



## **Alabama State Board of Auctioneers**

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### **MINUTES Board Meeting August 2, 2016**

The Alabama State Board of Auctioneers met on Tuesday, August 2, 2016 at the Board offices in Montgomery. Those in attendance were Ken Garner (Chair), Mr. Bryant Wood (Vice Chair), Mr. Bryan Knox (member), Mr. Erskine Valrie (member), Mr. Michael Langford (member), Ms. Christie Ray (member), Mr. Pete Horton (member), and Chad Curvin (new 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 9:02 a.m.

The rescheduled meeting was advertised on the Board's web site, [www.auctioneer.alabama.gov](http://www.auctioneer.alabama.gov), and the Secretary of State's website, [www.sos.state.al.us](http://www.sos.state.al.us), in accordance with the Alabama Open Meetings Act. Mr. Garner welcomed those present at the meeting and introduced new Board member, Mr. Chad Curvin. 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.

Mr. Curvin took the oath of office administered by Mr. Warren.

Mr. Garner reported that due to the appointment of a new Board member, the election of officers were required. He also reported that another appointment to the Board was anticipated for his congressional district since his term had expired in October, 2015. Mr. Horton nominated the Board members currently serving as officers, in light of another Board appointment being made in the near future, at which time elections would be held again. Ms. Ray made a motion that the nominations be closed. The motion was seconded by Mr. Valrie. The being no other nominations, the Board unanimously approved the members currently serving in office.

Mr. Warren reported that Ms. Billingsley had a prior commitment and would need to leave the meeting early. He requested that the agenda be rearranged to accommodate business discussion prior to Ms. Billingsley's departure.

Mr. Garner reported that the Administrative Management Contract was due for annual renewal. Mr. Warren commented on the growth of Warren & Company, with the addition of a full-time Accountant to work with STAARS program and perform all financial activities. He reported that Ms. Childers would continue to serve as the Board Administrator, along with an assistant. The Board discussed the company's performance, during which time the staff of Warren & Company were not present. Mr. Wood made a motion to renew the management contract as written. The motion was seconded by Mr. Knox and unanimously approved by the Board.

Mr. Warren presented a copy of the April 19, 2016 Board meeting minutes. A copy of the minutes was submitted to the Board members prior to the meeting for their review. Mr. Knox made the motion to approve the April meeting minutes as presented. The motion was seconded by Mr. Wood 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 June 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. He indicated that annual renewal of licenses has begun and reminder notices would be sent to auction companies that had not renewed their license. The Board discussed assigning license numbers to exempt companies (solely owned by licensed auctioneer) and issuing exemption certificates. Ms. Billingsley explained that an exempt company was listed by name on the sole proprietor/owner's individual Auctioneer license, the current procedure would continue and no number assigned to exempt auction companies.

Mr. Warren reported that recently legislation allowed for Boards to conduct business by conference call; however a quorum must exist of members physically present at the meeting and the Board member on the call and not physically present, was not eligible to vote on issues.

Mr. Warren also reported that security measures had been enhanced at Warren & Company with additional security cameras, etc.

Mr. Warren presented the contractual letter from the presenter at the upcoming continuing education program co-sponsored by the Board and the Alabama Auctioneer Association. Following a review of the letter and outline of the presentation, Mr. Ray made a motion to accept the contractual letter as submitted by Mr. Mike Brandly. The motion was seconded by Mr. Horton and unanimously approved by the Board.

Ms. Billingsley presented the Legal Counsel Report. She presented a consent agreement signed Mohammed Mizani, as Auctioneer licensed by the Board and sole owner of Associated Trustee, LLC, for having committed violations in selling items to the general public without having first obtained an auction company license from the Board. She reported that the Consent included a fine totaling \$3,200 and Mr. Mizani was notified to cease and desist conducting auction business in Alabama while unlicensed. Mr. Knox made a motion to approve the consent agreement signed as written. The motion was seconded by Mr. Wood and unanimously approved by the Board.

Ms. Billingsley reported on Consent Agreements that were sent to individuals involved in other complaint cases that were pending and could result in Administrative Hearings if not resolved. She also reported that at the last court appearance by Conrad, he had agreed to pay the remainder of his disciplinary fine to the Board, however the fine has not been paid and she has filed a lien on behalf of the Board.

Ms. Billingsley informed the Board that she had provided licensing documents concerning a Texas lawsuit against an individual, and the Auctioneer Board was not part of the lawsuit.

The Board discussed the legality of using a Respondent's surety bond in complaint cases to collect and make disbursements to a damaged party. Ms. Billingsley advised the Board to not become involved in giving legal advice or pursuing the role to recompense or reimburse a complainant in these cases.

Ms. Billingsley reported that she and the Executive Director were working on an exam study guide and will be working on reciprocity agreements to include CE credits in revised agreements.

Mr. Warren presented the Administrator's report that included the number of applications received, new licensees, new reciprocity licensees, exam activities and an overview of administrative activities.

Ms. Ray presented the Educational Committee report about the upcoming continuing education program co-sponsored by the Board and the State Association. Mr. Warren reported on his conversation with the Examiners of Public Accounts, indicating that the Board could sponsor and co-brand an event and could allow 3<sup>rd</sup> party vendors to sponsor activities at those events.

Mr. Warren presented the proposed rules for the Board adoption as a Final Rule. Mr. Warren reported he had not received any comments from the public about the published rules. Mr. Garner opened the floor for discussion concerning the published rules, 150-X-1-.08 Disciplinary Actions and Appendices II Forms (Affidavit for Sponsoring Auctioneer and Affidavit for Apprentice Auctioneer) and there were no comments. Mr. Knox made a motion to approve Rule 150-X-1-.08 and the two Affidavits in Appendices II Forms. The motion was seconded by Mr. Valrie and unanimously approved by the Board.

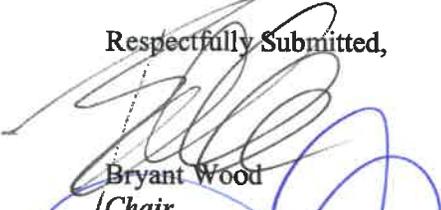
Mr. Warren reported that no articles had been received for the upcoming newsletter, but he would publish the newsletter with the information from the Association's newsletter and other information.

Mr. Warren recommended Committee appointments following the next Board appointment and subsequent election of officers.

The next meeting of the Board is scheduled October 18, 2016 at 9:00 a.m.

There was no further business and Mr. Horton made a motion to adjourn the meeting. The motion was seconded by Mr. Langford and unanimously approved by the Board. Mr. Garner adjourned the meeting at 10:11 a.m.

Respectfully Submitted,



Bryant Wood  
*Chair*



Keith E. Warren  
*Executive Director*

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