

A P P E A R A N C E S

Board Members: James G. Blocker (Chair)
Victor J. Avendano
E. Wendell Christopher
Matthew J. Holiday
Michelle J. Pinkney

For the State: N/A

For the Respondent: N/A

Advising the Board: Sheridan Spoon, Esq.

Also present: Lenora Addison-Miles, Administrator
Theresa Gardner, Program Assistant

Reported by: Gary A. Haygood

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23
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INDEX TO PROCEEDINGS

Opening Remarks for the State
by Ms. Addison-Miles 4

Statement by the Petitioner, Mr. Compton 6

Examination of Mr. Compton
by the Board 7

Motion/motion passes 14-15

Certificate 17

INDEX TO EXHIBITS

There were no exhibits marked in the proceedings.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PROCEEDINGS

(On record 10:19 a.m. November 28, 2011.)

MR. BLOCKER: Mr. Compton.

MR. COMPTON: Good morning.

MR. BLOCKER: Glad to have you, sir. I'm going to read from this script they've given me here.

The purpose of this hearing is to determine whether the Applicant should be granted a license as an auctioneer. Everyone is reminded that these proceedings are being recorded. That all witnesses must be sworn before they testify. And all remarks should be directed toward me.

Ms. Miles, do we have the complete application package in this material?

MS. ADDISON-MILES: Yes.

MR. BLOCKER: We do. Thank you. What questions did we have, Ms. Miles?

OPENING REMARKS FOR THE STATE:

MS. ADDISON-MILES: Our office received an application from Mr. Compton on August 29, 2011 for licensure as an auctioneer by examination. Mr. Compton passed the auctioneer exam on September 9, 2011. His credit report reflects unpaid collection

1 accounts that exceed \$500. Mr. Compton
2 answered no to question 12 on the application
3 which asks if there have been any judgments,
4 liens, or claims filed against you in the past
5 five years. However, his credit report
6 indicates two state tax liens.

7 MR. BLOCKER: Thank you. Did the staff subpoena
8 any other person to be here today to testify?

9 MS. ADDISON-MILES: No, sir.

10 MR. BLOCKER: Mr. Compton, I see you are present.

11 MR. COMPTON: Yes, sir.

12 MR. BLOCKER: Are you going to be represented by
13 counsel?

14 MR. COMPTON: No, sir.

15 MR. BLOCKER: You know you can have counsel if you
16 would like? You were notified of that?

17 MR. COMPTON: (Nods head up and down.)

18 MR. SPOON: Please answer in the affirmative just
19 for the court reporter, yes or no.

20 MR. COMPTON: Yes, sir.

21 MR. BLOCKER: You understand you have a right to be
22 represented by counsel?

23 MR. COMPTON: Yes, sir.

24 MR. BLOCKER: You are electing to waive that right
25 and represent yourself; is that correct?

1 MR. COMPTON: Yes, sir.

2 MR. BLOCKER: Did you receive the Notice of this
3 hearing that was sent out?

4 MR. COMPTON: Yes, sir.

5 MR. BLOCKER: Undoubtedly you did. This is the
6 first time I've read from a script, okay.
7 Hope I've been covering most of it.

8 Do you have any witnesses with you today?

9 MR. COMPTON: No, sir.

10 MR. BLOCKER: No witnesses. We will need to swear
11 him. Mr. Reporter, will you swear him.

12 Whereupon,

13 McKinley Dean Compton is duly sworn and cautioned
14 to speak the truth, the whole truth, and nothing
15 but the truth.

16 MR. BLOCKER: Mr. Compton, are you ready to show us
17 why you should be granted a license in spite
18 of the questions that have been raised?

19 MR. COMPTON: Yes, sir.

20 MR. BLOCKER: You may go ahead.

21 STATEMENT BY THE PETITIONER:

22 MR. COMPTON: Okay. I haven't had a chance to
23 really take care of any of the unpaid bills.
24 I've been without a job since June, so I've
25 not -- I've actually not taken care of any of

1 it. I was hoping it wouldn't be serious
2 enough debts to keep me -- to prevent me from
3 getting a license. Do you have copies of
4 them, or should I explain to you what they
5 are?

6 MS. ADDISON-MILES: They have a copy.

7 MR. BLOCKER: We have copies.

8 MR. COMPTON: Okay. I've been without a job since
9 June, so I've not been able to take care of
10 any of it. It is a phone bill, a cell phone
11 bill, that I'm -- I'm going through a divorce,
12 and I think it should be -- I've leaving it up
13 to the court to decide on it. I think it was
14 like \$2,000, as far as if I pay it or my ex-
15 wife will pay it.

