them. Because really
16 just like -- this could happen to any
17 auctioneer anywhere any time. I know a lot of
18 auctioneers that go to auctions and bid call,
19 and, and never see a consignor or never do a
20 contract with a consignor, and that's kind of
21 what happened to me, you know.

22 MR. BLOCKER: I do that all the time. And I have
23 no idea what happens ---

24 MR. DODGEN: That's right.

25 MR. BLOCKER: --- with money and all that. But,

1 but what -- I would've went back. I wouldn't
2 have pleaded guilty for something I wasn't a
3 part of. And, and by it -- you not showing
4 up, I think that's what you've agreed to do to
5 them.

6 MR. DODGEN: Yes, sir. You're right.

7 MR. BLOCKER: And I know that's hindsight. Mr.
8 Avendano?

9 MR. AVENDANO: No, sir. No questions.

10 MR. BLOCKER: Ms. Pinckney?

11 MS. PINCKNEY: No questions.

12 MR. BLOCKER: Okay.

13 MR. SPOON: You sent the North Carolina Commission
14 a response of some sort?

15 MR. DODGEN: I did.

16 MR. SPOON: Okay. It makes -- it talks about that
17 in this letter from the North Carolina Board
18 in item number 8 and item number 9. It says
19 that you, you talked to one of the
20 investigators from North Carolina?

21 MR. DODGEN: I done everything I could do to help
22 the man do his investigation, get -- of
23 course, like I say, the customer's already
24 paid whenever I started working with him. But
25 I've done everything I could do with the

1 investigative (sic) to try to please North
2 Carolina Auctioneers' Commission.

3 MR. SPOON: You spoke with an investigator in North
4 Carolina?

5 MR. DODGEN: That's right.

6 MR. SPOON: Okay.

7 MR. DODGEN: And I sent him all the paperwork that
8 he asked for, everything that I could tell
9 him. But there's a lot of information he
10 wanted to know that I couldn't tell him
11 because I wasn't -- I wasn't dealing with the
12 consignors, you know.

13 MR. BLOCKER: What about the other auctioneers?
14 You said there were several working and you
15 didn't know who sold what. Did they lose ---

16 MR. DODGEN: No, sir.

17 MR. BLOCKER: --- their license also?

18 MR. DODGEN: No, sir.

19 MR. BLOCKER: Why did they single you out?

20 MR. DODGEN: I think the customer that made the
21 complaint used my auctioneer's license just
22 because Mr. Quarels was using my license on
23 his firm advertisement.

24 MR. BLOCKER: But the other auctioneers that did
25 the same thing you were doing, they didn't

1 bother them?

2 MR. DODGEN: No, sir. And I didn't tell them there
3 was other auctioneers working there, but I
4 didn't think it was my responsibility to turn
5 them in for something the commission hadn't
6 gotten on them about. You know?

7 MR. BLOCKER: I understand.

8 MR. HOLIDAY: From my understanding of North
9 Carolina law or auction law is that if you
10 have an auction firm, that you have to
11 register your auctioneers and pay a fee so
12 it's official that they have -- that it's on
13 record with North Carolina. So is it possible
14 you're the only one on record with North
15 Carolina and all these other guys just came in
16 off the street and he didn't register them?
17 It's ---

18 MR. DODGEN: I think so, yeah.

19 MR. HOLIDAY: And he used your ad -- he used your
20 information in his advertisements?

21 MR. DODGEN: That's right. That's right.

22 MR. BLOCKER: But they did take the firm license
23 from Quarels ---

24 MR. DODGEN: They did. Yes, sir.

25 MR. BLOCKER: --- or whoever? Okay. No other

1 questions, I'll entertain a motion.

2 MR. CHRISTOPHER: I got a question.

3 MR. BLOCKER: Yes, sir.

4 MR. CHRISTOPHER: Where does it stand as far as
5 South Carolina regulation on his license?

6 MR. SPOON: It's within -- unless I'm missing
7 something in your practice act -- it falls
8 within your discretion. This is a renewal
9 application, and that probably is not
10 relevant. I think the answer would be the
11 same if it were an initial application.
12 Basically what you have is you have a set of
13 questions on your application that ask about
14 criminal issues, licensure in other states, et
15 cetera, so unless there is some automatic
16 provision in your practice act -- and I'll
17 take a closer look at it -- it falls within
18 your discretion to issue the license/not issue
19 the license -- or I should say renew the
20 license/not renew the license/or renew the
21 license with some terms and conditions.

22 MR. AVENDANO: I have a quick question.

23 MR. BLOCKER: Yes, sir, Mr. Avendano.

24 MR. AVENDANO: It's a renewal. How long have you
25 been licensed here in South Carolina?

1 MR. DODGEN: Since 1980. License number 644.

2 MR. BLOCKER: Appreciate your honesty.

3 MR. DODGEN: Yes, sir. My dad's taught me to be
4 that way.

5 MR. BLOCKER: Well, I've been knowing your dad,
6 too, for a while. But that's beside the
7 point. I know we've had some come through
8 that checked that the other way. We
9 appreciate the honesty.

10 MR. CHRISTOPHER: Mr. Chairman, I move we accept
11 his -- what he has told us and his license be
12 continued in South Carolina.

13 MR. BLOCKER: Do I hear a second? (No response).
14 Do I hear a second?

15 MS. PINCKNEY: Second.

16 MR. BLOCKER: Second. All in favor of issuing a
17 license to Mr. Dodgen, say aye.

18 MEMBERS: Aye.

19 MR. BLOCKER: So ordered. Thank you, sir.

20 MR. DODGEN: Thank you. Appreciate y'all.

21 (Adjourned 11:11 a.m.)

22 MR. BLOCKER: Okay. Kenneth D. Lee. Kenneth Lee?
23 (In the Matter of Kenneth D. Lee, the Commission goes on
24 record at 11:11 a.m.)

25 Whereupon,

1 Kenneth D. Lee is duly sworn and cautioned to speak
2 the truth, the whole truth, and nothing but the
3 truth.

4 MS. ADDISON-MILES: Mr. Lee originally appeared
5 before the Commission on November 15th, 2010.
6 The Commission voted to approve him for
7 licensure with a one-year probation. Mr. Lee
8 has requested to appear in order to end his
9 probationary period.

10 MR. BLOCKER: Okay, Mr. Lee?

11 MR. LEE: The reason I'm here earlier than
12 November, I have opportunity to do a little
13 auctioning in North Carolina, general
14 merchandise auction. And with the probation,
15 there's no way that I could get a North
16 Carolina license. So that's the reason I'm
17 asking for that now. Not -- I mean, I want it
18 gone anyway. Don't get me wrong. But that's
19 the reason that I'm doing that. And I don't
20 know if y'all have a current credit report.

