



## **Alabama State Board of Auctioneers**

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### **MINUTES Board Meeting January 19, 2016**

The Alabama State Board of Auctioneers met on Tuesday, January 19, 2016 at the Board offices in Montgomery. Those in attendance were Mr. Ken Garner (Chair), Mr. Bryan Knox (member), Mr. Erskine Valrie (member), Mr. Michael Langford (member), Ms. Christie Ray (member), Mr. Pete Horton (member) and Mr. Keith Baldwin (member). Board member not in attendance was Mr. Bryant Wood. Also present were Hope Paulene (Administrator), Dana Billingsley (Board Counsel), 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 9:09 a.m.

The regularly scheduled 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. 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 October 13, 2015 Board meeting minutes was submitted to the Board members prior to the meeting for their review. Mr. Valrie made the motion to accept the January meeting minutes as presented. The motion was seconded by Mr. Horton and unanimously approved by the Board.

Ms. Paulene presented the Executive Director's Report. She reported that two new employees had been hired; Ms. Leigh Moorner, who will be assisting the Board Administrator, Hope Paulene, with her Boards, and Ms. Jennifer Love, who is the Legal Assistant working with the Boards' Legal Counsel in processing consumer complaints, etc. Ms. Paulene reported on the financial activities of the Board for the period ending December 31, 2015 (report is available for viewing in the Board's official Book of Minutes). Also included in his report were the total number of licensees and number of complaints received and closed.

Ms. Paulene reviewed the Administrator's report to include the number of individuals taking the examinations, applications processed, administrative activities and Board goals.

Ms. Billingsley presented the Legal Counsel Report. She presented the Administrative Law Judge's (ALJ) recommendation concerning Tommie Lee Morrison, which included a recommendation for the maximum fine and cost of the proceedings. Ms. Billingsley clarified that the reimbursement for the cost of the proceedings was not allowed in the statute. She further reported that Mr. Knox was recused from voting on this matter, and she read aloud the 7 violations in this case. Mr. Baldwin made the motion to accept the ALJ's Recommendation to include the revocation of her auctioneer license and a maximum fine of \$500 for each of the seven violations (\$3,500 total) and not include the cost of the proceedings. The motion was seconded by Mr. Valrie and unanimously approved by the voting members of the Board. It was the consensus of the Board that should Ms. Morrison reapply for a license, she would be required to appear before the Board. Ms. Billingsley stated that based on the action of the Board, the exempt company license was voided.

Ms. Billingsley reported on outstanding fines by Mr. Brian Svencer, Mr. Michael Robuck, Mr. Mickey Kirkland, Mr. Randy Gosdin and Mr. Conrad Green. She reported that Mr. Green had filed a motion appealing the judgement.

Ms. Billingsley also presented the 2 consent agreement; one signed by Sharon Jones, owner of an unlicensed company, Tri-County Chicken Auction, and another signed by Charles Short, a licensed auctioneer. Ms. Billingsley reported that the disciplinary fines had been paid by both Respondents.

Ms. Ray made a motion to accept the consent agreement by Charles Short. The motion was seconded by Mr. Langford and unanimously approved by the Board.

Ms. Ray made a motion to accept the consent agreement by Sharon Jones, owner of Tri-County Chicken Auction. The motion was seconded by Mr. Knox and unanimously approved by the Board.

Ms. Billingsley reported on the Attorney General Memorandum concerning the FTC anti-competition case about the North Carolina Dental Board. She indicated that the Governor had appointed a temporary commission to supervise actions of the Boards and the Legislature may pass bill to make the commission permanent.

Ms. Billingsley reminded the Board members about the bill considered at the last Legislative Session to increase the Board's disciplinary fines, and not restrict the month that the Board may meet by removing the specific months, and to change the majority to the currently appointed members. Mr. Knox made a motion to approve the proposed legislation and submit to the Legislature for consideration. The motion was seconded by Ms. Ray and unanimously approved by the Board.

