

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 9, 2009

The Alabama State Board of Auctioneers met on Thursday, July 9, 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 and Mr. Bryan Knox, Member. Mr. Bryant Wood, Member, and Mr. Mark Lane, Member, were 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; and Ms. Dana Billingsley, Board Counsel.

Mr. Barnes recognized Mr. Michael Langford from the Alabama Auctioneers Association.

The meeting was called to order at approximately 9:07 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 the April 9, 2009 meeting and to accept them as submitted. The motion was seconded by Mr. Knox and unanimously approved by the Board.

Mr. Warren presented the Executive Director's Report.

Mr. Warren addressed the Board with a letter that he received from the Alabama Auctioneers Association's President, conveying Mr. Craig King's wishes to establish a working relationship between the Association and Board regarding proposed legislation.

Mr. Garner made a motion to form a Legislation Committee to work along with the Association. The motion was seconded by Mr. Vetra and unanimously approved by the Board.

Ms. Paulene presented the Executive Assistant's Report.

Ms. Billingsley presented the Legal Counsel's Report.

Ms. Billingsley presented the Board with proposed revisions to the provisions governing absolute auctions in Rules 150-X-1-.01 and 150-X-1-.03 for its review and consideration.

Mr. Warren informed the Board that the Board Counsel's current contract expires on 9/30/09.

Mr. Ray made a motion to increase Ms. Billingsley's legal services contract from \$120.00 to \$125.00 per hour for the term of two years, beginning 10/1/09 to 9/30/11. The motion was seconded by Mr. Garner and unanimously carried by the Board. Mr. Warren informed the Board that the contract would go before the Contract Review Committee before the Governor's final approval.

Mr. Warren also informed the Board that the Management Services Contract with Warren & Company, Inc. was up for renewal.

Mr. Garner made a motion to renew the Management Services Contract with Warren & Company, Inc. for one year at the current monthly rate of \$6,250.00. The motion was seconded by Mr. Starnes and unanimously approved by the Board.

Mr. Warren informed the Board that the Administrative Hearings Division of the Office of the Attorney General will no longer provide hearing officers to state agencies for administrative hearings and that the Board must hire a Governmental Hearing Officer through State Personnel.

Mr. Garner made a motion to hire Walter S. Turner as the Board's Governmental Hearing Officer. The motion was seconded by Mr. Vetra and unanimously approved by the Board.

At approximately 10:20 a.m., the Board unanimously voted to move into Executive Session upon motion of the Chair, which motion was seconded by Mr. Vetra, for the purpose of discussing controversies imminently likely to result in litigation. In accordance with the Alabama Open Meetings Act, Board counsel certified for the record that the Executive Session was for the sole purpose of discussing likely litigation, that it was limited solely to that purpose, that no other business could be discussed during that time, and that any votes to be taken pursuant to said discussion must be had when the Board reconvened into open

session. The Chair announced that the Board's open meeting would resume at 10:40 a.m.

At approximately 10:40 a.m., the Board reconvened into Open Session.

With regard to Brian Hancock's application for an auctioneer license, Mr. Garner made a motion to accept the Administrative Law Judge's Recommended Order, which recommended approval of Mr. Hancock's application to take the Auctioneer Examination and to be issued a license upon passing the examination and submittal of the required license fee. The motion provided that the Recommended Order is to be incorporated by reference into the Final Order of the Board. The motion was seconded by Mr. Ray and unanimously approved by the Board.

With regard to AUC Complaint 2008-09, Mr. Vetra made a motion finding Mr. Dion Abadi guilty of six (6) counts of violation of Section 34-4-20, Code of Alabama, 1975 (as amended), by conducting an auction without being properly licensed. The motion included a proposed amendment to the Recommendation of the Administrative Law Judge to assess an administrative fine against Mr. Abadi in the amount of Five Hundred Dollars (\$500.00) per violation, for a total of Three Thousand Dollars (\$3,000.00), with the fine due and payable to the Board in full within thirty (30) days of the date of the Final Order. Mr. Vetra's motion also included a provision that Mr. Abadi will be ineligible for consideration for licensure for a period of five (5) years from the date of the Final Order. The motion provided that the Recommended Order is to be incorporated by reference into the Final Order of the Board. The motion was seconded by Mr. Garner and unanimously approved by the Board.

Concerning AUC Complaint 2008-18, Mr. Garner made a motion to accept and incorporate the Recommendation of the Administrative Law Judge into the Final Order of the Board, determining that Angie Alburl, Scott Alburl and Snappy Auctions of South Huntsville did not engage in the auction business in the State of Alabama and thus were not in violation of Section 34-4-20, Code of Alabama 1975 (as amended). The motion was seconded by Mr. Knox and unanimously approved by the Board.

After further discussion and revisions to the proposed changes concerning absolute auctions in Rules 150-X-1-.01 and 150-X-1-.03, a copy of which is attached hereto, Mr. Ray made a motion to adopt the rules as revised. The motion was seconded by Mr. Knox and unanimously approved by the Board.

The next regularly scheduled meeting of the Board is October 8, 2009, at 9:00 a.m.

At approximately 11:32 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

10-8-09
Date



Ken Garner, Vice Chair

10-8-09
Date