21 MR. BLOCKER: We do not.

22 MR. LEE: I'll be glad to -- I got one here, and
23 the only thing that's on there was a medical
24 bill. And I've got where that was taken care
25 of over a year ago and it's still showing.

1 But here's the actual -- I printed it off last
2 night. It'll show on there that -- and I
3 explained whenever I was here before my wife
4 is in remission from leukemia. We had three
5 years of awful. We're 100%. Still on go. We
6 still pay hospital bills every week, every
7 month. But they're not on the credit report.
8 I mean, so I'm -- I've got everything squared
9 away. Actually did a home equity loan -- my
10 house is paid for -- to pay everything off
11 prior to coming a year ago.

12 MR. BLOCKER: Okay.

13 MR. SPOON: Make that part of the record.

14 MR. BLOCKER: Okay.

15 MR. SPOON: You want to ---

16 MR. LEE: That's fine. You can have that one, yes,
17 sir. It says Free Credit Report is -- I ended
18 up paying for two to get that.

19 MR. BLOCKER: And you are still making the hospital
20 payments you say?

21 MR. LEE: Yes, sir.

22 MR. BLOCKER: The medical payments.

23 MR. LEE: And, like I said, that don't show up on
24 there. But we still -- she still has to go to
25 the doctor. And unfortunately, like the

1 gentleman said while ago, 20% still adds up.
2 But I mean we're keeping them satisfied and
3 happy. We don't need healthcare reform; we
4 need insurance reform.

5 MR. BLOCKER: Want to look at it? (Discussion
6 among commission). Mr. Holiday, after looking
7 at it, you got any questions?

8 MR. HOLIDAY: No, Mr. Blocker.

9 MR. BLOCKER: Mr. Christopher?

10 MR. CHRISTOPHER: I don't have any questions.

11 MR. BLOCKER: Mr. Avendano?

12 MR. AVENDANO: No questions, sir.

13 MR. BLOCKER: Ms. Pinckney, do you have any
14 questions?

15 MS. PINCKNEY: No questions.

16 MR. BLOCKER: Okay. I'll entertain a motion as to
17 disposition.

18 MR. CHRISTOPHER: He would be granted his license.

19 MR. HOLIDAY: Second.

20 MR. BLOCKER: Any questions? All in favor of
21 granting his license?

22 MR. SPOON: Just for clarity, you're -- you're
23 ending the probationary period.

24 MR. BLOCKER: Ending the -- yeah.

25 MR. SPOON: Just, just ---

1 MR. BLOCKER: You have your license. We just ---

2 MR. SPOON: Just for clarity's sake, you've got a
3 board order here that places you on probation
4 for a year starting November of last year.

5 And so ---

6 MR. BLOCKER: We just moving it up a couple months,
7 three months.

8 MR. SPOON: --- terminating probation.

9 MR. BLOCKER: That's, that in your motion, sir?

10 MR. CHRISTOPHER: Yes.

11 MR. HOLIDAY: Second, yes.

12 MR. BLOCKER: All in favor of the motion that we
13 renew his -- take the probation off I guess is
14 what I'm saying, say aye.

15 MR. LEE: Thank you, sir.

16 MEMBERS: Aye.

17 MR. BLOCKER: So ordered.

18 MR. LEE: Thank you.

19 MR. BLOCKER: Thank you, sir.

20 MR. LEE: Thank you for your time.

21 (Adjourned at 11:15 a.m.)

22 MR. BLOCKER: And on our revised agenda here, I
23 guess that's the first thing. Larry
24 Hersowitz.

25 MS. ADDISON-MILES: Yes, sir.

1 MR. BLOCKER: Is that right?

2 MS. ADDISON-MILES: Hersowitz, yes.

3 MR. BLOCKER: Hersowitz?

4 MS. ADDISON-MILES: Mr. Hersowitz called and said
5 he would not be able to attend today's
6 meeting. But he did submit an additional
7 document that was faxed in he asked the
8 Commission to consider in his absence. It's a
9 one-page letter that was faxed in.

10 MR. BLOCKER: Okay. Yeah, thank you. And he was -
11 --

12 MS. ADDISON-MILES: Mr. -- the Commission denied
13 Mr. Hersowitz Application for Licensure via
14 Reciprocity and that was denied twice. A copy
15 of both of the orders and his application file
16 were provided for your review. Mr. Hersowitz
17 had requested to appear today for
18 reconsideration, but he called and said he had
19 some personal issues and would not be able to
20 attend and, if possible, we would like you to
21 go ahead and review his information to see if
22 you could make a determination without him
23 being here.

24 MR. BLOCKER: Okay. So this is the ---

25 MS. ADDISON-MILES: Yes, sir.

1 MR. BLOCKER: Okay.

2 MS. ADDISON-MILES: And then there's an additional
3 letter that was placed -- yeah.

4 MR. BLOCKER: Yeah, I got that letter.

5 MS. ADDISON-MILES: That you see, yeah.

6 MR. BLOCKER: You got -- everybody's got a copy of
7 it?

8 MS. ADDISON-MILES: Uh-huh.

9 MR. BLOCKER: Which state's he coming from?

10 MR. CHRISTOPHER: California it looks like; isn't
11 it?

12 MS. ADDISON-MILES: He lives in California. Well,
13 he did live in California, but he was licensed
14 in Florida if I'm not mistaken.

15 MR. BLOCKER: Well, what -- we just got this. Need
16 at least two minutes to read it.

17 MR. SPOON: Lenora, was this the addendum that
18 you're talking about ---

19 MS. ADDISON-MILES: Right.

20 MR. SPOON: --- this, this packet here?

21 MS. ADDISON-MILES: That packet, yes.

22 MR. CHRISTOPHER: Mr. Chairman, I move that we
23 table it until he appears.

24 MR. BLOCKER: Do we have a second?

25 MR. HOLIDAY: I second.

1 MR. BLOCKER: All in favor, say aye.

2 MEMBERS: Aye.

3 MR. BLOCKER: I agree with that. I fail to see
4 anything he's changed that would make me ...

5 MR. SPOON: Not today anyway.

6 MR. BLOCKER: Right.

7 MR. SPOON: He may, he may present something ---

8 MR. BLOCKER: Well, if he presents something that
9 convince me of some different circumstances,
10 we'll look at it. All right.

11 (Adjourned 11:19 a.m.)

12 MR. BLOCKER: Review continuing education courses,
13 All Star Professional Training.

14 MS. ADDISON-MILES: Yes, sir. All Star
15 Professional Training is requesting approval
16 of two 4-hour CE classes. These courses will
17 replace the courses that are currently
18 approved by the Commission. The course
19 outlines have been provided for your
20 consideration.

21 MR. BLOCKER: The courses that he's replacing this
22 with have been approved by us already?

23 MS. ADDISON-MILES: Yes.

24 MR. BLOCKER: Right, yeah.

25 MS. ADDISON-MILES: They've just made some changes

1 to the courses that were already approved, so
2 they -- they're sending the outlines just for
3 your review and approval.