16 Two doctor bills and some taxes.

17 MR. BLOCKER: Anything else?

18 MR. COMPTON: That's it.

19 MR. BLOCKER: Does anyone have any questions for
20 Mr. Compton?

21 EXAMINATION BY THE BOARD:

22 MR. SPOON: Can I ask him a question about his
23 application?

24 MR. BLOCKER: Yes, sir.

25 MR. SPOON: Mr. Compton, I am not a member of the

1 Board. I'm an attorney who is assigned to the
2 Board. I just had a question about -- I guess
3 it's a procedural question about your
4 application. There are a number of questions
5 on the application. Number 12 does ask about
6 judgments, liens, or claims filed against you
7 in the past five years, and you answered no.

8 MR. COMPTON: Okay. I guess I just misunderstood
9 it. I wasn't trying to hide anything or
10 anything. I didn't know that that qualifies
11 as a judgment or as a lien. That was just
12 simply I misunderstood the question.

13 MR. SPOON: Right. So you have the two tax liens
14 on your -- on your credit history. It looks
15 like they were -- it says they were verified
16 in January of this year.

17 MR. COMPTON: Yes, sir.

18 MR. SPOON: I don't pretend to know what that
19 means. I guess that means something like
20 maybe filed or became effective in January of
21 this year. What did they have to do with?
22 Income taxes or what kind of taxes were they?

23 MR. COMPTON: It was actually my state -- my sales
24 tax. I had a business. I ran a store. I
25 closed it down. But -- and it was actually a

1 misunderstanding. I actually worked as a --
2 had a flooring job, too. And it was my
3 understanding that -- it was only like \$600,
4 and my understanding it was going to be --
5 that they were just going to cancel each other
6 out. And I was really unaware of it. But it
7 was sales tax that I owed. And then from what
8 my accountant said, my understanding was that
9 it was just going to cancel each other out. I
10 think it was about \$600. But I think now with
11 late fees and penalties, it's up to a thousand
12 or roughly around a thousand dollars now.

13 MR. SPOON: Well, one is -- one of them is \$621.

14 And the other one is \$2,631. I don't know if
15 that's -- there's two separate entries.

16 MR. COMPTON: Okay. I'm not -- I'm not for sure.

17 I don't even remember seeing that on my paper.
18 I'm not saying it wasn't. I just don't
19 remember. I have no idea. I'll just have to
20 talk with my accountant and see. Honestly, I
21 don't -- I don't have a clue.

22 MR. SPOON: Okay.

23 MR. COMPTON: I don't know why it would have \$2600
24 owing in taxes.

25 MR. BLOCKER: Any other questions?

1 MR. SPOON: No, sir. And, again, I don't mean to
2 take up anybody's time.

3 MR. BLOCKER: That's fine.

4 MR. SPOON: I just was curious about if you had any
5 -- I think you probably answered this
6 question, as far as if you were not aware of
7 it, then you would not have any information
8 today, as far as what your plans were to
9 satisfy the lien. You weren't aware of it,
10 so --

11 MR. COMPTON: Yeah. I'm not aware of the 2600. I
12 was aware of the six hundred and some dollars.
13 And that was the one that I thought was a
14 misunderstanding. I'll just have to -- I'll
15 check on the 2600.

16 MR. SPOON: That's all then. Thank you.

17 MR. BLOCKER: How about the other ones that you've
18 got? What's your plans on disposing of them?

19 MR. COMPTON: The other taxes or the --

20 MR. BLOCKER: Some other accounts.

21 MR. COMPTON: Other accounts?

22 MR. BLOCKER: Other than cell phone, you said that
23 was a dispute.

24 MR. COMPTON: Okay. I'm just planning on paying --
25 the \$347 is a doctor bill. And the \$84 is a

1 doctor bill. And I just plan on just paying
2 those out. The 2380 is actually a cell phone
3 bill that I'm going to leave up to the judge
4 to say if I pay or my ex-wife pays. I think
5 it was -- it was -- without getting into a
6 whole bunch of stuff, I feel like she should
7 have to pay the cell phone part. It was
8 actually in my name, but I feel like she
9 should pay it.

10 MR. BLOCKER: Mr. Holiday, do you got any questions
11 for Mr. Compton?

12 MR. HOLIDAY: Do you have a plan on paying back the
13 taxes? Is there -- well, first of all, what
14 type of auction business are you planning to
15 have? And then the second question, you may
16 be holding \$10,000 of someone else's money,
17 and they may be nice and sweet. But the
18 Revenue, those people aren't too nice about
19 owing back taxes. So what's your priority?
20 What's your plan? I mean, do you feel a sense
21 of urgency?

