

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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There were no exhibits marked in the proceedings.

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PROCEEDINGS

(On record 10:42 a.m. November 28, 2011.)

MR. BLOCKER: The purpose of this hearing is to determine whether the Applicant should be granted a license for an auction firm. Everyone is reminded that we are being recorded, and the witnesses must be sworn before they testify.

Ms. Miles, we do have that package in front of us?

MS. ADDISON-MILES: Yes, sir.

MR. BLOCKER: And what questions did you have from the application?

OPENING REMARKS BY THE STATE:

MS. ADDISON-MILES: Our office received an application from Nikki Dales, LLC on November 15, 2011 for licensure as an auction firm by examination. Mr. Thomas Dale Collier is the Applicant Qualifier. Mr. Collier passed the online firm exam on November 21, 2011. Mr. Collier's credit report reflects unpaid collection accounts that exceed \$500.

MR. BLOCKER: Okay. We need to swear him in, please.

1 Whereupon,

2 Thomas D. Collier is duly sworn and cautioned to
3 speak the truth, the whole truth, and nothing but
4 the truth.

5 MR. BLOCKER: Do you have any witnesses?

6 MR. COLLIER: What, sir?

7 MR. BLOCKER: Did you bring any witnesses with you?

8 MR. COLLIER: Yes, I did. My wife, my Nikki Dales
9 partner.

10 MR. BLOCKER: We need to swear her, too, I guess.

11 Whereupon,

12 Kimberly Collier is duly sworn and cautioned to
13 speak the truth, the whole truth, and nothing but
14 the truth.

15 MR. BLOCKER: We didn't subpoena anybody else, did
16 we, Ms. Miles?

17 MS. ADDISON-MILES: No, sir.

18 MR. BLOCKER: Are you represented by counsel?

19 MR. COLLIER: No, sir.

20 MR. BLOCKER: You know you could be?

21 MR. COLLIER: Yes, I do.

22 MR. BLOCKER: You could have counsel, okay? You've
23 been notified of that and are fully aware of
24 that?

25 MR. COLLIER: I'm fully aware.

1 MR. BLOCKER: Okay. Your full name, ma'am?

2 MS. COLLIER: Kimberly Nicole Collier. I am
3 married to Thomas. I'm Thomas's wife.

4 MR. BLOCKER: Okay.

5 MS. COLLIER: I'm very nervous.

6 MR. BLOCKER: Don't worry about that. We're just
7 home folks.

8 MS. COLLIER: All right. That sounds good to me.

9 MR. BLOCKER: Mr. Collier, are you ready to show us
10 why you should be granted a license?

11 STATEMENT BY THE PETITIONER:

12 MR. COLLIER: Yes, sir. I think on my credit
13 there's a lot of -- there's a lot of medical
14 bills on there. I have been out of work for
15 quite a while. We both was in a real estate
16 business. I was like -- I was privileged to
17 stay home and my wife. She did Homes and Land
18 magazines out of the house. Kind of like I
19 could give you a basic scenario. You think --
20 think of 32.50 a page. Before the stock
21 market crashed, we were doing like -- she was
22 doing 12 books by 150 or 200 pages per book.
23 And it dropped to 30 pages, and books dropped
24 off to three and four books. So we lost a lot
25 of income, a lot of savings, when that

1 happened. And a lot of the bills started
2 piling up.

3 And that's another thing. I've been
4 trying to pay off some of the creditors. I've
5 been making some offers with them, paying off
6 my bills. I went into Wells Fargo. I went on
7 a payment plan for my house to keep my home.
8 I'm trying to pay off the bills as well as I
9 can. And I want to pay off all my bills
10 back off. That's what I'm trying to do now.
11 I'm sure you can probably see on the credit
12 report I am paying some on the creditors and
13 debt.

14 MS. COLLIER: The medical bills just fell by the
15 wayside. The cars, house --

16 MR. COLLIER: My son. Our son --

17 MS. COLLIER: We have a son who's a senior in high
18 school, which is a very expensive year. Those
19 things got paid first. And then the medical
20 we have put off and are attempting to get back
21 full circle to the medical. But we did make a
22 lot of settlements with the credit card
23 companies and things like that. But when that
24 market -- when the market crashed, I went --
25 we went from making six figures to barely

1 making five. I mean, it was crazy.