4 MR. BLOCKER: Have y'all read it over and -- we've
5 approved the firm or whatever, company, to
6 give continuing ed. I don't see anything
7 wrong with it. Anybody got any questions on
8 it?

9 MR. AVENDANO: This is for on line?

10 MS. ADDISON-MILES: Yes.

11 MR. BLOCKER: Yeah. They've been approved what,
12 several years?

13 MS. ADDISON-MILES: Several years. Yes, sir.

14 MR. BLOCKER: They've just changed the course it
15 looks to me like.

16 MS. ADDISON-MILES: Uh-huh.

17 MR. SPOON: Did they indicate in this what they're
18 changing?

19 MS. ADDISON-MILES: No, they did not. They didn't
20 give the specifics.

21 MR. SPOON: I'm just curious if they indicated in
22 here. I don't know if anybody's here from the
23 company.

24 MS. ADDISON-MILES: No. No, they're not. No. And
25 they did not indicate exactly what they were

1 revising.

2 MR. BLOCKER: Okay. I'll entertain a motion. We
3 accept it or don't.

4 MR. CHRISTOPHER: Move we accept it.

5 MR. BLOCKER: Do I hear a second? Anybody want to
6 second? Do we have questions with it?

7 MR. AVENDANO: I'd like to have a copy of what
8 they, what they made better, what they've
9 changed. I don't know -- I don't understand,
10 you know, is it something that -- obviously we
11 have approved it before. But like just going
12 over the material here real quick, liquor --
13 it says types of auctions here and it says
14 liquor auctions. I don't know. I don't think
15 that in South Carolina we could do anything of
16 the sort without the proper licensure.

17 MR. BLOCKER: Liquor, oh.

18 MR. AVENDANO: Page ---

19 MR. BLOCKER: Yeah, I see it over here.

20 MR. AVENDANO: See it? I mean, what is -- I don't
21 understand. I would like to have more
22 information on what they changed, what they
23 changed.

24 MR. BLOCKER: All right. Are you making a motion
25 to that effect, that we study further or -- is

1 that what you're saying?

2 MR. AVENDANO: Yes, sir. I make a motion to review
3 it a little bit more in depth with, with the
4 company's changes on here.

5 MR. BLOCKER: To do that, the other courses would
6 still be legal, would they not?

7 MS. ADDISON-MILES: Uh-huh.

8 MR. BLOCKER: So we haven't changed that.

9 MR. SPOON: It may be just a matter of getting a --
10 just an additional piece of information from
11 the company about what they, what they
12 changed, what they added and what they took
13 out.

14 MR. AVENDANO: Sure. I just want -- I just want to
15 be able to say, yes, that we're moving forward
16 in a positive direction. Or, you know, no,
17 we're not moving forward.

18 MR. BLOCKER: All right. Make your motion again.

19 MR. AVENDANO: I make a motion to review this at a
20 later date with the proper information.

21 MR. BLOCKER: Okay. Do we hear a second?

22 MR. HOLIDAY: I'll second that.

23 MR. BLOCKER: All in favor of the motion, say aye.

24 MEMBERS: Aye.

25 MR. BLOCKER: Do it again?

1 MEMBERS: Aye.

2 MR. BLOCKER: All right. So ordered. Okay.

3 Get back on the right page here.

4 Auction Domain Name, David O'Connell? Ms.

5 Miles?

6 MS. ADDISON-MILES: Okay. Mr. David O'Connell of

7 Century 21 Strand Group, a real estate office,

8 has requested the Commission's position on the

9 use of the word auction in their domain name.

10 And you have a copy of the email that he

11 submitted.

12 MR. BLOCKER: And he wants to know if he can use the

13 name; is that what he's referring to?

14 MS. ADDISON-MILES: Yes. Uh-huh.

15 MR. CHRISTOPHER: How would it -- what would the

16 name be?

17 MS. ADDISON-MILES: He just says they have several

18 domain names with the word auction in it. As

19 an example, myrtlebeachlandauction.com.

20 MR. CHRISTOPHER: Are they licensed?

21 MS. ADDISON-MILES: They're a licensed real estate

22 company.

23 MR. BLOCKER: Counselor, we're gonna have to have a

24 little legal advice here.

25 MR. SPOON: So long as they are -- and again, I

1 think you're welcome to say that you need more
2 information beyond this. But I did have a
3 chance to review this probably at the same
4 time that you all received your packet. But
5 it, it appears that they're asking a question
6 I guess for due diligence purposes to make
7 sure that they -- because they don't -- the
8 company or individuals in the company do not
9 have an auctioneer's license, that they're
10 saying can we use that word in our, in our
11 domain name. Because we don't have an
12 auctioneer's license, but we have people who
13 are licensed -- otherwise licensed by the Real
14 Estate Commission and there are some
15 exceptions I think in your act and in theirs
16 as well that would, that would permit that. I
17 don't know if you have any, any -- necessarily
18 any jurisdiction over a domain name per se.
19 But what this really is is a question of -- I
20 mean you don't have to get in about who can
21 use what domain name. That's, that's probably
22 not -- probably would make something ---

23 MR. BLOCKER: Right.

24 MR. SPOON: --- make it a little bit more
25 complicated than it is. But what they're

1 saying is do we fall under the, the exceptions
2 that you have in your practice act for this?
3 And I think that the mere use of the word
4 auction probably does not take the amount of
5 the exception because they have their real
6 estate license. But if you want to get
7 information or, you know, have these -- have
8 them either send in more information or come
9 and speak to you about it in more detail,
10 that's fine too.

11 MR. BLOCKER: In other words, can we require them
12 to have an auction firm license if they gonna
13 use the word auction?

14 MR. SPOON: Right.

15 MS. ADDISON-MILES: Real estate firms are exempt.

16 MR. SPOON: Right.

17 MR. HOLIDAY: Well, real estate firms are exempt
18 when they employ a licensed auctioneer ---

19 MS. ADDISON-MILES: Auctioneer...

20 MR. HOLIDAY: --- to actually conduct the
21 transaction. I guess my concern is, is it
22 reasonable to believe that the public would
23 perceive myrtlebeachlandauctions.com as an
24 auction firm. And that's my big concern. I
25 know it could open up a Pandora's box and --

1 but that's my, my question. I know what their
2 intent is. I understand that. But there's a
3 lot of people throwing auction -- that they're
4 auction companies whether it be on line or --
5 and there's a lot of real estate companies
6 that conduct auctions, and they're not --
7 obviously they're not firms because they have
8 that exemption so. I am, I am concerned about
9 people advertising that they're an auction
10 company.

11 MR. SPOON: Okay.

12 MR. BLOCKER: It seems to me like they're holding
13 theirselves (sic) out as an auction business by
14 using that word. Why else would you use the
15 word is my question?

