

**MINUTES**  
**SOUTH CAROLINA AUCTIONEERS' COMMISSION**

Commission Meeting  
**May 1, 2000**

**The Koger Executive Center**

The Kingstree Building  
110 Centerview Dr., Room 108  
Columbia, South Carolina

Mr. Ivan Broadwell, of Fort Mill, Chairman of the Commission, called the regular meeting of the South Carolina Auctioneers' Commission to order at 10:00 A.M., on Monday, May 1, 2000, at the Koger Executive Center, The Kingstree Building, 110 Centerview Drive, Room 108, Columbia, South Carolina, with a quorum present. Other members of the Commission present were as follows: Mr. Jeffrey Shaw, of West Columbia; Mrs. Mae Buzhardt, of Batesburg; Mr. Archie Moody, of Darlington; and Mr. Fred Mullis, of Lancaster. Mr. Paxton was officially excused.

Members of the staff participating at various times in the meeting included: Ms. Lou Ann Pyatt, Program Coordinator; Mr. Larry Hall, Investigator; Sharon Dantzler, Deputy General Counsel, LLR-Office of General Counsel; Ms. Terri Hooper, Administrative Assistant; and Ms. Sandra Dickert, Administrative Assistant.

Members of the public audience included: Ms. Kelli Ritchie, Mr. William Joe Wilson, Cynthia A. Johnson, and David Michael Rogers.

Mr. Broadwell noted that public notice of this meeting was properly posted at the Board office and provided to any requesting persons, organizations, or news media in compliance with Section 30-4-80(E) of the S. C. Freedom of Information Act.

**Invocation**

Mr. Archie Moody delivered the invocation.

**Approval of Minutes**

Mr. Moody made a motion to approve the February 28, 2000 meeting minutes. The motion was seconded by Mr. Mullis and unanimously passed.

**Chairman's Remarks**

Chairman Broadwell welcomed the new Commission members, Mr. Archie Moody and Mr. Fred Mullis, to the meeting. He noted that this would probably be his last meeting and that he is leaving the commission in good hands.

**Administrator's Remarks**

Mrs. Pyatt welcomed Mr. Moody and Mr. Mullis to the commission.

Mrs. Pyatt stated she and Mr. Broadwell had attended the Southeastern Auctioneers' Commission meeting on March 20, 2000. She briefly summarized the meeting in which the main topic was the State of Georgia wanting reciprocal states to allow Georgia licensees to renew their licenses under Georgia's requirements. There was no agreement on the issue at this meeting. However, it was agreed to discuss matters of this nature at the next meeting, which will be held on October 23, 2000. This year North Carolina will begin requiring continuing education for renewals. A high school diploma is now a license requirement in Georgia and North Carolina. (The minutes from the Southeastern Auctioneer Commission meeting are attached as Addendum A.)

Mr. Broadwell indicated there is a problem with continuing education units between Georgia and South Carolina. Georgia's continuing education requirement allows a licensee to obtain

eight continuing education units over a two-year period. South Carolina cannot accept continuing education requirements over one year old. He went on to say Georgia would accept reciprocal licensees from South Carolina who do not have a high school license; however, North Carolina will not accept reciprocal licensees from South Carolina who do not have a high school diploma. He recommended the commission continue with the Southeastern Auctioneer's Commission to iron out difficulties.

Mrs. Pyatt presented the members with a list of licenses issued for the months of February 2000 and March 2000 (attached as Addendum B) and a list of the Approved Continuing Education Courses (attached as Addendum C). She briefly reported on the commission-approved classes that have been conducted around the state.

### **Legislative Update**

Mrs. Pyatt presented the members with the latest copy of the bill (S.4392, which is attached as Addendum D). She noted the Senate LCI Committee passed favorably the bill. It is hoped that the bill will appear on the Senate floor for discussion this week. She indicated staff would have to contact Representative Wilkes, the sponsor of the bill, to have him concur with the amendments. Mrs. Misty Goldstein, LLR's Legislative Liaison, feels the bill would pass this year. She briefly discussed the amendments to the bill.

Mrs. Pyatt stated page three of the NALLOA newsletter (attached as Addendum E) suggests that each state Board have their Counsel prepare a statement concerning an update of their regulations concerning internet auctions.

Mrs. Pyatt stated the renewal applications would be mailed on May 10, 2000. She also stated that the agency now has licensee look-up on the web page for the Auctioneer's Commission.

Mr. Broadwell stated the next meeting of the commission is August 7, 2000, which is after the national convention. He further stated it would be too late to give an opinion on the internet auctions. Mrs. Pyatt stated the commission could advise NALLOA that South Carolina does not currently have regulations regarding internet auctions.

### **Old Business**

#### **Kelli A. Ritchie**

Ms. Ritchie briefly discussed her arrangements at correcting her credit report. She presented the Commission with evidence that she has resolved or has made arrangements at correcting her credit report. She attended auctioneer classes at Midlands Technical College.

Mr. Shaw moved the Commission discuss this matter in executive session. Mr. Mullis seconded the motion, which passed unanimously.

#### **William Joe Wilson**

Mr. Wilson presented the Commission with a notarized statement from his ex-wife stating she is responsible for the tax lien and other bills related to the flea market they owned prior to the divorce. (Attached as Addendum F). He also briefly discussed the assault charge on his SLED report.

Mr. Moody moved the Commission discuss this matter in executive session. The motion was seconded by Mrs. Buzhardt and carried unanimously.

#### Guerry Dale Wise, Jr.

Ms. Hooper stated Mr. Wise had been requested to appear at the February 2000 meeting as well as today's meeting to discuss items on his credit and criminal record reports. However, she has not heard from Mr. Wise.