2 MR. CHRISTOPHER: Counselor, I live in the same
3 district they do, and I'm on the advisory
4 board of Wells Fargo. Do I need to disqualify
5 myself in this? I do not -- I do not know
6 these people.

7 MR. SPOON: Wells Fargo is the creditor in some of
8 these instances?

9 MS. COLLIER: It's just one.

10 MR. COLLIER: It's on the house.

11 MR. SPOON: Is that the basis of your question,
12 that Wells Fargo is the creditor in some of
13 these instances?

14 MR. CHRISTOPHER: (Nods head.)

15 MR. SPOON: It's really up to you. It's not an
16 automatic means for disqualification. There's
17 a number of credit issues here that are --
18 that don't have to do with Wells Fargo. I
19 think it has to do with whether or not you
20 feel that you can be fair and objective.

21 MR. CHRISTOPHER: I don't have any problem. I just
22 didn't want a conflict of interest with me
23 being on the Wells Fargo --

24 MR. SPOON: And I appreciate your disclosure of
25 that. And if you feel like you can be -- the

1 question is, if you feel like you can be fair
2 and objective in the consideration. And also
3 we would ask the Applicant if he has any
4 position on the Board member's consideration
5 of your application?

6 MR. COLLIER: I don't have a problem with him at
7 all.

8 MR. SPOON: You don't have objection to that?

9 MR. COLLIER: No objection.

10 MR. CHRISTOPHER: Okay.

11 MR. BLOCKER: All right, go ahead. Do you have
12 anything else?

13 MS. COLLIER: We're wanting to do the auction firm
14 license to do internet-based auctions at this
15 time. When our son graduates from high
16 school, we're hoping -- he keeps saying he
17 wants to go to auctioneers' school and become
18 an auctioneer. So we're hoping that that's
19 the way that the business will go.

20 MR. COLLIER: Right now we have -- Nikki Dales is
21 an antiques store in Greenville, South
22 Carolina. Like we said, we do have a store
23 now. And a lot of our stuff will be -- a lot
24 of our personal stuff we buy and put on proxy
25 bids. There may be an occasion maybe somebody

1 else wants to sell to us. But the majority of
2 it will be our stuff we're selling.

3 EXAMINATION BY THE BOARD:

4 MR. BLOCKER: It will be online only; is that what
5 you said?

6 MS. COLLIER: At this time, yes, sir. Now, once
7 our son graduates from high school, we might
8 move more into a general merchandise or an
9 auction house situation. But right now our
10 plan is online only.

11 MR. BLOCKER: Mr. Holiday, questions?

12 MR. HOLIDAY: No.

13 MR. BLOCKER: Mr. Christopher?

14 MR. CHRISTOPHER: No questions.

15 MR. AVENDANO: No questions.

16 MR. BLOCKER: No questions?

17 MS. PINKNEY: No.

18 MR. SPOON: You just said a moment ago that you
19 were in the real estate business?

20 MS. COLLIER: Graphic design.

21 MR. COLLIER: Graphic design.

22 MR. SPOON: I thought you said you said real
23 estate.

24 MS. COLLIER: I do graphic design for Homes and
25 Land magazines from across the country,

1 everywhere from Washington state to Florida,
2 which is a real estate magazine. We're not
3 licensed real estate brokers.

4 MR. SPOON: I understand. It wasn't real estate,
5 so much as it was design?

6 MS. COLLIER: It was design; that's right. That is
7 correct.

8 MR. SPOON: All right.

9 MR. BLOCKER: Anything else?

10 MR. SPOON: No, sir. Thank you.

11 MR. BLOCKER: All right. We'll take it under
12 advisement. And I'll entertain a motion that
13 we go into Executive Session.

14 MR. HOLIDAY: Motion.

15 MR. BLOCKER: So moved. Do we have a second?

16 MS. PINKNEY: Second.

17 MR. BLOCKER: A second. All in favor that we take
18 this up in Executive Session, say aye.

19 BOARD MEMBERS: Aye.

20 MR. BLOCKER: So ordered. And we'll let you know.

21 MS. COLLIER: Thank you.

22 MR. BLOCKER: You can wait around or whatever.

23 (10:50 a.m. -- Testimony in this Appearance ended.)

24 (1:05 p.m. -- Decision of the Board after Executive Session.)

25 MR. BLOCKER: Thomas D. Collier, Nikki Dales. We

