

# ALABAMA STATE BOARD OF AUCTIONEERS

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## MINUTES Board Meeting January 12, 2006

The Alabama State Board of Auctioneers met on Thursday, January 12, 2006, at the Board offices in Montgomery for the purpose of conducting Board business. Those in attendance were as follows: Mr. Tommy Barnes, Chair; Mr. Gene Motes, Vice-Chair; Mr. Dan Holland, Secretary; Mr. Buddy Ray, Member; and Mr. Wayne Thorn Member. Mr. Chip Pearce, Member and Mr. Ron Baldwin, Member was 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 9:00 a.m.

The meeting was advertised to the public in the *Montgomery Advertiser* and posted on the Board's website, [www.auctioneer.alabama.gov](http://www.auctioneer.alabama.gov), as well as the Secretary of State's website, [www.sos.state.al.us](http://www.sos.state.al.us).

Mr. Holland made a motion to dispense with the reading of the minutes from October 13, 2005 and to accept them as submitted. The motion was seconded by Mr. Ray, and unanimously carried by the Board.

Mr. Warren informed the Board that the Invitation to Bid for Examination Services that were received from the opening were rejected for not meeting the specifications and that a second ITB has been completed and delivered to the State of Alabama Division of Purchasing for disbursement to the qualifying State Vendors.

Mr. Warren also informed the Board that effective January 9, 2006, the contract for Investigative Services with Susan Lehmann expired. The new Invitation to Bid for Investigative Services has been delivered to the State of Alabama Division of Purchasing for disbursement to the qualifying State Vendors. The interagency agreement with the Alabama Board of Heating & Air Conditioning Contractors will end once a bid has been awarded to the respective bidder.

Mr. Barnes presented the Chair's report. He recently met with Representative Al Booth in regards to Representative Booth sponsoring the Board upcoming legislation. Mr. Barnes would like to the

legislation to appear on the Board's website, [www.auctioneer.alabama.gov](http://www.auctioneer.alabama.gov) for public viewing and he would like to have the repealing of Rule 150-X-1-.04 stated on the website as well.

Mr. Warren delivered the Executive Director's report, which consisted of the following topics: a) open/closed investigations; and b) detailed financial report.

Ms. Billingsley addressed the Board in regard to Mr. Homer Oliver and Mr. Wayne Miller. As of today, an Order of Judgment has been filed with the Montgomery County Circuit Court against Mr. Homer Oliver. In regards to Mr. Wayne Miller, since he refused service of the certified letter the Board mailed him, the Investigator will have to serve him. Once Mr. Miller has been served accordingly, then Ms. Billingsley will begin the process of filing an Order of Judgment with the Montgomery County Circuit Court against him.

Ms. Billingsley also informed the Board that the Consumer Complaint Form had been revised and placed on the Board's website. Also, she addressed the Board in regards to advertisement violations. Ms. Billingsley would like for individuals who file a complaint based on an advertisement to send the Board a clear and readable copy of the advertisement, which includes the date the advertisement was published and by whom. This information will also be placed on the Board's website, for those individuals filing this type of consumer complaint.

Ms. Paulene delivered the Executive Assistant's report, which consisted of the following: a) examination scheduled for January 17, 2006; b) list of expired licenses; c) activity summary; and d) consumer awareness campaign.

In regards to the Consumer Awareness Campaign, Mr. Warren will research the cost and how other State Regulatory Boards have advertised public awareness campaigns and report back to the Board at the next meeting.

Mr. Warren expressed to the Board that he had received an email from Ms. Christie King-Ray requesting she deliver a report on the Board's activities at the NAA Winter Seminar in February. The Board decided that would not be appropriate because she is currently not a Board Member. Mr. Warren also informed the Board that he had received an email from Barbara Schoen, NALLOA requesting if at least one person could attend the July meeting in Orlando, FL. The Board will address this issue at the next Board meeting.

The Board discussed the specifics of the upcoming legislation.

Mr. Holland made a motion to require licensure for at least two years prior to being age 65 in order to be exempt from continuing education. The motion was seconded by Mr. Ray. After discussion, the Chair called for a vote. The results of the voting are as follows: (2) Yeas: Mr. Holland and Mr. Ray and (2) Nays: Mr. Motes and Mr. Thom. In order to break the tie, the Chair voted nay; therefore, the motion failed.

Ms. Billingsley and the Board went over the legislation and its proposed changes.

Mr. Thorn made a motion to accept the recommendations as presented and once the bill has been drafted by the Legislative Reference Service for it to be emailed or faxed to the Board Members for review. The motion was seconded by Mr. Holland and unanimously carried by the Board.

Mr. Holland made a motion that once the bill has been returned by the Legislative Reference Service and if there have not been any changes, then the bill is to be introduced as such. The motion was seconded by Mr. Ray and unanimously carried by the Board.

The Alabama Auctioneers Association was represented by Mr. Daniel Patterson, President and Mr. David McGalliard, Vice President. Both gentlemen addressed the Board in regards to rebuilding the communication link between the Board and the Association, as well as the proposed legislation.

At approximately 11:00 a.m., the Board entered into an Administrative Hearing with the Honorable Walter Turner presiding as the Administrative Law Judge.

The hearing concluded at 11:05 a.m.

Mr. Turner recommended that the Board make the final decision on Mr. Jimmy Robinson's application and for the Executive Director to draft the Final Order.

Mr. Ray made a motion to deny Mr. Jimmy Robinson's application for licensure. The motion was seconded by Mr. Thorn, and unanimously carried by the Board.

The next regularly scheduled meeting is for April 13, 2006 at 9:00 a.m.

At approximately 11:31 p.m., there being no further business, Mr. Thorn made a motion to adjourn the meeting. The motion was seconded by Mr. Ray, and unanimously carried by the Board.

Respectfully Submitted,

  
Tommy Barnes, Chair

  
Gene Motes, Vice-Chair