16 MR. HOLIDAY: Their intent may not be to get in,
17 you know, be involved in an auction. But I
18 think it will -- it could become a natural
19 progression. They could start asking ---

20 MR. BLOCKER: Right.

21 MR. HOLIDAY: --- they could start -- you know,
22 they're gonna find themselves in ---

23 MR. BLOCKER: Somebody else might certainly get in.

24 MR. HOLIDAY: --- time to get an auction firm.

25 MR. BLOCKER: What about sealed bid auctions? We

1 don't have jurisdiction on sealed bid
2 auctions, do we?

3 MR. SPOON: Well, they're -- I don't know how much
4 their question really, really gets into that.
5 The little short email that they have ---

6 MR. BLOCKER: I know we ---

7 MR. SPOON: --- it kind of leaves more questions
8 when, when all you get -- all you've got is
9 what you've got is, is a brief email from
10 these folks. So it may well be that you just
11 have more questions until you can ---

12 MR. BLOCKER: These online auction companies, they
13 hold theirself (sic) out as auction and they
14 have on line, and we can't -- we have no
15 jurisdiction. It's been tried in Arkansas.
16 In one state particular they carried it all
17 the way to the Supreme Court there to overturn
18 it. Have no jurisdiction over it.

19 MR. HOLIDAY: Well, if the brick and mortar
20 business for the business is located on our
21 soil or the product is being sold on our soil,
22 do we not have jurisdiction over if somebody's
23 holding themselves out as an auction company and
24 handling somebody else's money, don't we have
25 some say-so to protect the citizens of South

1 Carolina from ---

2 MR. SPOON: You would, you would most definitely
3 have the authority to investigate that whether
4 you got a complaint or it just came -- if you
5 just had knowledge of it, y'all could
6 investigate that and see to be a complaint on
7 unlicensed practice. Somebody practicing
8 without a license. And, you know, the thing
9 that makes this one -- an additional layer,
10 you know, of complexity is that they're saying
11 we're doing this under the, under the real
12 estate license. So it's hard to give a good
13 answer based on the information that you got.

14 MR. BLOCKER: eBay for instance. We can't regulate
15 them to my understanding. And they're an
16 auction company, right? They sell in South
17 Carolina. I don't know where their
18 headquarters is; California or somewhere.

19 MR. SPOON: Right.

20 MR. BLOCKER: But they're selling goods in South
21 Carolina.

22 MR. HOLIDAY: Well, it's ---

23 MR. BLOCKER: --- protect ---

24 MR. HOLIDAY: --- the whole sales tax issue with
25 Amazon. You know, it's a little more

1 complicated. But I still think we need to
2 protect the, the integrity of the auction
3 business in South Carolina, so it's not ---

4 MR. BLOCKER: How do we protect it if we can't
5 license?

6 MR. HOLIDAY: That's, that's really -- I'm not so
7 sure we have the authority to change that. We
8 can have an opinion that we, we -- I mean, I
9 personally don't like non-licensed companies.
10 I personally think that real estate companies
11 should have a firm license, but that -- that's
12 irrelevant because they're allowed to conduct
13 auctions and hire somebody to come in. And we
14 just saw witness of what can happen with a
15 firm, with a firm and, and the trouble it can
16 cause an individual licensee. It's
17 unfortunate, so.

18 MR. AVENDANO: Well, I think that, you know,
19 they're licensure industries, you know, the
20 real estate and the auctioneers. It's like if
21 I would put out there that, you know, I'd sell
22 -- I'm, I'm a real estate agent, but if --
23 let's say I wasn't and I put myself out there
24 as auctions: used vehicles and real estate,
25 certainly somebody from that commission would

1 come down on me. You know, we are here to
2 protect the public. But it is hard to make
3 decisions. And I don't think that it's -- I
4 don't think it's right that they -- now if
5 they have an auctioneer on staff and, you
6 know, he was, you know, certainly bonded by us
7 and had a firm license, well, of course they
8 could use that because he is working with
9 them. But as -- I don't think that that would
10 fly very well with me, having auctions without
11 an auctioneer on board.

12 MR. BLOCKER: I have a problem with it, but I don't
13 know how to handle it.

14 MR. HOLIDAY: Yeah, it doesn't -- I mean, we, we
15 have a lot of work to do just clarifying what
16 an auction is here in South Carolina. Maybe
17 we can show some leadership on that on the
18 national level. That, that -- I understand
19 their intention. And -- but there's some
20 bigger problems with this company. This is
21 just an example. At least they -- I
22 appreciate the fact that they checked in and
23 wanted to open up this conversation. I mean,
24 I really respect that. I don't really -- I
25 don't anticipate these people being a problem

1 that we already have out there with companies
2 that, that come out and portray themselves as
3 an auction business.

4 MR. BLOCKER: Can I suggest that counselor look
5 into that further, the legality of it?

6 MR. SPOON: I would be happy to do that. I think
7 that the best answer for Mr. O'Connell's
8 purposes is that you -- and I don't want to
9 speak for you or put words in your mouth. But
10 I think the best answer you can tell Mr.
11 O'Connell is that we can't say based on the
12 information that we have now.

13 MR. BLOCKER: We need more information.

14 MR. SPOON: I mean, no, we're not going to -- I
15 mean, I wouldn't -- you know, I mean, in all
16 candor, I wouldn't advise you based on this
17 amount of information to resort to OIE. But
18 also based on this amount of information, I
19 wouldn't advise you necessarily to say that
20 what Mr. O'Connell is asking for can be
21 answered. Mr. O'Connell is not present. He
22 indicates in his email and he said he's aware
23 of the meeting. And, you know, he certainly
24 has every opportunity to attend. So it may be
25 that, you know, for now until -- but you

1 simply say that we can't tell you that what
2 you're, what you're suggesting is okay. It's
3 one of those help-me-help-you situations. If
4 I don't have enough in -- if I don't have
5 enough facts in your question, then that's --
6 I have the -- I, meaning you as the
7 Commission, you have the right to ask for more
8 facts.

9 MR. HOLIDAY: I think it comes back to the general
10 public. And I think that real, you know, real
11 estate regulations and auction regulations --
12 I'm not really sure it's protecting the public
13 now with -- as well as it could be because of
14 the advancement of technology. So we, we have
15 to figure this issue out because it's
16 reasonable to believe when I look at this that
17 they're an auction company. By the general
18 public. So that -- and if -- if you turn the
19 tables with the Real Estate Commission, if I
20 acted like a real estate agent -- and I'm not
21 as an auctioneer -- I'd get in a lot of
22 trouble. So. I'm a broker, went through all
23 the steps to get my license so I can talk
24 about real estate and conduct auctions. And
25 so, so we kind of expect the same thing back

1 from the real estate community.

