

MINUTES

South Carolina Auctioneer's Commission

Board Meeting

10:00 A.M., November 17, 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; Harriett McCoy, of Hopkins; and Fred Mullis, of Lancaster.

Staff members participating during the meeting included: Lenora Addison-Miles, Administrator; Sharon Dantzler, Deputy General Counsel, LLR-Office of General Counsel; Sandra Dickert, Administrative Assistant; Larry Hall, Investigator; and Linda Holman, Administrative Specialist.

Members of the public attending the meeting included: Linda Brinkley, Dickie Shults, and Ricky Suttles.

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.

Introduction of Commission Members and Staff

Ms. Frierson introduced the Commission members and staff.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Approval of the August 18, 2003 Meeting Minutes

MOTION

Ms. McCoy stated the members just received a revised set of minutes and moved that the approval of the minutes be tabled to the next meeting. Mr. Mullis seconded the motion, which carried unanimously.

Chairman's Remarks - Rebecca Frierson

Ms. Frierson made no remarks at this time.

Interim Administrator's Remarks - Lenora Addison-Miles

Ms. Miles stated 37 licenses have been issued.

Ms. Addison-Miles stated there were 31 candidates at the last exam. She further stated four individuals failed the exam and the average score was 74.

Ms. Addison-Miles presented the members with the latest budget report. She indicated it would show a negative balance. (This budget report is herewith attached and hereby becomes a permanent part of the record retained at the Commission office.)

Ms. Addison-Miles stated staff temporarily suspended the license of one auctioneer for failure to comply with a consent order.

Advisory Opinions, If Needed, Office of General Counsel

There were no advisory opinions given during the November 17, 2003 meeting.

Legislative Update, If Needed, Legislative Liaison Office

There was no legislative update given during the November 17, 2003 meeting.

Unfinished Business

There was no unfinished business to be discussed during the November 17, 2003 meeting.

New Business

1. Auctioneer Licensure via Examination

a. Linda Denise Brinkley

Ms. Brinkley has submitted an application to become an auctioneer by examination. Her credit report indicates \$1,267 in unpaid accounts; however, three of the accounts have been paid. Ms. Brinkley passed the exam with a score of 75. (This application is herewith attached and becomes a permanent part of the record retained at the Commission office.)

Ms. Brinkley stated when she first submitted her application her credit report indicated unpaid medical bills. She indicated she has paid all of the medical bills with the exception of one \$50 bill in North Carolina.

Ms. Addison-Miles stated the members have all of the information Ms. Brinkley has provided to staff.

Ms. Frierson questioned Ms. Brinkley regarding the DUI conviction. Ms. Brinkley stated she did not know that DUI was a felony. Ms. Frierson asked Ms. Brinkley whether she had a high school diploma or a GED. Ms. Brinkley indicated she has a GED.

Ms. Brinkley answered further questions from the Commission members.

MOTION

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

b. Dickie Shults

Ms. Addison-Miles stated Mr. Shults has applied for licensure by examination. She further stated he passed the exam with a score of 74. She indicated his credit report indicates outstanding accounts totaling \$191.00 and 19 accounts. (This application is herewith attached and becomes a permanent part of the record retained at the Commission office.)

Mr. Shults stated he owns a grading business and that the business has just begun picking up again. He indicated he had been caring for his wife for two and one-half years who had been ill with cancer. He said that he made his house payments to keep from losing his house and would make payments on the other bills as soon as he could begin working. He further stated he would like to have a merchandise auction where individuals would bring in items. He noted he would pay the individuals as soon as the auction ended.

MOTION

Mr. Mullis made a motion the Commission grant Mr. Shults license. Ms. McCoy amended the motion to grant his license on a one-year probationary status and that in one year he provide the Commission with documentation showing improvement on his credit report. Mr. Moody seconded the motion and the amendment. The motion and amendment passed unanimously.

c. David Watson Skinner

Ms. Addison-Miles stated Mr. Skinner has applied for an auctioneer's license as well as an auction firm license by examination. She noted he has passed the examination. She further stated his credit report indicates \$3,536.00 in collection accounts. She indicated Mr. Skinner has not provided staff with an explanation or documentation regarding his outstanding collection accounts. (This application is herewith attached and becomes a permanent part of the record retained at the Commission office.)

