

# ALABAMA STATE BOARD OF AUCTIONEERS

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## MINUTES Board Meeting April 13, 2006

The Alabama State Board of Auctioneers met on Thursday, April 13, 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; Mr. Wayne Thorn, Member, and Mr. Chip Pearce, Member. 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 January 12, 2006 and March 17, 2006 and to accept them as submitted. The motion was seconded by Mr. Motes, and unanimously carried by the Board.

The Board reviewed the Proposed Order for Mr. James "Jimmy" Robinson. The Board will revisit the issue once the Honorable Walter Turner arrives.

Mr. Barnes presented the Chair's report, which included the Board investigating complaints/newspaper ads on its own motion.

Mr. Warren delivered the Executive Director's report, which consisted of the following topics: a) open/closed investigations; and b) detailed financial report. (These reports are available in the Official Book of Minutes).

Ms. Billingsley addressed the Board in regard to Mr. Homer Oliver and Mr. Wayne Miller. The Order of Judgment that was filed with the Montgomery

County Circuit Court against Mr. Homer Oliver has been granted by the Judge. Mr. Oliver is ordered to pay the Alabama State Board of Auctioneers \$500.00 fine plus court costs. The Certificate of Judgment was filed in Office of Probate for Conecuh County, AL where Mr. Oliver resides. The Investigator personally served the board's request for payment to Mr. Miller, since he repeatedly refused acceptance of certified mail. Ms. Billingsley has filed a request for an Order of Judgment against Mr. Miller in Montgomery County Circuit Court, which is awaiting review by the Judge.

Ms. Billingsley also reminded the Board that the Rules and Regulations Committee (Ms. Billingsley, Mr. Ray, and Mr. Thorn) needs to meet to discuss possible "housekeeping" matters for the current rules and regulations.

Ms. Paulene delivered the Executive Assistant's report, which consisted of the following: a) examination scheduled for April 18, 2006 and b) activity summary.

Mr. Warren informed the Board that PROV, Inc. had been awarded the Invitation to Bid for Examination Services and that the PROV, Inc. representative would like to meet with the Board to discuss the examination process and the examination contents, since the implementation has to be done by the July examination. The Chair expressed that he would like as many as Board Members present as possible. He called a Special Meeting for Monday, May 15, 2006 @ 9:00 a.m.

With regard 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.

An application was presented to the Board for review based on the applicant answering "NO" to Question #5 of ASBA Form 3 (Qualifying Questionnaire); however, the criminal background check reflected that the applicant had been convicted of a misdemeanor in June 2002 for driving under the influence. Mr. Thorn made a motion for a hearing to be set for the application. The motion was seconded by Mr. Ray and unanimously carried by the Board.

Mr. Thorn made a motion establishing a policy that any future application(s) that are received in the Board office that are similar in nature will be reviewed by the Executive Director and at his discretion it will be determined if the application should be brought to a hearing if deemed necessary by supporting evidence. The motion was seconded by Mr. Motes and unanimously carried by the Board.

Mr. Thorn made a motion to accept the Consent Order for Case #05-08 in the amount of \$2450.00 as presented to the Board. The motion was seconded by Mr. Pearce and unanimously carried by the Board.

Mr. Warren informed that Board that NALLOA sent correspondence to the Board regarding changes in its Rules and Regulations and that a copy of the proposed changes is in their packets. Mr. Barnes also expressed that the Board needs to try to get appointments made for expired Board Members in order to be in compliance with the statutory requirements for the Board.

At approximately 10:15 a.m., Mr. Thorn made a motion to recess for lunch. The motion was seconded by Mr. Pearce and unanimously carried by the Board.

At approximately, 1:01 p.m., the Board reconvened.

At approximately 1:30 p.m., the Board entered into Administrative Hearings with the Honorable Walter Turner presiding as the Administrative Law Judge.

The hearings concluded at 4:00 p.m.

Mr. Thorn made a motion for the Final Order for Mr. James "Jimmy" Robinson to be accepted as presented. The motion was seconded by Mr. Holland, and unanimously carried by the Board.

At approximately 4:06 p.m., Mr. Pearce excused himself from the meeting.

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

At approximately 4:15 p.m., there being no further business, Mr. Holland made a motion to adjourn the meeting. The motion was seconded by Mr. Motes, and unanimously carried by the Board.

Respectfully Submitted,



Tommy Barnes, Chair



Gene Motes, Vice-Chair