

MINUTES

South Carolina Auctioneer's Commission

Board Meeting

10:00 A.M., May 16, 2005

Synergy Business Park

110 Centerview Drive, Kingstree Building, Room 201-03

Columbia, South Carolina

Mr. Blocker, Chairman, of Walterboro, called the meeting to order at 10:05 a.m. Other members present included: Archie Moody, Vice Chairman, of Darlington; Patsy Towery, of Columbia; and George Martin, of Pelzer.

Fred Mullis, of Lancaster, was absent from the meeting.

Staff members participating in the meeting included: Sharon Dantzler, Deputy General Counsel, LLR-Office of General Counsel; Connie Huffstetler, Administrative Assistant; Joe Harmon and Brett Sims, Office of Investigations and Enforcement; Lenora Miles, Administrator; Linda Owens, Administrative Assistant; and Randall Bryant, Assistant Deputy Director - LLR.

Members of the public attending the meeting included: Ivan Broadwell, SCAC; Raymond Lee, Lee Auctions; and Rebecca Frierson; HammerDown.

Meeting Called to Order

Mr. Blocker announced that public notice of this meeting was properly posted at the S. C. Auctioneer Commission office, Synergy Business Park, Kingstree Building, Room 201-03 and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Chairman's Remarks

Mr. Blocker welcomed everyone to the meeting and welcomed Mr. Martin and Ms. Towery as new members of the Commission.

Approval of the February 28, 2005 Meeting Minutes

MOTION

Mr. Moody moved to approve the minutes of the February 28, 2005 meeting. Ms. Frierson suggested that, since the minutes were received just prior to the beginning of the meeting, the approval of the minutes be deferred to give members time to make certain they were accurate. Mr. Moody stated that he had read them before making the motion. Mr. Blocker asked if there was a second to the motion to approve the minutes. Ms.

Towery seconded the motion and it carried unanimously.

Administrator's Remarks

Ms. Miles welcomed Mr. Martin and Ms. Towery on behalf of the Auctioneers Commission staff.

Ms. Miles advised the members that renewals are underway and that renewal forms were mailed on April 29 to auctioneers and firms.

Ms. Miles reported that since the last regularly scheduled meeting on February 28, 2005, 12 new auctioneers licenses and 1 new firm license had been issued. She stated that the last exam was given on March 11, 2005 with 7 candidates taking the exam. All candidates passed the exam with an average score of 81, a high score of 90 and a low score of 72. The next exam is scheduled for June 3, 2005.

Ms. Miles advised the members that Mr. Bryant had discussed with the agency Director, the matter of the Recovery Fund balance. Any claims against the fund will be paid from the Commission's Operating Fund. Ms. Miles advised that as of March 31, 2005 the balance in the Operating Fund is \$293,000 and the balance in the Recovery Fund is \$6,533.

Ms. Miles stated that an Investigative Report would be presented to the members in Executive Session.

Ms. Miles introduced Mr. Bryant to speak to the members on a legislative matter. Before doing so, Mr. Bryant noted that Ms. Miles was graduating from the CPM program today and asked her to brief the Commission members on that program.

Ms. Miles explained that CPM is a Certified Public Manager Program, presented by the Budget and Control Board. Selected state employees are chosen to participate in the eighteen-month program, which includes classroom instruction, projects and an examination. Ms. Miles stated that it had been very interesting and a great experience. The members congratulated Ms. Miles on her accomplishment.

Assistant Deputy Director's Remarks

Mr. Bryant presented a very brief overview of H3781. He asked the members to review the proposed legislation before the next meeting and requested that a discussion of the bill be placed on the agenda for the next meeting.

Ms. Dantzler observed that there are not really any major changes in the law, but rather in the language and organization of the Engine Bill. She explained that the changes are mostly technical in nature.

Mr. Broadwell asked if the bill amends only Section 40-1 or if it also affects Section 40-6.

Ms. Dantzler answered that it only amends Section 40-1.

Advisory Opinions, If Needed, Office of General Counsel
No advisory opinions were given at the May 16, 2005 meeting.