22 MR. COMPTON: Actually, my plans is, I've got a
23 building lined up. I've got my auctions. I'm
24 ready to get it going. I'm going to have two
25 or three auctions a week in an auction house.

1 I'm planning on doing estate auctions. I've
2 got a couple of those lined up. I don't see a
3 problem of getting the bills paid in three or
4 four months. Having it all cleared up, except
5 for the cell phone bill.

6 Actually, the taxes, I talked to my
7 accountant a while back. And with the
8 penalties and all, it's somewhere around a
9 thousand dollars, the 600. I wasn't aware of
10 the \$2,000. But I'm still getting a refund of
11 six hundred and some dollars, which I thought
12 was just going to cross each other out, and
13 that wouldn't have even been on there. But,
14 yeah, I mean, and the doctor bills, I guess, a
15 little over \$400. I don't think that will be
16 that big of problem to take care of.

17 MR. HOLIDAY: Just concerned. The tax folks aren't
18 too easy on people. So what about your
19 escrow? Have you set up a escrow account
20 yet?

21 MR. COMPTON: I've not. But I'm planning to. I
22 was just waiting to make sure I got my
23 license. I didn't want to set anything up
24 and, you know, be rejected for my license.
25 I've talked to my accountant. We're on a plan

1 to keep everything going every quarter. And I
2 am going to set up an escrow account for all
3 taxes and everything. So it shouldn't be a
4 problem.

5 MR. HOLIDAY: Do you have a bookkeeper and a CPA
6 that's helping you?

7 MR. COMPTON: I have an accountant that I'm going
8 to go to that's going help me out. She's just
9 a real close friend. She'll help me out
10 pretty good.

11 MR. BLOCKER: Mr. Christopher?

12 MR. CHRISTOPHER: No questions.

13 MR. BLOCKER: Mr. Avendano?

14 MR. AVENDANO: No, questions.

15 MR. BLOCKER: Ms. Pinkney?

16 MS. PINKNEY: No questions.

17 MR. BLOCKER: Okay. Anything else you'd like to
18 add?

19 MR. COMPTON: I think that's all.

20 MR. BLOCKER: We'll take this under advisement.

21 Is there a motion we go into Executive
22 Session?

23 MR. CHRISTOPHER: I move we take it up in Executive
24 Session.

25 MR. BLOCKER: All right. Do we have a second?

1 MR. AVENDANO: I'll second it.

2 MR. BLOCKER: All in favor we take it up in
3 Executive Session?

4 BOARD MEMBERS: Aye.

5 MR. BLOCKER: So ordered. We'll take it up and let
6 you know, if you want to hang around. If not,
7 we'll mail it in, what, ten days?

8 MS. ADDISON-MILES: Yes, sir.

9 MR. COMPTON: If I hang around, I mean, is this
10 something I'll know today?

11 MS. ADDISON-MILES: You will.

12 MR. COMPTON: Thank you.

13 (10:19 a.m. -- Testimony in this Appearance concluded.)

14 (12:50 p.m. - Decision of the Board after Executive Session.)

15 MR. BLOCKER: Mr. Compton? He's not here.

16 MR. CHRISTOPHER: Mr. Chairman, I make a motion
17 that Mr. Compton be granted his license and
18 given on a two-year probation. And that he is
19 to report back within a year of the progress
20 he's made on his credit.

21 MR. BLOCKER: You heard the motion. Do we have a
22 second?

23 MS. PINKNEY: Second.

24 MR. BLOCKER: Second. Any discussion? (No
25 response.) All in favor of the motion, say

1 aye.

2 BOARD MEMBERS: Aye.

3 MR. BLOCKER: So ordered. Mr. Compton, that was
4 you. Counsel, would you tell him what the
5 motion was.

6 MR. SPOON: Mr. Compton, the Commission has voted
7 to approve your application. Your license
8 will be placed on two years probation. And
9 you must submit a credit report at the end of
10 the 12 months, showing the progress you've
11 made towards the resolution of the items on
12 your credit history, including the state tax
13 liens. And you can petition, of course, as
14 anyone could, you can petition to be removed
15 from probation at the end of the two years.

16 MR. COMPTON: I've got a question. Probation, you
17 can go ahead with regular auctions and stuff?
18 I'm an licensed auctioneer?

19 MR. SPOON: Yes. Your license is --

20 MR. BLOCKER: Yeah.

21 MR. SPOON: Your license is approved, but it's on
22 probation.

23 MR. BLOCKER: You'll be getting an official notice
24 of that.

25 MR. COMPTON: Okay, thank you.

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MR. BLOCKER: Thank you, sir.

(Whereupon, at 1:01 p.m., the proceeding in the above-entitled matter was concluded.)

