

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 October 8, 2009

The Alabama State Board of Auctioneers met on Thursday, October 8, 2009, 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. Johnny Vetra, Member; Mr. David Starnes, Member; Mr. Bryan Knox, Member and Mr. Bryant Wood, Member. Mr. Mark Lane, Member, was not in attendance. The Board, consisting of a quorum, continued with a voting meeting. Also present were Mr. Keith Warren, Executive Director; Ms. Hope Paulene, Executive Assistant; Ms. Dana Billingsley, Board Counsel and Mr. Mike James, Investigator.

The meeting was called to order at approximately 9:04 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. Wood made a motion to dispense with the reading of the minutes from the July 9, 2009 meeting and to accept them as submitted. The motion was seconded by Mr. Ray and unanimously approved by the Board.

In accordance with the legal compliance review recently conducted by the Examiners of Public Accounts, Mr. Warren then presented minutes from the Board's October 8, 2008 meeting, for the purpose of amending those minutes to accurately reflect the final adoption of Appendices 1/Fees, rather than the rule change of Chapter 150-X-1-.01, as stated in the minutes. Mr. Wood made a motion to amend the minutes accordingly. The motion was seconded by Mr. Ray and unanimously approved by the Board.

Mr. Warren presented the Executive Director's Report.

Ms. Paulene presented the Executive Assistant's Report.

Ms. Billingsley presented the Legal Counsel's Report.

Mr. Ray made a motion for Legal Counsel to compose a letter to licensees clarifying the provisioning of auctioneer services to unlicensed proprietors, in light of the repeal of Ala. Admin. Code r. 150-X-1-.04, Conducting Auction Business, and for the Board staff to mail said letter to all current licensees. The motion was seconded by Mr. Garner and unanimously approved by the Board.

The Chair recognized Mr. J. Craig King, President of the Alabama Auctioneers Association, to address the Board regarding the proposed rule change to Chapter 150-X-1-.03, Advertisements. J. Stephen Proffitt, III, Esq., Vice President of Legal Affairs and General Counsel to J.P. King Auction Company, Inc., and former Alabama State Board of Auctioneers Vice Chair, Mr. Eugene Motes, also expressed their concerns with the adoption of this rule change.

In light of these comments, Mr. Garner made a motion to table the final adoption of the proposed revisions to Ala. Admin. Code r. 150-X-1-.03 until the issue could be researched further. The motion was seconded by Mr. Wood. After discussion, it was determined that the rule could not be tabled, in accordance with the procedures required under the Alabama Administrative Procedure Act, and the motion was revised to call for the acceptance of the proposed rule change. Those Board Members voting against the adoption of the proposed rule were Mr. Garner, Mr. Wood, Mr. Vetra, Mr. Starnes, Mr. Ray, and Mr. Knox. The motion failed.

Mr. Billingsley addressed the Board regarding her comments on the presentation made by the Alabama Auctioneers Association.

At approximately 10:12 a.m., the Board recessed for a break.

At approximately 10:31 a.m., the Board reconvened.

Mr. Doug Reno, Alabama Auctioneer Licensee #915, addressed the Board concerning his request to transfer License #35, issued to J.L. Reno, to him. Mr. J.L. Reno is now deceased, and his license expired on September 30, 2009.

Mr. Garner made a motion to deny Mr. Doug Reno's request in accordance with Ala. Admin. Code r. 150-X-1-.02(f), which permits the Board to re-issue the same license number appearing on a license in good standing, which expired solely due to failure to renew, only to that licensee and upon written request therefor by said licensee within 365 days of the expiration. The motion was seconded by Mr. Ray and unanimously approved by the Board.

The Board reviewed proposed legislation revisions.

The Chair called for a special meeting of the newly-formed Legislative Committee to be held on Thursday, December 10, 2009, at 9:00 a.m. The Committee consists of Board Members Mr. Wood, Mr. Knox, and Mr. Garner, as well as Mr. John O. Stewart, Alabama Auctioneers Association President Elect, and Mr. Pete Horton, Alabama Auctioneers Association Secretary/Treasurer.

Mr. Garner made a motion to adopt the Board Calendar for Fiscal Year 2010, as presented. The motion was seconded by Mr. Wood, and unanimously approved by the Board.

The next regularly scheduled meeting of the Board is January 7, 2010, at 9:00 a.m.

At approximately 11:35 a.m., there being no further business, Mr. Garner made a motion to adjourn the meeting. The motion was seconded by Mr. Knox and unanimously approved by the Board.

Respectfully Submitted,



Tommy Barnes, Chair

1-7-10
Date



Keith E. Warren, Executive Director

1-7-10
Date