

MINUTES

South Carolina Auctioneers' Commission
Board Meeting
10:00 A.M., August 22, 2005
Synergy Business Park
110 Centerview Drive, Kingstree Building, Room 108
Columbia, South Carolina

Mr. James G. 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; and George Martin, of Pelzer.

Fred Mullis, of Lancaster, was granted an excused absence.

Staff members participating in the meeting included: Sharon Dantzler, Deputy General Counsel, LLR-Office of General Counsel; Connie Huffstetler, Administrative Assistant; Lenora Addison- Miles, Administrator; and Linda Owens, Administrative Assistant.

Members of the public attending the meeting included: E. LeRoy Nettles, Nettles, Turbeville & Reddeck; Ray Floyd; Jimmy Dangerfield; Myra Stone; Mitchell T. Ashby; Charles R. Easler, II; Dale Henderson; Senator Yancey McGill; Bill Yonce; Ivan Broadwell; and Raymond Lee.

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 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.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Invocation

Mr. Blocker delivered the invocation.

Approval of the May 16, 2005 Meeting Minutes

MOTION

Mr. Moody moved to approve the minutes of the May 16, 2005. Mr. Martin seconded the motion, which carried unanimously.

Chairman's Remarks

Mr. Blocker welcomed everyone to the meeting. He noted that Mr. Mullis was granted an excused absence from the meeting.

Administrator's Remarks

Ms. Miles advised the members that expired license letters and cease and desist orders were mailed to 150 auctioneers and 23 firms that had not renewed their licenses as of August 2, 2005.

Ms. Miles noted that the Auctioneers licensing has been converted to a new computer system that allows for on-line renewals using a credit card. The agency is moving to have all renewals completed on line during the next renewal period.

Ms. Miles advised the members that, if the Commission so desires, a newsletter committee could be appointed with the newsletter being published on the website.

Ms. Miles presented the members with the results of the exam, which was given on June 3, 2005. Eight persons took the exam, with seven passing. The average score was 82 with a high score of 93 and a low score of 61. The next exam will be given September 9, 2005.

Ms. Miles stated that the Auctioneer's staff and LLR have been working with Professional Credentials Services regarding administering a computer based exam for auctioneers. PCS currently administers exams for auctioneering in several other states, including Pennsylvania. Since SC does not have databank of questions, the Pennsylvania board has agreed to share their databank of questions with SC. Pennsylvania currently has a pool of 240 questions from which the test is comprised. The SC Commission would meet with representatives of PCS to determine which questions from the Pennsylvania test would be appropriate for SC and also to incorporate SC law questions. Two workshops would be required to develop the test and it would take four to six weeks following the first workshop to implement the exam.

Legislative updates, If Needed, Legislative Liaison

There were no legislative updates for the August 22, 2005 meeting.

Advisory Opinions, If Needed, Office of General Counsel

No advisory opinions were given at the August 22, 2005 meeting.

Unfinished Business

Board Position on H.3781 - Amendment to the Engine Bill

Mr. Blocker asked Ms. Dantzler for clarification of several items in the proposed legislation. He asked about the use of the term "authorization to practice" in place of licensing. Ms. Dantzler explained that the definition of the term "authorization to practice" includes licensing, certification, registration and permits.

Mr. Blocker expressed concern about the money of the different boards being combined in one account. Ms. Dantzler explained that it would still be accounted for separately, but the changes were intended to streamline the accounting process.

Mr. Blocker noted that the legislation appears to give the Director of LLR the ability to set

fees for licensing. Ms. Dantzler stated that the current language of the Engine Bill allows the Director to adjust fees to cover the cost of the program, using a formula in the statute, and program requirements as set by the Board.

Mr. Blocker asked if there were any other questions or items for discussion regarding the bill. There were none.

Mr. Blocker then asked if there were any objections to the bill. There being no objections from the members, the Auctioneers Commission approved, by acclamation, endorsement of H.3781.

New Business

Request for Approval of Instructor

Matthew Holiday - Southeastern School of Auctioneering

The members reviewed Mr. Holiday's application. Mr. Blocker noted that Mr. Holiday had presented a seminar at the national convention this year and had done a very good job.