Mr. Garner called for Committee Reports from the members. Ms. Paulene reported on Technology Committee activities to include: the Executive Director was continuing to work with ISD about creating a new licensee database, computers had been upgraded and digital scanning of licensee files had begun, with the Board's files included in this schedule. Ms. Ray reported that the Board had discussed the Committee members having a conference call to review with PROV the examination questions and it had not occurred yet.

During the Education Committee report, Mr. Langford reported that Illinois would not accept his 18 hours of continuing education (CE) acquired in Alabama and other reciprocity states and he was fined for CE violations. He asked for feedback regarding CE hours being a part of the reciprocity agreement. Mr. Horton commented on NAA convention and programs. The Board members commented on the expense of attending the programs. Ms. Ray reported that she spoke with the Alabama Association and that they were interested in regional CE programs for licensees. She suggested the Board provide funds

for speakers, with no registration fee and the Board's co-sponsoring these regional programs. Also discussed was appointing a Committee or member to work with the Association to allow the the Board to have input on the speakers and topics at these program. Mr. Langford made a motion that Ms. Ray be appointed as liaison of the Board in working with the Alabama Association to develop an educational program this year, tentatively in September. The motion was seconded by Mr. Baldwin and unanimously approved by the Board.

Ms. Ray made the motion that an amount not to exceed \$1750 be allotted per speaker for educational offering in 2016. The motion was seconded by Mr. Horton and unanimously approved by the Board.

The Board members commented on the memorial service that was planned in Charlotte, Virginia, for Mr. Steve Proffitt (J. Stephen Proffitt, III), a well-known attorney and auctioneer, who passed away in December, 2015.

The Board discussed having a Legislative Committee, along with Ms. Billingsley, having a work session to discuss Internet-supported auctions.

Ms. Billingsley presented for the Board's approval, as a Final Rule, the proposed new affidavit for the Principal Auctioneer and the new affidavit for the owner of the auction company. She reported that the inclusion of these affidavits in the respective applications were published in the *Administrative Monthly* for public comment. She further indicated that the Board received no comments from the public. Mr. Knox made a motion to approve the affidavits as a Final Rule as presented. The motion was seconded by Mr. Langford and unanimously approved by the Board.

Ms. Billingsley reported that the meeting with the Sunset Committee went well.

The Board members discussed the new Gun laws and Mike James indicated that the law was ambiguous about the selling of guns, as there was no case law on this matter.

The Board discussed the consumer complaint process and it was recommended that all complaints come from the complainant directly to the Board's administrative office rather than being forwarded from an individual Board member.

The Board discussed creating an inactive status for licensees. Ms. Billingsley explained that this would require a change in the statute and matter that the Legislative Committee could review. She indicated that she could review several states' rules to provide a comparison.

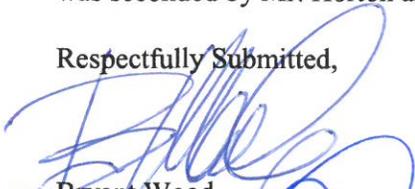
The Board discussed some states having jurisdiction concerning on-line auctions by requiring licensing or registration, along with some states are considering this matter, e.g., Texas, Illinois and Kentucky. Ms. Billingsley reported that she has no means to obtain information on this matter since the subject is not monitored in legal publications and she asked that Board members send her any publications and articles that would provide this information.

Ms. Paulene announced that the State reimbursement rate for mileage effective January 1, 2016 was reduced from \$0.57.5 to \$0.54 per mile.

The next meeting of the Board is scheduled April 19, 2016 at 9:00 a.m.

There was no further business, Mr. Knox made a motion to adjourn the meeting at 11:45 a.m. The motion was seconded by Mr. Horton and unanimously approved by the Board.

Respectfully Submitted,



Bryant Wood  
*Vice Chair*



Keith E. Warren  
*Executive Director*

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