

ALABAMA STATE BOARD OF AUCTIONEERS

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MINUTES Board Meeting July 14, 2005

The Alabama State Board of Auctioneers met on Thursday, July 14, 2005, at the Board offices in Montgomery for the purpose of conducting Board business. Those in attendance were as follows: Mr. Tommy Barnes, Chair; Mr. Dan Holland, Secretary; Mr. Buddy Ray, Member; and Mr. Chip Pearce Member, Mr. Gene Motes, Vice-Chair; Mr. Wayne Thorn, Member; and Mr. Ron Baldwin, Member were not present. The Board, consisting of a quorum, continued with a voting meeting. Also present were Mr. Keith Warren, Executive Director; Ms. Hope Paulene, Executive Assistant; and Ms. Dana Billingsley, Board Counsel.

The meeting was called to order at approximately 9:05 a.m.

Mr. Holland made a motion to dispense with the reading of the minutes from April 14, 2005 and accept them as submitted. The motion was seconded by Mr. Ray and unanimously carried by the Board.

Ms. Paulene presented an update on the August 20, 2005 Board Approved Sponsored CE Class, which will be held at the Holiday Inn-I-65 Homewood. The Board authorized Mr. Warren & Ms. Paulene to organize the event in securing a State Vendor to provide the facilities and contracting with Mr. Mike Jones (former National Auctioneers Association President) for a flat fee of \$1000.00 to teach a 2-hour course entitled, "Marketing & Advertising: Getting The Most Bang for your Buck". It is also the Board's pleasure that Ms. Billingsley teach a 2-hour course on Administrative Procedures/Law and Rules and Regulations based on her legal knowledge and also for Mr. Barnes to instruct a 2-hour course relating to Legislation/Board Functions. According to Alabama Administrative Code r. 150-X-1-.15 (e) (5), "Any seminar underwritten by the board or its designated representative (hour for hour)" is acceptable Continuing Education for Licensees.

Mr. Holland made a motion to accept on-line Continuing Education Hours provided by the Nashville Auction School or any other on-line curriculum offered by a Board-approved Continuing Education Provider. The motion was seconded by Mr. Pearce and unanimously carried by the Board.

Ms. Billingsley and Mr. Warren gave an update on the cases of Mr. Wayne Miller and Mr. Homer Oliver.

Mr. Barnes presented the Chair's report.

Mr. Warren delivered the Executive Director's report, which consisted of the following topics: a) open/closed investigations, b) detailed financial report, c) administrative services contract renewal and d) legal counsel contract.

The administrative hearings that were scheduled for today have been continued until further notice.

The Board instructed Ms. Billingsley to make suggested revisions to the Board's Consumer Complaint Form and report back to the Board.

Mr. Holland made a motion to remove the notary seal statement from the Consumer Complaint Form. The motion was seconded by Mr. Ray and unanimously carried by the Board.

Mr. Pearce made a motion that, for written complaints pertaining solely to purported violations of the advertising guidelines specified in Chapter 150-X-1-.03 of the Board's Rules and Regulations, the Board office could provide first-time offenders with a letter of warning explaining the requirements of auction advertisements in lieu of opening a formal investigation into the complaint. The motion was seconded by Mr. Holland and unanimously carried by the Board.

Mr. Alex Koster from Psychological Examination Services (PSI) made a presentation to the Board regarding computer-based testing for applicants.

Ms. Paulene delivered the Executive Assistant's report.

Mr. Ray made a motion for Mr. Warren to begin working on the specifications for an Invitation to Bid for computer based examination services. The motion was seconded by Mr. Pearce and unanimously carried by the Board.

Mr. Holland made a motion authorizing Ms. Billingsley to review the Request for Proposal for Administrative Services (RFP) and make any necessary changes thereto so that the Board office could mail them to vendors on the Division of Purchasing approved list and receive responses before the expiration of services under the present contract on September 30, 2005. Responses to the RFPs will

be mailed directly to the Chair at his home address. The motion was seconded by Mr. Pearce and unanimously carried by the Board.

Mr. Pearce made a motion to approve Ms. Billingsley's Professional Services Contract for a period of two (2) years (10/1/05 through 9/30/07), with a thirty (30) day cancellation clause, not to exceed \$30,000.00 per year. The motion was seconded by Mr. Holland and unanimously carried by the Board.

Mr. Pearce made a motion to deny Mr. Charles Wayne Parrott's application for licensure based on the Administrative Law Judge's recommendation. The motion was seconded and unanimously carried by the Board. The motion was seconded by Mr. Ray and unanimously carried by the Board.

Mr. Pearce then made a motion to repeal Administrative Code Rule 150-X-1-.04, "Conducting Auction Business". Mr. Ray seconded the motion, which was unanimously carried by the Board.

Mr. Holland expressed his concerns regarding incorrect interpretations of § 34-4-6 of the Code of Alabama, 1975 by municipalities throughout the state and requested that Board Counsel research the interpretation of that law, to include a search of Attorney General Opinions on that same issue. He also stated that it was his preference that the Board office only make reference to this section when individuals called the Board inquiring about a municipality's authority to impose license taxes on Board-licensed auctioneers.

At approximately 12:36 p.m., there being no further business, Mr. Ray made a motion to adjourn the meeting. The motion was seconded by Mr. Pearce and unanimously carried by the Board.

Respectfully Submitted,



Tommy Barnes, Chair



Keith E. Warren, Executive Director