2 MR. BLOCKER: So what's our -- what's the
3 recommendation? What's the motion gonna be?

4 MR. HOLIDAY: I mean we can't do anything about it,
5 can we?

6 MR. SPOON: Welcome to provide more information. I
7 mean essentially what someone is -- and again,
8 there is certain -- there's certain amount of
9 credit that you get for asking about doing
10 something before you do it.

11 MR. BLOCKER: Right.

12 MR. SPOON: Because there are people who do that
13 who ---

14 MR. BLOCKER: I admire that.

15 MR. SPOON: But in so asking, I mean if they just
16 haven't given you enough to go on, then that's
17 what you tell him. You just don't have enough
18 to go on right now. And as such, we can't
19 tell you that your, your business practice so
20 to speak, most of which you may or may not
21 have jurisdiction over, but you do have
22 jurisdiction over the scope of practice and
23 the licensure requirement. Okay? And I
24 differentiate that a little bit between the
25 domain. You know, I think this is beyond the

1 domain. The domain name, use of that is just
2 -- it's just one way of holding out. There's
3 a lot of different ways you can hold out. It
4 could be on a sign; it could be on the
5 Internet; whatever the case may be. He's just
6 asking about the limitations of that. But
7 you, you know, you have jurisdiction over the
8 scope of practice and what that is. We have
9 jurisdiction over what requires a license and
10 what doesn't. Someone is asking you a
11 question with a very limited set of facts and
12 you don't -- and you don't feel like you have
13 enough facts to answer the question, then you
14 have to say to the person We'd like to answer
15 your question. We need more information.
16 Thank you for asking, you know.

17 MR. HOLIDAY: Can we make a motion to ask our
18 counsel to ---

19 MR. SPOON: If they want ---

20 MR. HOLIDAY: --- research it a little bit more for
21 us?

22 MR. SPOON: --- if they want an answer. Because,
23 again, they don't have a legal obligation to
24 get such an answer. They may decide -- and
25 people do this all the time -- they decide to

1 proceed without your, without, you know,
2 information from the board. They might get
3 information elsewhere. Or they might just not
4 even realize that there is an issue. And so
5 the, the issue there is that they don't have
6 anything in advance -- any advanced word from
7 the Commission going forward, there might be -
8 - somebody might come along later and say --
9 they might file a complaint. Anybody can file
10 a complaint at any time. You know, the Mr.
11 McConnells of the world --- O'Connell of the
12 world are trying to sort of reduce the
13 likelihood of that. It doesn't -- it never
14 takes it down to zero.

15 MR. HOLIDAY: We have to address the issue of all
16 the other people out there that are already
17 doing this without permission, so I really
18 appreciate him doing -- you know, this is a
19 great question and something we've been
20 wrestling with so.

21 MR. SPOON: Right. If you don't have enough facts,
22 then he's more than welcome to submit
23 additional information or just say the heck
24 with it and I'll just do it and I may be
25 subject to a complaint down the road, might

1 not.

2 MR. BLOCKER: I think a motion would be in order.

3 And answer -- I think he needs to answer or,
4 you know, back, because it -- courtesy.

5 MR. SPOON: I agree.

6 MR. BLOCKER: Because he has asked us -- asked a
7 question we can't answer. Because it's very
8 complicated.

9 MR. HOLIDAY: Right. I make a motion that we study
10 this matter further; that we welcome
11 communication with Mr. O'Connell and
12 appreciate him bringing this to our attention
13 and ...

14 MR. CHRISTOPHER: Second.

15 MR. BLOCKER: Any discussion on it? Any further
16 discussion? All in favor of it say aye.

17 MEMBERS: Aye.

18 MR. BLOCKER: Issue that's been on my mind for a
19 long time. And I really don't think it's
20 gonna be easy to answer.

21 Okay. Public comments? Yes, Darron?

22 Darron Meares?

23 MR. MEARES: Thank you, Mr. Chairman. I appreciate
24 the opportunity to speak on behalf of a couple
25 of issues that have come up and I know they've

1 been discussed probably ad nauseam in other
2 committee meetings, but one of the biggest
3 things as an auction school instructor and a
4 CE provider we run into the changes to the law
5 that are tested on. Okay? Mainly the auction
6 law that says that we are holding one-year
7 licenses and LLR has moved to two-year license
8 fees and a two-year license structure.

9 I don't have any problem at all with
10 that. I'd rather pay a two-year license. The
11 biggest thing that I see in this is 40-6-50,
12 40-6-240, and 1412 in the different sections
13 of, of the auction law all state that we still
14 have a one-year license. And I feel that if
15 we're moving forward -- and I appreciate Mr.
16 Holiday bringing that up, because one of the
17 things that the profession and industry in
18 general, we're part of a 270 billion dollar
19 industry. And I feel like if we're gonna be
20 governed by this auction law and it's gonna be
21 our standard of practice, that we need to have
22 all of these things to gel.

23 And one of the biggest complaints that
24 I've had -- I teach the auction law in our
25 auction school as well as doing the two-hour

1 CE renewal for South Carolina Auction Law is,
2 you know, why do we still have this? Why has
3 it not been amended? One of the biggest
4 complaints is from students -- and a couple of
5 the students from the auction school have been
6 here this morning, you know, for various
7 reasons. I'm happy to say that they've passed
8 their test. And I hope that I was part of
9 that with some of the auction law. But we
10 still have to go in and say, Look, we're
11 teaching you this auction law but there's a
12 caveat here. You're gonna get a license
13 application at the end of my class that says
14 you're going to be paying for a two-year
15 license when we're sitting here teaching that
16 we have a one-year license. I know the
17 license is legal for two years. I know we've,
18 you know, discussed that and that's come out
19 of other Commission meetings. However, if
20 we're gonna proceed and move this profession
21 forward, I think our law needs to gel with the
22 policies of LLR.

23 Not faulting anybody on this. It's just
24 one of those things -- and I know it's a tough
25 thing to get the law amended. However, it's

1 gonna be something that I feel would be
2 beneficial as we move this forward.

3 The second item is ---

4 MR. BLOCKER: Wait, wait, wait.

5 MR. MEARES: Oh, I'm sorry. Go ahead.

6 MR. BLOCKER: Let's clarify this right here with
7 the counselor. When the -- yeah. I put on --
8 monkey on your back.

9 (Laughter).

10 MR. BLOCKER: When this regulation or rule was
11 changed, that didn't automatically change our
12 law?

13 MR. SPOON: It wouldn't auto -- it wouldn't
14 automatically change the statute. No, sir.

15 MR. BLOCKER: I mean the -- we didn't change the --
16 from one year to two year. It was dictated to
17 us, which I agree with it, but wouldn't that
18 automatically have changed ---

19 MR. SPOON: The statute? Title 40? No. No.

20 MR. BLOCKER: Were they making a law against a law?

21 (Laughter).

