

MINUTES

South Carolina Auctioneer's Commission

Board Meeting

10:00 A.M., May 19, 2003

Synergy Business Park

110 Centerview Drive, Kingstree Building, Room 108

Columbia, South Carolina

Rebecca Frierson, Chairman, of Newberry, called the regular meeting of the S.C. Auctioneer's Commission to order at 10:00 a.m. Other commission members present for the meeting included: Archie Moody, Vice Chairman, of Darlington; and Harriett McCoy, of Hopkins.

Fred Mullis, of Lancaster, was granted an excused absence. Jeffrey Shaw, of West Columbia, was not present for the meeting.

Staff members participating in the meeting included: Sandra Dickert, Administrative Assistant; Larry Hall, Investigator; Linda Holman, Administrative Assistant; Lenora Miles, Administrator; and Rick Wilson, Deputy General Counsel, LLR-Office of General Counsel.

Members of the public attending the meeting included: William Burdette and Preston Ray Foster.

Meeting Called to Order

Ms. Frierson announced that public notice of this meeting was properly posted at the S. C. Auctioneer Commission office, Synergy Business Park, Kingstree Building, Room 108 and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act. She noted that a quorum was present.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Approval of the February 24, 2003 Meeting Minutes

MOTION

Mr. Moody moved the Commission accept the minutes as presented. Ms. McCoy seconded the motion, which carried unanimously.

Chairman's Remarks

Ms. Frierson had no remarks at this time.

Administrator's Remarks

Ms. Miles stated 29 licenses have been issued since the last meeting. She noted that seven licenses were issued to firms and one was issued to an apprentice auctioneer. She indicated that renewal forms were mailed on May 12, 2003.

Ms. Miles stated that there were eighteen candidates for examination on March 5, 2003, five of which failed. She indicated there were 15 auctioneers, two firms and one apprentice. She further stated that the average score was 75. She noted that the next exam is scheduled for June 4, 2003. She continued by saying that during the January 2003 work session meeting Mr. Shaw had suggested notifying the candidates of their areas of weaknesses in the exam. She said that staff produced a notice that is mailed to each candidate, whether the candidate has passed or failed, indicating the area in which the candidate was weak.

Ms. Miles stated there are currently no open complaints and that one case would be recommended for dismissal during executive session.

Ms. Miles presented the members with the latest available budget information (as of March 31, 2003) and noted that the budget does not reflect recovery fund balance, which totals \$124,541.55

Advisory Opinions, If Needed, Office of General Counsel

There were no advisory opinions given during May 19, 2003 meeting.

Legislative Update, If Needed, Legislative Liaison Office

There was no legislative update given during May 19, 2003 meeting.

Unfinished Business

1. Application by Reciprocity

a. Preston Ray Foster

Mr. Foster stated his arrest record indicates charges from approximately ten years ago. He has one unpaid collection on his credit report. He indicated this bill was for a chiropractor and was the result of a wreck. He further stated the other individual was at fault. He continued by saying the matter went to court, however, no one was found liable. He was informed by his attorney to see a chiropractor and that the bill would be paid, although it was not paid. He cannot produce documentation that the bill has been satisfied. He said that he was just approved for a homeowner's loan and that this unpaid collection was not on the credit report.

Mr. Foster stated he is currently licensed and is in good standing in North Carolina and Tennessee. He indicated he auctions automobiles.

MOTION

Mr. Moody moved the Commission grant Mr. Foster a license. The motion was seconded by Ms. McCoy and unanimously carried.

New Business

1. Review/Approval of Applications

a. Application by Exam

William W. Burdette

William Burdette appeared before the Commission at this time.

Ms. Miles stated there is a letter in the members' packets from the Laurens County Sheriff's Department, which indicates that, an outstanding check has been resolved. There are currently no outstanding warrants at this time.

MOTION

Ms. McCoy made a motion, seconded by Mr. Moody and unanimously carried, that the Commission consider this matter in executive session.

b. Reinstatement Request

Albert Patterson

Ms. Miles stated Mr. Patterson has not applied for reinstatement. She further stated he is ill and cannot travel to Columbia to sit for the examination. She continued by saying he has chronic heart failure, chronic fatigue syndrome, diabetes, fibromialgia, and lung cancer which are rendering him 100 percent disabled. She indicated he is asking the commission to provide an alternative to become reinstated.

MOTION

Ms. McCoy moved the Commission consider this matter in executive session. Mr. Moody seconded the motion, which carried unanimously.

2. Reciprocal Agreements

Ms. Miles presented the Commission members with copies of reciprocal agreements between South Carolina and the following states: Florida, West Virginia, Kentucky, Pennsylvania, Ohio, Alabama, North Carolina, Mississippi, Tennessee, Louisiana, and Virginia. She further stated that the Commission held this matter over from the previous meeting to allow time to review the current reciprocal agreements to determine if the Commission needed to make necessary changes. She went on to say an issue arose when staff contacted Texas regarding an applicant that applied in South Carolina and the applicant was informed by Texas that there was no reciprocal agreement between these two states. She continued by saying staff researched the states thought to have reciprocity with South Carolina and asked for a copy of the agreements for review to see if the agreement would continue as is or if the agreement needed revision.

MOTION

Ms. McCoy moved the Commission consider further details of the reciprocal agreements in executive session. Ms. Frierson questioned Ms. Miles if Ms. Dantzler was working on documentation in relation to the reciprocal agreements. Ms. Miles stated she thought Ms. Dantzler made a comment regarding suggestions to these agreements. Ms. Frierson asked that Ms. Dantzler be at the next meeting to make the suggestions regarding the reciprocal agreements.

