



Alabama State Board of Auctioneers

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MINUTES Board Meeting April 19, 2016

The Alabama State Board of Auctioneers met on Tuesday, April 19, 2016, at the Board offices in Montgomery. Those in attendance were Mr. Bryant Wood (Vice Chair), Mr. Bryan Knox (member), Mr. Erskine Valrie (member), Mr. Michael Langford (member), Ms. Christie Ray (member), and Mr. Pete Horton (member). Board member not in attendance was Mr. Ken Garner (Chair) and Mr. Keith Baldwin (member). Also present were Keith Warren (Executive Director), Ms. Hope Paulene (Administrator), Ms. Dana Billingsley (Board Counsel), Mr. Mike James (Investigator) and Ms. Renee' Reames (Executive Secretary to Mr. Warren and recording secretary). The Board, consisting of a quorum, continued with a voting meeting.

The meeting was called to order at 9:01 a.m.

The regularly scheduled meeting was advertised on the Board's web site, www.auctioneer.alabama.gov, and the Secretary of State's website, www.sos.state.al.us, in accordance with the Alabama Open Meetings Act. Mr. Wood welcomed those present at the meeting. The Pledge of Allegiance was recited by attendees and a word of prayer was given at the opening of the meeting. Mr. Warren gave the opening statement concerning Roberts Rules of Order and the Alabama Open Meetings Act.

The copy of the January 19, 2016 Board meeting minutes was submitted to the Board members prior to the meeting for their review. Mr. Valrie made the motion to approve the January meeting minutes with the correction to the title of the NAA on page 2. The motion was seconded by Ms. Ray and unanimously approved by the Board.

Mr. Warren presented the Executive Director's Report, which included financial activities of the Board for the period ending March 30, 2016 (report is available for viewing in the Board's official Book of Minutes), along with the total number of licensees and number of complaints received and closed in FY 2016.

Mr. Warren presented the Administrator's report to include the number of individuals taking the examinations, applications processed, administrative activities and Board goals. The Board discussed the accounting delays due to the new financial reporting system.

It was the recommendation of the Board that licensees' email address be obtained for future communications with licensees, distribution of newsletters, etc. The Board asked that while the Board transitions into electronic records that an article on this matter be included in future newsletters.

Ms. Billingsley presented the Legal Counsel Report. She presented a consent agreement signed by Jerry Wade Speake, owner of Central Auction Barn, for having committed violations in negotiating contracts, advertising and selling items to the general public without having first obtained an auctioneer license and/or an auction company license from the Board. She reported that the Consent included a fine of \$2000 each for Mr. Speaks and Central Auction Board, for a total of \$4000. Mr. Horton made a motion to approve the consent agreement signed by Jerry Wade Speake in affiliation with Central Auction Barn as presented. The motion was seconded by Mr. Langford and unanimously approved by the Board.

Ms. Billingsley reported on the matter of Conrad Green and the subsequent consent agreement that included a \$3,000 fine and other disciplinary action. She reported that he had paid half of his fine (\$1,500), and following attempts by the Board to work with him, she began the process of filing a lien against his property for the remainder of the fine by filing a Petition for an Order of Judgment against him in Montgomery County District Court. Mr. Green filed opposition to the Petition and was granted a bench trial by the Court, but failed to appear. He then requested another trial date, which was granted and scheduled for May.

Ms. Billingsley reported on a proposed legislative bill that would prevent an applicant being penalized due to their criminal background, if the crime was not directly related to the occupation. Mr. Warren reported that the Legislature was reconsidering the effect this would have on licensing boards and may consider the legislative bill for employment (applicant) practices. He further stated that due to the limited time remaining in the Legislative Session, this bill may not get passed.

Mr. Warren reported on Board Committee activities:

- Technology Committee - continuing to move forward to create a new licensee database.
- Legislative Committee – Rep. Alan Booth, sponsor of the legislative bill, plans to have the bill placed on the Senate Committee and Mr. Warren indicated that he is optimistic that it may pass. The Board expressed their appreciation for the assistance by the sponsors of the bill. Mr. Warren reported that other states were working on legislative changes concerning Internet auctions. He reported that he would monitor actions by the other states regarding jurisdiction to investigate consumer complaints concerning Internet Auctions and authority to take disciplinary action in these matters.
The Board discussed Mr. Warren's recommended that the Board consider waiting on proposing further changes to the statute, tentatively until the 2018 legislative session.
- Examination Committee – changes to the examination were launched in March. Mr. Warren reported that he and the Board's Legal Counsel were working on updates to the Examination(s) Study Guides.
- Education Committee – Ms. Ray reported that she had meet with the AAA President to begin planning a September CE Program. She reviewed topics recommended by attendees at the last CE Program for the Board comments. The Board discussed having presentations on basic rules regarding contracts, trust accounts, best business practices, etc. and having Ms. Billingsley and Mr. Knox as presenters. Also discussed was the use of audio/video equipment at contract-signing and UCC problems with equipment sales. Mr. Warren requested that all Board expenses for speakers (vendors) be submitted to him as soon as possible for State approval.

Mr. Warren requested articles be sent to him by May 1st for the Board's upcoming newsletter. An article concerning Steve Proffitt would also be included in the newsletter.

The Board discussed reciprocity agreements and CE requirements for various states. The Board requested that certificates be issued for CE credits for service on the Board, specifically when verification letters of licensing are requested.

Mr. Wood called a 15 minute break of the Board meeting at 10:21 a.m. and reconvened the meeting at 10:37 a.m.

Mr. Warren reported that the new Disciplinary Rule, 150-X-1-.08, and the forms for the Auctioneer Affidavit and Apprentice Affidavit were not certified and need to be adopted for publication. He explained that 45 days from being Certified, the affidavits would become part of the application process. Ms. Ray made a motion to approval as Final Rule 150-X-1-.08 Disciplinary Actions and both the affidavits for an apprentice auctioneer and their sponsoring auctioneer in Appendices II Forms Associated with the Rules and Regulations. The motion was seconded by Mr. Horton and unanimously approved by the Board.

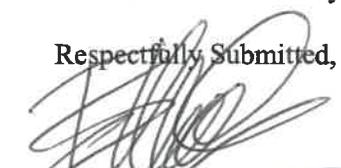
The Board discussed the legality of using a Respondent's surety bond in complaint cases to collect and make disbursements to a damaged party. The Board also discussed the business practice violations of not paying disciplinary fines. Ms. Billingsley reported that she would research and report on these at the next Board meeting.

Ms. Ray recommended that, as a regular course of business at each Board meeting, the Board begin a review of the statute and rules. Ms. Billingsley reported that she would be happy to work with the Board if they wish to modify any rules.

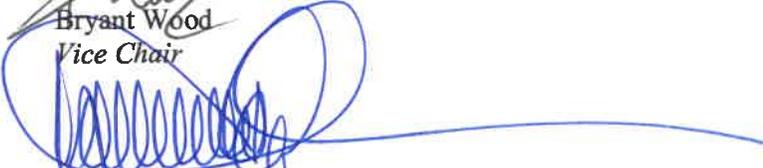
The next meeting of the Board is scheduled July 26, 2016 at 9:00 a.m.

There was no further business and Mr. Langford made a motion to adjourn the meeting at 10:56 a.m. The motion was seconded by Ms. Ray and unanimously approved by the Board.

Respectfully Submitted,



Bryant Wood
Vice Chair



Keith E. Warren
Executive Director

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