MOTION

Mr. Moody moved the Commission table Mr. Skinner's application until such time that he can appear before the Commission with an explanation or documentation on the collection accounts. Mr. Mullis seconded the motion, which carried unanimously.

d. Ricky Lee Suttles

Ms. Addison-Miles stated Mr. Suttles has applied for licensure as an auctioneer by examination. She further stated he passed the examination with a score of 77. She said that his credit report reflects outstanding debts totaling \$2,401 and five 1-9 accounts. She indicated he has provided a written statement regarding his credit report and SLED report, although staff has not yet received the arrest record. (This application is herewith attached and becomes a permanent part of the record retained at the Commission office.)

Mr. Suttles presented the members with a receipt indicating payment of one of the bills to the Greenville Medical Center. He further stated his ex-wife had gotten him to seek loans on behalf of her family. He went on to say that when he and his wife divorced her family would no longer pay the loans. He indicated he works with his brother who in turn pays his bills and paid to send him through auctioneer's school. He further stated that he mailed the request for a SLED Report approximately two weeks ago, however, the

request was returned as a result of an attempt to pay for the arrest record by personal check instead of in certified funds. He presented the Commission with two criminal records checks (one national criminal records check and one state criminal records check) from CriminalBackgroundRecords.com.

MOTION

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

e. Gerald Villeponteaux

Ms. Addison-Miles stated Mr. Villeponteaux is applying for licensure as an auctioneer by examination. She further stated he has passed the exam. She further stated Mr. Villeponteaux's credit report reflects he has unpaid accounts totaling \$1,279.00. She noted that he has not provided staff with an explanation or documentation regarding the unpaid accounts. (This application is herewith attached and becomes a permanent part of the record retained at the Commission office.)

Mr. Villeponteaux was not present for the meeting.

MOTION

Mr. Moody moved that the Commission table this matter until such time Mr. Villeponteaux appears before the Commission with an explanation regarding the unpaid accounts. The motion was seconded by Mr. Mullis and unanimously carried.

2. Auctioneer Licensure via Reciprocity

a. Harry Allen Anderson

Ms. Addison-Miles stated Mr. Anderson is applying for licensure by reciprocity with Pennsylvania. She further stated he was previously licensed in South Carolina in 1988. She noted that his license expired in 1998. She went on to say Mr. Anderson's credit report reflects a charged off account in the amount of \$4,530.00 for which he has provided an explanation. She indicated that he answered 'no' to question ten regarding disciplinary action against his license in another state. However, she noted that there was action taken by the Pennsylvania Auctioneers Commission (in 2002) for failure to pay a bank in excess of \$60,000 and that information provided by the Pennsylvania Auctioneers Commission indicates he had to pay a civil penalty totaling \$1,000.00 for failure to pay the proceeds from an auction. She indicated staff has not received the criminal history report from Pennsylvania. (This application is herewith attached and becomes a permanent part of the record retained at the Commission office.)

Mr. Anderson was not present for the meeting.

MOTION

Ms. McCoy made a motion, seconded by Mr. Mullis and unanimously carried, that the Commission further consider Mr. Anderson's application in executive session.

3. Auction Firm Licensure (Contingent upon passing examination)

a. Sharon D. Sanders

Ms. Addison-Miles stated Ms. Sanders is applying for an auction firm license by examination. She further stated Ms. Sanders has not yet taken the exam, however, she is scheduled to take the exam on December 4, 2003. She noted that Ms. Sanders' credit report indicates unpaid collection accounts totaling \$4,297.00. She went on to say Ms. Sanders' criminal history check reflects a fraudulent check charge. She indicated staff has not received an explanation or documentation regarding either of these issues. (This application is herewith attached and becomes a permanent part of the record retained at the Commission office.)

MOTION

Mr. Mullis moved the Commission table this matter until such time Ms. Sanders can successfully pass the exam. Ms. McCoy seconded the motion, which carried unanimously.

