

ALABAMA STATE BOARD OF AUCTIONEERS

610 SOUTH McDONOUGH STREET
MONTGOMERY, AL 36104
334-269-9990 FAX 334-263-6115
E-mail: ALAUCBD@aol.com
www.auctioneer.alabama.gov



MINUTES Board Meeting July 12, 2007

The Alabama State Board of Auctioneers met on Thursday, July 12, 2007 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, Member; Mr. Chip Pearce, Member; Mr. Ken Garner, Member; and Mr. David Starnes, Member. Mr. Wayne Thorn (Vice-Chair); Mr. Buddy Ray, Member and Mr. Mark Lane, 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 9:00 a.m.

The meeting was advertised on the Board's website, www.auctioneer.alabama.gov, as well as the Secretary of State's website, www.sos.state.al.us.

Mr. Garner made a motion to dispense with the reading of the minutes from April 12, 2007 and to accept them as submitted. The motion was seconded by Mr. Motes, and unanimously carried by the Board.

Mr. Warren delivered an update on the upcoming, August 4, 2007, Board Sponsored Continuing Education Class. The presenters are Mr. Keith Babb, Ms. Dana Billingsley, and Mr. Eddie Haynes. The location and room have been secured, as well as professional contracts for Mr. Babb and Mr. Haynes. Mr. Warren estimates that the entire event's costs will be \$7000.00.

Mr. Pearce made a motion to adopt the rules and regulations revisions to Chapter 150-X-1 as presented. The motion was seconded by Mr. Motes, and unanimously carried by the Board.

Mr. Warren received the Attorney General's Opinion regarding the Board's jurisdiction over internet auction listing service providers and internet auction consignment shops. The Attorney General opined that the acts of an internet service provider do not fall within the current definition of auction business, and the Board does not have jurisdiction over these activities. However, the Opinion stated that the Auctioneers License Act does confer jurisdiction to the Board to regulate the activities of internet consignment shops if the Board determines that they are engaging in the auction business.

The Board entertained a motion from Mr. Pearce to send a letter to all such internet auction consignment shops operating within the state notifying them of the Attorney General's Opinion and advising them of the requirements to become compliant under the Auctioneers Law. The letter will further advise them that they risk disciplinary action by the Board should they fail to meet the law's requirements within the six-month period. The motion was seconded by Mr. Starnes and unanimously carried by the Board.

Mr. Warren informed the Board that the Sunset Committee Review went very well and that the Committee may assist the Board in resolving some of its pending issues through the introduction of a the Sunset Bill during the next legislative session.

Mr. Barnes presented the Chair's report.

Mr. Warren delivered the Executive Director's report, which consisted of the following topics: a) financial update, b) newsletter publication, c) online renewals.

Ms. Billingsley presented the Board Counsel's report. She informed the Board that she had filed a motion for default judgment in Montgomery County District Court against Mr. Charles Whitt regarding the Board's petition to convert its administrative order, including a fine of \$800, into an order of judgment, which will enable the Board to file a lien in the appropriate probate court against Mr. Whitt's property. Likewise, the Board is also seeking an Order of Judgment from Montgomery County District Court converting the Board's Order against Danny Phillips into an order of judgment.

Ms. Paulene delivered her report to the Board, which included an announcement that renewals will be mailed out after the Board Sponsored Continuing Education Class on August 4, 2007.

Mr. Warren delivered an update on the online renewal process by the state-approved vendor, Alabama Interactive. Mr. Warren reported that the Board's access database will have to be updated by ISD for the two systems to be compatible. He hopes that licensees will be able to renew online this renewal year.

Mr. Motes made a motion for the Board to accept the online renewal contract with Alabama Interactive as presented. The motion was seconded by Mr. Pearce and unanimously carried by the Board.

Mr. Pearce made a motion to accept the bid submitted by Mr. Carl Mike James as the lowest qualified responsible bidder that met all the requirements for the Investigator Bid. Specifically, the Bid's Peace Officer Training requirement was not met by any other bidder. The motion was seconded by Mr. Motes and unanimously approved by the Board.

Mr. Garner made a motion to amend Mr. Billingsley's Professional Services Contract 63530001 in order to increase the total compensation for the fiscal year 2006-2007 from \$28,500.00 to \$34,000.00. The total amount of the contract shall not exceed \$35,500.00. The motion was seconded by Mr. Motes 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 (10/1/07 through 9/30/09), with a thirty (30) day cancellation clause, in an amount not to exceed \$49,000.00. The motion was seconded by Mr. Garner and unanimously carried by the Board.

Mr. Pearce made a motion that the Board staffs prepare copies of the Invitation to Bid for Administrative Services for delivery to the State of Alabama Department of Finance - Division of Purchasing, who will then mail those out to State Vendors in this category. All vendor responses will be returned to the Division of Purchasing, who will open those on the determined date. The motion was seconded by Mr. Garner and unanimously carried by the Board.

Mr. Barnes called for a Special Meeting on Wednesday, September 5, 2007 @ 9:00 a.m. to review the bids received, as well as to review the recommendation of the Administrative Law Judge for the hearing held regarding Mr. Brian Hancock.

Mr. Pearce made a motion to approve Texas State Technical College as an approved online continuing education provider. The motion was seconded by Mr. Starnes and unanimously carried by the Board.

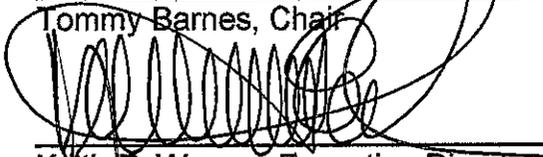
The next regularly scheduled meeting of the Board is October 11, 2007 at 9:00 a.m.

At approximately 10:20 a.m., there being no further business, Mr. Garner 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



Keith E. Warren, Executive Director