Action Items
Unfinished Business

Ratification of Mail Ballot for Continuing Education Course - Terry Howe
Ms. Miles stated that three members voted by mail ballot to approve the course "Are You Making Money" which Mr. Howe wants to teach in SC prior to teaching at the National Auctioneers Association Convention in July.

Mr. Broadwell advised the members that Mr. Howe had taught the course under his sponsorship and it was an excellent course.

Mr. Blocker asked that all in favor of approving the mail ballot respond by saying "aye". The ballot was approved unanimously.

Revised Criteria for Approval of Auction Schools, Sponsors and Instructors
Ms. Miles noted that at the last meeting changes were made removing the fees for approval of continuing education. Also, on page 3 in the last paragraph under number 4, the wording would be changed from "SC State" to any government agency.

Mr. Broadwell noted that at the last meeting the motion was to remove the fees from one paragraph but the intent had been to remove all fees, which is the way the guidelines were rewritten.

Mr. Lee advised the Commission members that he has reconsidered the proposed guidelines and is withdrawing his support for approval. He feels that there is a conflict with the guidelines and the law, regarding pre-approval of continuing education classes. After a discussion, Ms. Dantzler explained that all but one of the LLR boards and commissions interpret the law to mean that once a class is approved, it remains approved and it is not necessary to request approval every year. She believes the Auctioneers Commission is correct in not requiring classes to be approved every year, but only when there are changes or new classes.

MOTION

Mr. Moody moved to approve the Continuing Education Guidelines as presented to the Commission with the noted changes. Mr. Martin seconded the motion, which carried.

New Business

Review/Approval of Application - Angela Lawrimore

Ms. Lawrimore did not appear before the Commission and Ms. Miles advised the members that her SLED report had not been received.

MOTION

Ms. Towery moved to deny Ms. Lawrimore's application with leave to reapply. Mr. Martin seconded the motion, which carried.

Request for approval of CEU Classes - Ivan Broadwell

- a. Pedro Lopez - Basic Spanish for Auctioneers
- b. Selected Short courses
 - IRS \$10,000 rule
 - Selling Game Animals
 - Uniform Commercial Code
- c. Ringmaster
- d. PowerPoint Auctions
- e. Auctioneers Are Appraisers
- f. The Auctioneer and Collectibles

Mr. Broadwell appeared before the Commission to ask for approval of Continuing Education Classes submitted to the Commission by mail.

Ms. Miles presented to the Commission members a letter received from William Barry Kelley, dated May 10, 2005. In the letter, Mr. Kelly expressed his opposition to approval of the proposed class "Basic Spanish for Auctioneers."

Mr. Broadwell read aloud a letter in response to Mr. Kelley's objections to the course. That letter is attached and becomes a part of the permanent record of the meeting.

MOTION

Mr. Martin made a motion, seconded by Mr. Moody, to approve the Continuing Education classes proposed by Mr. Broadwell. The motion carried unanimously.

Discussion Items

There were no discussion items for the May 19, 2005 meeting.

Public Comments

Mr. Lee stated that he was looking forward to working with the Commission and the new members He invited the members to a class he is presenting on May 25, 2005 at Midlands Technical College.

Executive Session

MOTION

Mr. Moody moved to enter Executive Session to hear the IRC report and deliberate on

disciplinary matters. Ms. Towery seconded the motion, which carried unanimously.

Return to Open Session to Report on Executive Session

MOTION

Mr. Martin made a motion, seconded by Mr. Moody, to return to Public Session. The motion carried.

Mr. Blocker noted that no motions were made and no votes taken in Executive Session.

IRC Recommendations

Case 20050001 - Recommended for dismissal with a \$500 penalty to be imposed if the respondent applies for a firm license in the future.

Case 20050002 - Recommended for dismissal.

Case 20050003 - Recommended for dismissal.

MOTION

Mr. Moody moved that the Commission approve the IRC recommendations. Mr. Martin seconded the motion, which carried unanimously.

Adjournment

MOTION

Mr. Moody moved to adjourn the meeting. Ms. Towery seconded the motion, which carried unanimously.

There being no further business, the May 16, 2005 meeting adjourned at 11:10 a.m.