MOTION

Mr. Moody moved to approve Mr. Holiday as an instructor. Mr. Martin seconded the motion, which carried.

Application Hearings

Charles R. Easler, II

Mr. Easler appeared before the Commission to request that his Auctioneer's license, which was suspended in 2001, be reinstated. Mr. Easler was represented by an attorney, Mr. Leroy Nettles, Sr.. Witnesses for Mr. Easler included Senator Yancey McGill, Mr. Bill Yonce and Mr. Dale Henderson. After evidence was presented in the case, the matter was deferred to Executive Session.

Jimmy W. Dangerfield

Mr. Dangerfield appeared before the Commission to explain items on his credit report. Mr. Raymond Lee spoke on Mr. Dangerfield's behalf. Ms. Towery recused herself from the matter of Mr. Dangerfield's license. After hearing evidence in the case, the members deferred the matter to Executive Session.

Gene Ray Floyd

Mr. Floyd appeared before the Commission to explain items on his credit report. After questioning Mr. Floyd, the members deferred the matter to Executive Session.

Myra C. Stone

Ms. Stone appeared before the Commission to ask for a reduction in a fine, which she must pay before receiving her license. She received the fine for operating without a firm license. After hearing her testimony, the members agreed to defer the matter to Executive Session.

Mitchell T. Ashby

Mr. Ashby appeared before the Commission to answer questions regarding items on his criminal background report. After reviewing documents provided by Mr. Ashby, Ms. Dantzler advised the members that it appears the original arrest warrant was dismissed. However, between the time of the hearing and the time that the dismissal order was entered, the Florence County Grand Jury indicted Mr. Ashby. The bond was continued against the indictment. The matter of Mr. Mitchell's license was deferred to Executive Session.

Public Comments

Mr. Raymond Lee presented the Commission with four items for their consideration. The members agreed to review the questions brought before them by Mr. Lee, consult with legal counsel if necessary, and give an opinion to Mr. Lee at a later date.

Executive Session

MOTION

Ms. Towery moved to enter Executive Session to seek legal counsel and deliberate on disciplinary matters. Mr. Blocker seconded the motion, which carried unanimously.

Return to Open Session to Report on Executive Session

MOTION

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

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

Charles R. Easler, II

MOTION

Mr. Moody moved to grant reinstatement of Mr. Easler's license for a probationary period of three years, with the following conditions:

Mr. Easler's license will be restricted to auctioneering only.

Mr. Easler will submit a new credit report each year.

Mr. Easler will make a payment of \$1000 for a fine from 2001, which was not paid at that time.

Mr. Easler's license will be immediately suspended upon receipt of any other complaints during the three-year probationary period.

Mr. Easler is required to complete a four-hour business ethics course within one year.

Mr. Martin seconded the motion, which carried.

Jimmy W. Dangerfield

MOTION

Mr. Moody moved to issue Mr. Dangerfield's license for a one-year probationary period, at the end of which he will be required to submit a credit report. Mr. Martin seconded the

motion. The motion carried, with Ms. Towery abstaining from the vote.

Gene Ray Floyd

Mr. Martin moved to approve Mr. Floyd's license for a one-year probationary period, with a satisfactory credit report to be submitted at the end of the probationary period. Mr. Moody seconded and the motion carried.

Myra C. Stone

MOTION

Ms. Towery moved that, in following precedent set in previous cases, the fine amount remain at \$500.00, and that Ms. Stone's license be issued upon payment of the fine. Mr. Martin seconded the motion, which carried.

Mitchell T. Ashby

MOTION

Mr. Martin made a motion to renew Mr. Ashby's license under the condition that he keep the Commission advised of all proceedings in the pending charges, including court dates, plea bargains, convictions or dismissals. Mr. Moody seconded the motion and it carried.

Consent Order

Case # 2005-08

MOTION

Mr. Moody moved that the Commission approve the consent order for Case # 2005-08. The motion was seconded by Ms. Towery and carried.

Adjournment

MOTION

Mr. Moody moved to adjourn the meeting. Mr. Martin seconded the motion, which carried.

There being no further business, the August 22, 2005 meeting adjourned at 1:10 p.m.