22 MR. BLOCKER: I mean, really.

23 MR. MEARES: Well, and my, my biggest question
24 there is, if the Commission as it reads in the
25 law is the licensing body, it looks to me like

1 that would've been, you know, something that
2 would've been amended before LLR made the
3 change. I agree, I, I don't know the law. Of
4 course, I don't practice law. But it seems
5 like it's sort of contradicting each other.

6 MR. BLOCKER: That's what I was saying.

7 MR. SPOON: Again, the, the statute says one year?

8 MS. ADDISON-MILES: Yeah.

9 MR. SPOON: And, and this was for the renewals,
10 right?

11 MR. BLOCKER: Right.

12 MS. ADDISON-MILES: All licensing.

13 MR. MEARES: This was for everybody.

14 MS. ADDISON-MILES: It was through the engine.

15 MR. SPOON: And there's some additional language in
16 there about the renewal process. But the best
17 suggestion that I could offer -- and we've
18 been -- when I say we, I mean boards and all
19 the boards since March of this year -- have,
20 you know, been requesting sort of doing a
21 statutory/regulatory cleanup. So we've been
22 requesting things like this that you'd like to
23 see. Now the main focus of that cleanup was
24 on places where the statute and the reg
25 conflict. You know, where the regulation

1 exceeds the authority of the statute. But I
2 mean, this would be an idea -- and ideal thing
3 for that.

4 MS. ADDISON-MILES: That was included as well.

5 MR. SPOON: Yeah, I know -- I don't have it in
6 front of me, but yours -- it was in there.

7 MS. ADDISON-MILES: That was included. Yeah.

8 MR. SPOON: So -- and I can go grab that. So you
9 guys as a Commission are already on record as
10 making this, you know, priority. To sort of
11 reconcile the ---

12 MR. BLOCKER: I just thought it was automatic when
13 they would -- is, is the two year a reg or
14 statute?

15 MR. SPOON: It's in your statute.

16 MR. BLOCKER: Well, I mean ---

17 MR. SPOON: Sorry, the one year ---

18 MR. BLOCKER: --- the one year is in statute.

19 MR. SPOON: --- the one year is the current law.

20 MR. BLOCKER: But when they changed it over to two
21 years, who did that? Is that a reg? Or is
22 that a statute?

23 MR. SPOON: It's in the engine. I would say that
24 that was done under ---

25 MR. BLOCKER: Confusing to me on that, yeah.

1 MR. SPOON: --- authority of the engine, which is
2 also state sanctioned as well. But I think
3 the important thing is that we've already got
4 -- we've already got a record of this to try
5 to reflect and reconcile the, the one-year
6 statutory time frame and try, try to get that
7 changed to a two-year, right?

8 MR. BLOCKER: I think we ---

9 MR. MEARES: Pretty much. It's ---

10 MR. SPOON: We've already got that. We've already
11 got that on, on ---

12 MR. BLOCKER: Okay. Well, I just thought that was
13 automatic. In other words, I couldn't have
14 just sent her a check for half of it last
15 time. The law said I had to pay one year,
16 right? Then what would happen? I'd be before
17 the Commission. I mean really. I'm just
18 being ugly, but ---

19 MR. MEARES: Well, no. And actually, based on, you
20 know, 1412, you know, it goes in and it says
21 that all applications for renewal licenses
22 shall be filed with the Commission on or
23 before June 30th of each year. A late fee of
24 \$25 shall be paid, you know, after July 31st.
25 That goes back and it takes you back to 40-6-

1 240 that talks about the licenses issued under
2 this chapter must be issued by the Commission
3 and are valid from July 1st of the year issued
4 or from the date issued, whichever's later,
5 through the following June 30th. So those
6 two, in my unlegalese (sic) opinion, are
7 speaking the same language that you're talking
8 to. I don't know if you could fault anybody
9 for paying for half a license.

10 MR. BLOCKER That's what I'm talking about. But we
11 are taking that up.

12 MR. SPOON: And I don't know of anybody that did
13 that or if they got charged any late fees, I
14 don't kow.

15 MR. BLOCKER: Yeah. Yeah. I'm being absurd, but -
16 --

17 MR. MEARES: No, no, no. But you're exactly right.
18 I mean, if you had somebody to -- if you had
19 somebody that decided to do that and test this
20 ---

21 MR. BLOCKER: Right.

22 MR. MEARES: --- I mean there's really no litmus
23 test against it I don't think that -- well,
24 there again.

25 MR. SPOON: I don't know of anyone who -- Lenora

1 might know.

2 MS. ADDISON-MILES: No.

3 MR. BLOCKER: It is being addressed you think?

4 MR. SPOON: It's -- like I say, we put the -- I got
5 an assignment sort of so to speak to just put
6 the word out, and we did, written form out to
7 all the boards and commission to ask for any
8 kind of suggested statutory/regulatory changes
9 with a focus on where the statute and the reg
10 were in conflict and where the regulation did
11 more than the statute did. That was the
12 emphasis of that. But of course, Lenora
13 being, you know, very thorough, we got that
14 information back. But I don't have it in
15 front of me because I didn't know it was going
16 to come up. It wasn't on the agenda. But I'd
17 be happy to get it and let you know -- let you
18 look at it and see what it says. And if you
19 want to make any, any changes, you can do
20 that, you know, at a time when you have it on
21 your agenda.

22 MR. BLOCKER: It definitely ought to be cleared up.
23 And thank you for bringing that.

24 MR. MEARES: Well, I appreciate the opportunity.
25 The second point goes along with that. If

1 there's a, like you said, a statutory cleanup,
2 one of the things that -- and I don't have the
3 year when it was amended, but back several
4 years ago there was a provision in the law
5 that said a member of the South Carolina
6 Auctioneers' Association would be represented
7 on the Commission. We've got four members.
8 However, if there's a statutory cleanup, I
9 would request that that be a board member or
10 an officer so that the Auctioneer Association
11 would have full representation from the board
12 of directors on the Commission if that's
13 something that could be added in there.

14 At one point years ago it was in there.
15 And then somewhere it was washed out and it
16 became completely up to the governor. And at
17 this point ---

18 MR. SPOON: --- current version ---

19 MR. MEARES: In the current version now -- in the
20 current version now it says that she will take
21 recommendations from different associations,
22 trade groups, constituents, that sort of
23 thing.

24 MR. SPOON: Oh, so you're talking about something -
25 - I'm sorry. You're, you're ---

1 MR. MEARES: No, I was on point two now.

2 MR. SPOON: You're referring about something that
3 was in a current version of the statute?

4 MR. MEARES: It, it was at some point.

5 MR. SPOON: I got you.

6 MR. MEARES: It was at some point. Maybe ---

7 MR. SPOON: It was in a prior version of statute --
8 -

9 MR. MEARES: Exactly.

10 MS. ADDISON-MILES: Right.

11 MR. MEARES: It's, it's been -- it's been I guess
12 repealed and taken out of it.

13 MR. SPOON: Okay.

14 MR. MEARES: But the language has been changed.

15 And if -- you know, I would recommend in my --
16 as a member -- I'm a previous board member of
17 the National Auctioneers' Association and the
18 South Carolina Association, and having that
19 representation from a board member may bring
20 another feel. And I know Mr. Avendano, he was
21 a member up until he become -- like when he
22 was appointed to the Commission. And that
23 would still give representation -- and I know
24 notes go back and forth. That's just from a
25 membership standpoint.