Mrs. Buzhardt moved the Commission table this matter until Mr. Wise appears before the Commission. Mr. Moody seconded the motion, which carried unanimously.

## **New Business**

### ***Review/Approval of Applications***

a. Tony L. Cleary

Mrs. Hooper stated Mr. Cleary was requested to appear at today's meeting to discuss his credit report. However, he is not present and she has not heard from him.

Mr. Moody moved the Commission take no action on this matter. The motion was seconded by Mr. Mullis and carried unanimously.

b. Cynthia Annette Johnson

Ms. Johnson briefly discussed the resolution or arrangements made to clear her credit report. She presented the Commission with a statement from the Clerk of Court in Greenville County as well as Spartanburg County indicating the lien was satisfied in 1997. She is making payments on a van, which had been voluntarily repossessed and sold at auction. She attended Southeastern Auction School. She does not foresee opening an auction business at this time; however she will be substituting for her father when he feels he cannot complete an auction.

Mr. Moody moved the Commission grant Ms. Johnson a license. Mr. Shaw seconded the motion, which carried unanimously.

c. David Michael Rogers

Mr. Rogers stated the conviction on his criminal record report stemmed from receiving harassing telephone calls. He used profanity while speaking with the caller and was charged with illegal use of the telephone. He is serving a five-year probation that will conclude on June 5, 2000. He indicated answering 'no' to question 13 in regards to being convicted of any criminal offenses was an honest oversight. He attended an auction course in High Point, North Carolina and, if granted a license, would be conducting storage bin auctions on a part time basis.

Ms. Hooper stated Mr. Rogers submitted his application in person, which she reviewed prior to allowing him to leave the office. She further stated she informed the application was incomplete due to questions being checked but unanswered. She returned the application to him for review and completion.

Mrs. Pyatt asked Mr. Rogers to explain the arrests in January 1999 and February 1999 shown on his arrest record. She also asked him if dispositions have been made resulting from these arrests. Mr. Rogers replied he brought in a disposition regarding the February arrest. He further stated that during his court appearance on this matter several witnesses testified on his behalf that the other individual began the incident, which resulted in him being charged with assault. The judge allowed Mr. Rogers to plead to littering and drinking in public charges. The judge then filed an assault charge against the other individual.

Mr. Mullis moved the Commission discuss this matter in executive session. The motion was seconded by Mr. Shaw and passed unanimously.

2. Administrative Procedures Review

Mrs. Dantzler discussed the Administrative Procedures Review with the Commission. The discussion included the difference between the advising attorneys and the litigating attorneys, due process and consent orders. The discussion also included members recusing themselves should they know of any facts relating to a case prior to licensees being brought before the Commission. She noted that if a member of the Commission who is involved in a case would have to recuse him/herself and would be available as a witness in the case.

## **Executive Session**

Mr. Moody moved the Commission enter executive session to seek legal advice on disciplinary matters. Mr. Shaw seconded the motion, which carried unanimously.

## **Regular Session**

Mr. Broadwell called the regular session of the meeting back to order. He noted for the record that no votes were taken while the Commission was in executive session.

Mr. Moody moved the Commission approve the Approval Report and the Dismissal Report as submitted in executive session. The motion was seconded by Mr. Mullis and carried unanimously.

## **David Michael Rogers**

Mrs. Buzhardt moved the Commission issue Mr. Rogers a license for two years to be followed by a review of another arrest record. Mr. Moody seconded the motion, which carried unanimously.

## William Joe Wilson

Mrs. Buzhardt moved the Commission grant Mr. Wilson a license. The motion was seconded by Mr. Mullis and carried unanimously.

## **Kelli A. Ritchie**

Mr. Moody moved that the Commission issue a probationary license to Ms. Richie and that her credit report be obtained, at her expense, and reviewed again in twelve months. Mr. Shaw seconded the motion, which carried unanimously.

## **Other Business**

### 1. Election of Officers

Mr. Broadwell opened the floor for nominations for vice-chairman. Mr. Mullis nominated Mr. Shaw. Mrs. Buzhardt moved the nominations be closed. Mr. Shaw was elected vice-chairman by acclamation.

Mr. Broadwell opened the floor for nominations for chairman. Mr. Mullis nominated Mr. Moody for chairman. Mr. Mullis moved the nominations for chairman be closed. The motion was seconded by Mr. Shaw and carried unanimously. Mr. Moody was elected chairman by acclamation.

### 2. Approval of IRC Members

Mrs. Pyatt stated the General Counsel for the S. C. Department of LLR has advised and recommended the Commission use outgoing members for the Investigative Review Committee. She recommended the Commission utilize Mr. Broadwell and Mr. Christopher for the IRC. Mr. Moody moved that the Commission appoint Mr. Broadwell and Mr. Christopher to the IRC. Mrs. Buzhardt seconded the motion, which carried unanimously. Mrs. Pyatt, on behalf of the agency and the commission, presented Mr. Broadwell with a Certificate of Appreciation for his years of service on the Commission. She stated that a plaque would be mailed to Mr. Broadwell when it has been received by staff. She noted a Certificate of Appreciation and a plaque would also be mailed to Mr. Christopher.

## **Adjournment**

Mr. Moody moved the meeting be adjourned. The motion was seconded by Mrs. Buzhardt and carried unanimously. The May 1, 2000 meeting of the S. C. Auctioneers Commission adjourned at 11:55 a.m.

The next Commission meeting has been scheduled for August 7, 2000.

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