

ALABAMA STATE BOARD OF AUCTIONEERS

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MINUTES Board Meeting July 31, 2008

The Alabama State Board of Auctioneers met on Thursday, July 31, 2008, at the Board offices in Montgomery for the purpose of conducting Board business. Those in attendance were as follows: Mr. Tommy Barnes, Chair; Mr. Ken Garner, Vice-Chair; Mr. Buddy Ray, Secretary; Mr. Chip Pearce, Member; Mr. David Starnes, Member, and Mr. Bryant Wood, Member. Members not present were Mr. Johnny Vetra, Member and Mr. Mark Lane, Member. 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 10, 2008 and to accept them as submitted. The motion was seconded by Mr. Ray, and unanimously carried by the Board.

Mr. Warren presented the Executive Director's Report regarding the Public Legislation Workshop(s) that were held throughout the State.

Mr. Garner made a motion to strike § 34-4-2 (3), "AUCTION WITHOUT RESERVE" from the proposed legislation. The motion was seconded by Mr. Starnes, and unanimously carried by the Board.

Mr. Wood made a motion to amend § 34-4-29 (e) of the proposed legislation, with the administrative fines being no less than \$500.00 and not to exceed \$5000.00 per violation. The motion was seconded by Mr. Starnes, and unanimously carried by the Board.

Mr. Pearce made a motion to strike, "an auction to be an absolute auction, but conducting it as an auction with reserve or otherwise" from § 34-4-29 (c) (2) of the proposed legislation. The motion was seconded by Mr. Garner, and unanimously carried by the Board.

Mr. Ray made a motion to increase the auctioneer license fee from \$100.00 to \$125.00, and to increase the apprentice license fee from \$50.00 to \$75.00 effective December 1, 2008. The motion was seconded by Mr. Garner, and unanimously carried by the Board.

Mr. Garner made a motion to increase the reciprocal application fee from \$135.00 to \$150.00, effective December 1, 2008. The motion was seconded by Mr. Ray, and unanimously carried by the Board.

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

Mr. Warren reviewed the tentative findings from the Legal Compliance Audit performed by the Examiners of Public Accounts.

Mr. Pearce made a motion to renew the Administrative Services Contract with Warren & Company, Inc. for an additional year. The motion was seconded by Mr. Starnes, and unanimously carried by the Board.

Mr. Garner made a motion to for §34-4-22, "Register of applicants" to be added to the proposed legislation for striking. The motion was seconded by Mr. Pearce, and unanimously carried by the Board.

Ms. Billingsley presented the Board Counsel's report. She informed the Board that the Final Order issued by Judge Johnny Hardwick of the Montgomery Circuit Court stood and Mr. Frank Crain's Auctioneer License is revoked. In addition, the time period for Mr. Crain to appeal has lapsed.

Ms. Paulene delivered her report to the Board, which included activity stats and that 2008-2009 license renewals had been mailed and renewals were also available online.

The Board reviewed the recent issued Attorney General Opinion 2008-109 regarding regulating Internet auction listing service providers and consignment shop in the State of Alabama.

At 11:30 a.m., the Board recessed for lunch.

At noon, the Board reconvened into Open Session.

Mr. Garner made a motion to accept Chapter 150-X-1-.01 "Definitions" and Chapter 150-X-1-.02 (f) as written. The motion was seconded by Mr. Wood, and unanimously carried by the Board.

Mr. Pearce delivered an update on the Board's proposed consumer awareness campaign. He circulated drafted advertisements for ALA-SCAN, for the Board's review. Each member is to bring his thoughts/comments on the next regularly scheduled board meeting for discussion.

The next regularly scheduled meeting of the Board is October 9, 2008 at 9:00 a.m.

At approximately 12:50 p.m., there being no further business, Mr. Pearce made a motion to adjourn the meeting. The motion was seconded by Mr. Garner and unanimously carried by the Board.

Respectfully Submitted,



Tommy Barnes, Chair



Ken Garner, Vice Chair