Ms. McCoy withdrew this motion.

MOTION

Ms. McCoy moved the Commission carry this matter over so the Commission may receive further advice from Ms. Dantzler. The motion was seconded by Mr. Moody and unanimously carried.

3. Examination Re-write

Ms. Frierson stated she and Ms. McCoy met last week to rewrite the examination. She noted this procedure is now underway.

Ms. McCoy stated several questions were in reference to the old law and are not relevant to what is currently being taught in the schools. She went on to say the revisions were consistent with the school studies. She hopes the revisions would be initiated prior to the next examination. She indicated that once the revisions have been made to the auctioneer's examination, the firm examination and the apprentice examination would also be revised.

MOTION

Mr. Moody made a motion, seconded by Ms. McCoy and unanimously carried, that the Commission make the appropriate changes to the exam to bring it in line with the current law.

4. Auction School Audit

Ms. Frierson stated she and Ms. Miles discussed this topic, however, there were questions that needed to be asked of counsel prior to moving forward.

MOTION

Mr. Moody moved the commission continue this matter. Ms. McCoy seconded the motion, which carried unanimously.

5. Newsletter

Ms. Miles stated it had been the Commission's understanding that they would enter a contract with the association to have two pages inserted in their newsletter for a nominal fee. She went on to say staff has researched this matter and discovered that the Commission could create its own newsletter for the same amount of money or a little more. She indicated the monies could be taken from the recovery fund to cover the expenses. She presented the members with a copy of a sample masthead designed by the Office of Communications & Governmental Affairs . She continued by saying the articles would be electronically sent to Ms. Miles who would forward them to General Counsel for review and approval and then forward the articles to Public Information for their review and design the newsletter. She said she had questioned Public Information regarding the time involved in producing the newsletter. She indicated Public Information attempts to design the newsletter in one week or less and the printer has two weeks to get the newsletter printed.

It had been suggested that each member produce an article in his or her area of expertise.

MOTION

Ms. McCoy made a motion, seconded by Mr. Moody and unanimously carried, that the Commission rescind its former recommendation to issue a newsletter in conjunction with the South Carolina Auctioneer's Association since staff can produce a newsletter in house in a cost effective manner.

Ms. Frierson asked that newsletter articles be forwarded to Ms. Miles no later than June 20, 2003. She asked Mr. Moody to write an article on professionalism in auctioneering. She asked Ms. McCoy to produce articles on Commission member biographies and renewals. She will produce an article on school accrediting. She asked that articles be 500 words.

MOTION

Ms. McCoy moved the Commission accept the items discussed for the newsletter. The motion was seconded by Mr. Moody and unanimously carried.

6. New South Educational Services Provider Request

Ms. Miles stated Mr. William Kelley had presented information at the previous meeting for a continuing education class, which was denied. She further stated he has mailed additional information for a new continuing education course. She continued by saying he is asking that the course be approved for two hours of continuing education and that the course would cover the requirements of filing the IRS form 8300, which involves cash transactions.

Ms. Miles noted Mr. Kelley has applied for licensure and is scheduled to take the exam in June 2003.

MOTION

Mr. Moody made a motion, seconded by Ms. McCoy and unanimously carried, that the Commission address this issue in executive session.

Discussion Items

Mr. Moody stated his former partner, Johnny Godley, was mauled by a water buffalo one week ago. He still remains in the trauma unit and has lost one leg at the hip.

Ms. McCoy asked Mr. Moody to convey a message on behalf of the Commission to the family.

Ms. Frierson stated she had a discussion with Mr. Randy Bryant regarding continuing education and the Commission's obligation according to the law to provide it. She further stated he has suggested having meetings around the state and allow them to serve as continuing education. She went on to say the meetings could be held in Charleston, Florence, Greenville and Columbia and allow the meetings count as continuing education.

MOTION

Mr. Moody moved the Commission take a ten-minute recess. Ms. McCoy seconded the motion, which carried unanimously.

Return to Public Session

Public Comments

There were no public comments made during the May 19, 2003 meeting.

Executive Session

Mr. Moody moved the Commission enter executive session. Ms. McCoy seconded the motion, which carried unanimously.

Return to Open Session to Report on Executive Session

Ms. Frierson noted for the record that no motions were made and no votes were taken during executive session.

William W. Burdette

MOTION

Ms. McCoy moved the Commission approve Mr. Burdette's application as submitted. The motion was seconded by Mr. Moody and unanimously carried.

Reinstatement Request - Albert Patterson

MOTION

Mr. Moody moved, based on the commission's law, that the Commission does not have authority to reinstate Mr. Patterson's license. Ms. McCoy seconded the motion, which carried unanimously.

Reciprocity Agreements

MOTION

Ms. McCoy made a motion, seconded by Mr. Moody and unanimously carried, that the Commission carry this matter over so the members may discuss this with counsel and investigate the license agreements with other states before the Commission takes further action.

New South Educational Services Provider Request

MOTION

Mr. Moody moved the Commission deny the request due to the fact that he must have five years of experience in the field he is teaching. Ms. McCoy seconded the motion, which carried unanimously.

Case for Dismissal

MOTION

Mr. Moody made a motion, seconded by Ms. McCoy and unanimously carried, that the Commission dismiss Case #41-957.

Adjournment

There being no further business to be discussed at this time, Moody moved the meeting

be adjourned. The motion was seconded by Ms. McCoy and unanimously carried. The May 19, 2003 meeting of the S.C. Auctioneer's Commission adjourned at 11:35 a.m.