4. Request for Continuing Education Course Approval

a. William Barry Kelley

Ms. Addison-Miles presented the members with a copy of the course outline for a continuing education course along with a copy of his resume. She stated that on February 24, 2003 the Commission denied a request for Mr. Kelley to hold a continuing education course entitled "The Auctioneer's Guide to Understanding Residential Appraisals" based on inadequate auctioneer's content. She further stated that on May 19, 2003 the Commission denied Mr. Kelley's request to hold a continuing education course entitled "The Auctioneer's Guide to the Internal Revenue Service Form 8300" because the instructor did not have the required five years of experience in the particular area. She said he has not indicated where the class would be taught. She further stated Mr. Kelley had requested to meet with the Commission at today's meeting; however, he was not present for the meeting.

MOTION

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

5. Review/Approval of IRC Chairman

Ms. Dantzler stated that the Office of General Counsel asks all Boards and Commission to annually review and approve the IRC Chairman.

MOTION

Mr. Moody moved the Commission retain Mr. Ivan Broadwell and Mr. Wendall Christopher as the IRC chairman. Mr. Hall asked that the Commission ask Mr. Broadwell if he would like to continue in this capacity. Mr. Moody withdrew this motion at this time.

MOTION

Ms. McCoy moved the Commission further research this matter and discuss it in executive session. Mr. Mullis seconded the motion, which carried unanimously.

6. Legislation

Ms. Frierson stated she has noted some areas which need clarification. She presented the members with suggestions she has regarding different sections. She discussed changes to Section 40-6-20, Section 40-6-110, Section 40-6-120, Section 40-6-230, Section 40-6-235 and Section 40-6-240. (These proposed changes are herewith attached and hereby becomes a permanent part of the record retained at the Commission's office.)

Ms. Dantzler suggested the Commission consider having a Frequently Asked Questions for the applicants who obtain applications from the Commission's webpage regarding the possible sanctions against individuals who give false answers on an application.

A discussion ensued regarding dual licensure to conduct real estate sales and conducting a ten-percent audit of all licensees for continuing education.

The Commission discussed and approved conducting a ten percent (10%) audit of auctioneer continuing education on a random basis. The discussion included the consequences of not completing the required continuing education, such as suspension of licensure for individuals who have not completed the continuing education. Those individuals who have said they have received the continuing education and show proof that the continuing education was received after the notice would receive a consent order with a \$250 fine. Those individuals who do not renew their auctioneer license and those who practice without a license would be fined and an auctioneer holding auctions without adequate continuing education would also be fined and required to be re-examined.

Discussion Items

There were no discussion items for the November 17, 2003 meeting.

Public Comments

Ms. Brinkley asked the Commission when she would be receiving her license. Ms. Addison-Miles stated she would be receiving her license before the end of the week.

Executive Session

MOTION

Mr. Moody made a motion seconded by Mr. Mullis and unanimously carried, that the Commission enter executive session.

Return to Open Session to Report on Executive Session

MOTION

Mr. Moody moved the Commission return to public session. Mr. Mullis seconded the motion, which carried unanimously.

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

Ricky Lee Suttles

MOTION

Ms. McCoy moved that the Commission issue a probationary license, that he appear before the Commission in one year with documentation indicating his credit

circumstances, and that he practice with a licensed auction firm. The motion was seconded by Mr. Mullis and unanimously carried.

Harry Allen Anderson

MOTION

Ms. McCoy made a motion, seconded by Mr. Mullis and unanimously carried, that the Commission deny this application due to Mr. Anderson falsely answering question ten on the application.

Request for Continuing Education Course Approval - William Barry Kelley

MOTION

Mr. Moody moved the Commission deny this request until such time Mr. Kelley can provide material indicating his qualifications. Ms. McCoy seconded the motion, which carried unanimously.

Approval of IRC Chairman

Ms. Frierson stated the Commission has directed staff to research this matter and that this matter would be tabled to the February 23, 2003 meeting.

Election of Officers

Chairman

Ms. McCoy nominated Ms. Frierson. Mr. Mullis seconded the nomination. Ms. Frierson was elected chairman by acclamation.

Vice Chairman

Mr. Mullis nominated Ms. McCoy. Discussion ensued. Ms. McCoy nominated Mr. Moody. Mr. Mullis withdrew his nomination and seconded Ms. McCoy's nomination. Mr. Moody was elected vice chairman by acclamation.

Adjournment

There being no further business to be discussed at this time, Mr. Moody made a motion, seconded by Ms. McCoy and unanimously carried, that the meeting be adjourned.

The November 17, 2003 meeting adjourned at 12:51 p.m.