1 Third point, and I'm not gonna draw this
2 out. I would propose the Auctioneers'
3 Commission write a white paper regarding the
4 illegality of grab bags. This is one of the
5 biggest things that comes up in auction school
6 classes. Auctioneers throughout the state
7 have seen grab-bag drawings, and that's one of
8 the things that they want to bring in as a
9 revenue-drawing source. And it's -- based on
10 state gambling laws, I believe it's highly
11 illegal. And I think that that should be a
12 stance of the Commission to try to get this
13 out so that new auctioneers aren't taken down
14 that wrong path where they have to appear not
15 just in front of the Commission but possibly
16 in front of some other licensing agency.

17 Other than that, that's about it. eBay,
18 what y'all were talking about earlier --
19 eBay's on auction, an online auction platform.
20 So they have no -- at this point, they have no
21 licensing responsibilities. They allow
22 anybody to sell on there. And it's the 800-
23 pound gorilla that the auction industry has
24 been fighting for the last couple of years.
25 Pennsylvania's another example where they

1 hired a lobbyist to go in and do these sort of
2 things to try to fight this. But it's been a
3 hole that they've been throwing money into.

4 Thank you for your time. And if I can
5 be of service in any way, please let me know.

6 MR. BLOCKER: Thank you, Darron. Appreciate your
7 input bringing that to our attention. Any
8 other public comments?

9 MR. CHRISTOPHER: Mr. Chairman, I move we take a
10 break and then go in executive session.

11 MR. BLOCKER: Do I have a second?

12 MR. HOLIDAY: We have a candidate that returned.

13 MR. BLOCKER: A what?

14 MR. HOLIDAY: We have one of the candidates that
15 returned.

16 MS. ADDISON-MILES: Ms. Corona.

17 MR. HOLIDAY: Ms. Corona, she's back.

18 MR. BLOCKER: Oh, okay. Yes. I hadn't noticed her
19 coming in.

20 MS. CORONA: I didn't get everything. I came in a
21 different vehicle, and my SLED report was in
22 there. But I did get my escrow signed. And I
23 talked with a lady named Angie ---

24 MR. SPOON: Ms. Corona, hang on a second. Just
25 hang on. Go ahead and have a seat back there,

1 please.

2 MS. CORONA: All right.

3 MR. SPOON: Are you -- still under oath?

4 MS. BEHLES, COURT REPORTER: Yes. I need to remind
5 you that you remain under oath.

6 MS. CORONA: Okay.

7 In the Matter of Cathy Dunn Corona, the Commission goes back
8 on the record at 11:50 a.m.)

9 MR. SPOON: Okay. The SLED check and Escrow
10 Affidavit. You said just a minute ago you
11 don't ---

12 MS. CORONA: I got my escrow ---

13 MR. SPOON: --- have a SLED check ---

14 MS. CORONA: I had a SLED check. I came in a
15 different vehicle.

16 MR. SPOON: -- with you, you don't have a ---

17 MS. CORONA: No, I don't.

18 MR. SPOON: Okay. Go ahead, I'm sorry. Go ahead.

19 MR. BLOCKER: I think we're right back where we
20 were.

21 MS. CORONA: Okay. Well, I was just saying that I
22 talked with them down there at SLED. She said
23 she couldn't fax it to me, so I just come back
24 and let you know I don't have my SLED check.
25 I have my escrow notarized. She said that she

1 seen where I went on line and pulled it up and
2 that she couldn't fax it to me. The lady out
3 here gave me a fax number. She said she
4 couldn't fax it to me; that she could mail it
5 to you. And that was all that she could do.
6 And that if you needed to talk to her --

7 MR. BLOCKER: I believe, counselor, we're right
8 back where we were. We need to look at it.

9 MS. CORONA: Okay, that's fine.

10 MR. BLOCKER: I mean, yeah. But I appreciate you
11 coming back and telling us.

12 MS. CORONA: Okay.

13 MR. BLOCKER: All right. You made a motion -- oh,
14 excuse me.

15 (Adjourned at 11:52 a.m.)

16 MR. AVENDANO: Not for you, ma'am. Thank you very
17 much.

18 MS. CORONA: Oh, okay.

19 MR. AVENDANO: Going back to what Darron said.

20 I've had a couple of the other board members
21 that I was with call me and ask me why I
22 resigned. Somewhere in the books -- I don't
23 know where it came from -- saying that you
24 wouldn't hold two positions of honor. Of
25 course as soon as I got this position, I let

1 them know of my resignation.

2 MR. BLOCKER: Let them know. Who you talking
3 about?

4 MR. AVENDANO: The South Carolina Board of
5 Directors. I was ---

6 MR. BLOCKER: Oh, okay.

7 MR. AVENDANO: --- on the board. And I let them
8 know immediately about my intentions to
9 resign. Now Ms. Miles, she might -- Lenora
10 Miles might be able to help me with that. Is
11 there a problem with that, sitting on ---

12 MS. ADDISON-MILES: That's a question for advice
13 counsel.

14 MR. AVENDANO: Is there a problem with that,
15 sitting on the board and on the Commission? I
16 had two fellow board members call me, and I
17 asked them -- I told them that I would find
18 out one way or another. And I appreciate
19 Darron jogging my memory.

20 MR. SPOON: Right. Just to clarify, it's being a
21 member of the Commission, the Auctioneers'
22 Commission and being an officer in the
23 Auctioneers' Association? I actually get to
24 give a fairly easy answer to that one.
25 There's kind of two parts to it. One is it is

1 a question of appointments. In other words,
2 the appointments are actually not handled or
3 vetted, things of that nature, by LLR.
4 They're vetted by the governor's -- they're
5 administered and done by the governor's
6 office. So it's a question for them.

7 And the other thing that I think that
8 comes into play here is it's -- there are a
9 number of -- if, if it were my -- if it were
10 something that I had to research, there's a
11 number of attorney general's opinions and
12 things of that nature that have come out over
13 the years. You can always -- it's not
14 something that they've already answered, a
15 question that they've already answered, they
16 would -- they would answer that. I think I
17 have seen that one. But I mean, without going
18 back and looking at their opinions on line --
19 and it probably is in -- in the, the statute
20 directly itself. And the AG was just being
21 asked to interpret it by way of opinion. I
22 would have to defer to the governor's office
23 on that and see in a given case if they had an
24 individual who was an officer for the herein
25 association and wanted to serve on the

1 Commission, what they -- what they would have
2 to do.

3 So I get -- it's kind of an easy answer
4 for me. I get to, I get to defer to the
5 governor's office on that one.

6 MR. BLOCKER: You object to that -- but now, in the
7 past, I was both member and president of the
8 state and served here. And I plead guilty if
9 I ---

10 MR. SPOON: I don't ---

11 MR. BLOCKER: I need to be locked up for it.
12 (Laughter).

13 MR. SPOON: The statute of limitations might have
14 passed on that.

15 MR. BLOCKER: I really don't know.

16 MR. AVENDANO: Is it an issue maybe with publicly-
17 elected officials? Is that it rather ---

18 MR. BLOCKER: I think that's what it would be.

19 MR. SPOON: Like for instance, we've gotten
20 questions about -- it's a slightly different
21 question, very similar about serving on County
22 Council and also serving on the state board or
23 commission. Gotten that one from time to
24 time. And that -- as I understand the law,
25 and I don't -- I don't render the opinion, but

1 as I understand the law, that actually is a
2 conflict under the dual office, so. But we
3 sort of get to defer those questions to the
4 appointment staff at the governor's office.

5 MR. BLOCKER: You'll take -- will you get into that
6 for us? Check that out?

7 MR. SPOON: I will --

8 MR. BLOCKER: See what current law is.

9 MR. SPOON: --- ask them. I'll ask them ---

10 MR. BLOCKER: Is that okay, Victor?

11 MR. AVENDANO: Yes. Thank you.

12 MR. BLOCKER: Anything else? We have a motion that
13 we take a break and then go into executive
14 session. Do I hear a second?

15 MR. HOLIDAY: Second.

16 MR. BLOCKER: All in favor of breaking, get up.

17 (Executive session from 11:56 to 1:07 p.m.)

18 MR. BLOCKER: I call this meeting of the
19 Auctioneers' Commission back -- we've been in
20 executive session to discuss all these
21 articles that we had before us. And now we're
22 ready to go -- do I hear a motion that we go
23 back into session?

24 MR. CHRISTOPHER: So moved.

25 MR. HOLIDAY: Second.

1 MR. BLOCKER: And a second. All in favor of going
2 back in session, aye.

3 MEMBERS: Aye.

4 MR. BLOCKER: Okay. Our first is Linda Faye
5 Branham. Ms. Branham not here? Do I hear a
6 motion as to disposition of that case, please?

7 MR. AVENDANO: Yes, Chairman. I make a motion to
8 approve Ms. Branham there with a two-year
9 probation, reporting back to us each year at
10 her cost with a credit report to see if she
11 moves forward with paying these debts off,
12 which is our concern.

13 MR. BLOCKER: Okay. You've heard the motion. Do
14 we hear a second?

15 MR. HOLIDAY: Second.

16 MR. BLOCKER: All in favor, say aye.

17 MEMBERS: Aye.

18 MR. BLOCKER: Approved. All right. Next I believe
19 was Ms. Elisabeth Markley. I think she's
20 here. Do we have a motion on that?

21 MS. PINCKNEY: Yes, Mr. Chairman. I make a motion
22 that we approve her license pending the
23 receipt of three documents showing the tax
24 liens, the receipts from those tax liens that
25 she mentioned, as well as receipt of the

1 student loans that she has.

2 MR. BLOCKER: Okay. Do we have a second?

3 MR. CHRISTOPHER: Second.

4 MR. BLOCKER: Anybody have any discussion on that?

5 All in favor, say aye?

6 MEMBERS: Aye.

7 MR. BLOCKER: So ordered. And next we had Dorn

8 Keith Saylor.

9 MR. CHRISTOPHER: Mr. Chairman, I move that we

10 issue his license.

11 MR. BLOCKER: Okay. Do we have a second?

12 MS. PINCKNEY: Second.

13 MR. BLOCKER: Any discussion? All in favor, say

14 aye.

15 MEMBERS: Aye.

16 MR. BLOCKER: All right. The next thing in the

17 list was what, counselor, Zigmund? Zigmund,

18 Mr. Ronald B. Zigmund.

19 MS. PINCKNEY: Yes, Mr. Chairman. I make a motion

20 that we approve his license with a two-year

21 probation pending receipt of documents showing

22 that he has been making payments on his

23 bankruptcy, whether those are court documents,

24 documentation showing his payments that he has

25 been making.

1 MR. BLOCKER: Okay. Do we have a second to that?

2 MR. AVENDANO: I'll second.

3 MR. BLOCKER: Second. Any discussion? All in
4 favor of the motion, say aye.

5 MEMBERS: Aye.

6 MR. BLOCKER: So ordered. Okay. We did Mr. Dodgen
7 already. Who was next? Hersowitz?

8 (Off the record comments).

9 MR. BLOCKER: He was tabled, okay. And the next
10 one was All Star and we took care of that
11 already. And domain, didn't we? Is that all
12 -- I think that's all we had in executive
13 session. Thank y'all.

14 MR. HOLIDAY: Kenneth Lee? We took care of Kenneth
15 Lee?

16 MR. BLOCKER: Sir?

17 MR. HOLIDAY: Kenneth Lee, right? Kenneth Lee?

18 MR. AVENDANO: Kenneth Lee was approved.

19 MR. HOLIDAY: Oh, okay. Okay.

20 MR. BLOCKER: Yeah, we approved him already.

21 MR. HOLIDAY: That's right. That's right.

22 MR. BLOCKER: Okay. Did anything else come up
23 before this Commission?

24 (No response).

25 MR. BLOCKER: If not, we're adjourned. Thank

1 y'all. Appreciate it. Appreciate your time
2 and your effort. The check will be in the
3 mail.

4 (Laughter).

5 (Whereupon, at 1:12 p.m., the
6 proceeding in the above-entitled
7 matter was concluded.)
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1 STATE OF SOUTH CAROLINA)
) CERTIFICATE
 2 COUNTY OF LEXINGTON)
 3

4 Be it known that I, Tina F. Behles, Nationally
 5 Certified Court Reporter and Notary Public in and for the
 State of South Carolina, took the foregoing hearing at 10:02
 a.m. on Monday, August 22, 2011;
 6

7 That the witnesses were duly sworn under penalties
 of perjury to testify the truth, the whole truth, and nothing
 but the truth;
 8

9 That the foregoing 112 pages constitute a true and
 accurate transcription of the proceedings and all testimony
 given at that time to the best of my skill and ability;
 10

11 I further certify that I am not counsel or kin to
 any of the parties to this cause of action, nor am I
 interested in any manner of its outcome.
 12

13 In witness whereof, I have hereunto set my hand and
 seal this 31st day of August 2011.
 14
 15

16 Tina F. Behles, CVR
 17 Notary Public for South Carolina
 My commission expires January 13, 2020
 18
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