



Alabama State Board of Auctioneers

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MINUTES Board Meeting April 18, 2017

The Alabama State Board of Auctioneers met on Tuesday, April 18, 2017, at the Board offices in Montgomery. Those in attendance were Mr. Bryant Wood (Chair), Mr. Bryan Knox (Secretary), Mr. Erskine Valrie (member), Mr. Pete Horton (member), Ms. Christie Ray (member) and Mr. Chad Curvin (member). Member not in attendance were Michael Langford and Mr. Keith McDaniel. Also present were Mr. Keith Warren (Executive Director), Ms. Dana Billingsley (Board Counsel) 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 9:08 a.m. by Mr. Wood.

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.alabama.gov in accordance with the Alabama Open Meetings Act. 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. Wood presented a copy of the January 10, 2017, Board meeting minutes for the Board's approval. A copy of the minutes was submitted to the Board members prior to the meeting for their review. Mr. Valrie made a motion to approve the January minutes as presented. The motion was seconded by Mr. Horton and unanimously approved by the Board.

Ms. Billingsley reported on the matter of Granger Thagard & Associates (GTA) case, which had been appealed to the Supreme Court. She reminded the Board that at the Board's last meeting, Mr. Smith with GTA had appeared before the Board asking the Board to consider filing an amicus brief on their behalf regarding the absolute auction/false advertising rules. The Board asked the Executive Director to check to see if the Board was notified by the licensee about the lawsuit when it was filed. The Board discussed the Board rules concerning absolute auctions and fiduciary responsibility to the seller. Mr. Curvin made a motion that the Board not file an amicus brief in this matter. The motion was seconded by Mr. Horton and unanimously approved by the Board.

Mr. Warren presented the Executive Director's Report (report available for viewing in the Board's official Book of Minutes. The report included the financial activities of the Board for the period ending

March 31, 2017, along with a summary report on the total number of licensees. Mr. Warren also reported on the number of complaints received and investigated in FY 2017).

Mr. Warren presented the Administrator's report of activities performed by staff, noting that reciprocal agreements had been mailed to reciprocal state licensing boards requesting acceptance of CE hours by reciprocal states. He reported on his conversations with various state directors about the agreement(s).

Mr. Warren presented an exam description outline, which would be listed on the Board's website. The Board discussed whether the Alabama Association would be interested in offering examination study courses to assist applicants. Mr. Warren indicated that he would ask PROV about developing content to use for a study course.

Ms. Billingsley presented the Legal Counsel Report. She commented on the good practice of reminding licensees about renewing their license and expired license renewals. She also reported that the Alabama Reference Service had offered to review and express an opinion about any suppressed competition language in the Board rules, and she reviewed the cost for this review. The Board discussed submitting all 14 Chapters of the Rules and 2 Appendices for review. Ms. Ray made a motion to have the Rules and Appendices reviewed by LRS. The motion was seconded by Mr. Knox and unanimously approved by the Board.

Mr. Warren commented on the Board's liability and risk management plan, indicating that the Executive Director was not covered in this plan. He stated that he would inquire with the State department about being added in risk management coverage under the new administrative management contract.

Ms. Billingsley present a list of Frequently Asked Questions for the Board's review prior to placing on the Board's website. It was suggested that the matter of county/city license be included on the list.

Mr. Wood called a recess of the Board at 10:25 a.m. for five minutes.
Mr. Wood reconvened the Board meeting at 10:31 a.m.

Ms. Billingsley presented a package of information on topics she planned to present at the upcoming Alabama Association's annual meeting. The topics referenced the Board's statute and rules, Board composition, Company license summary and auction company owner's affidavit, principal auctioneer's affidavit, summary about sponsors and apprentices and affidavits for each, summary of advertising rule, examination topics, summary about reciprocity, proposed recovery fund, and examples of court cases and the FAQ. The Board discussed again the topic of UCC's and the need for more continued education on this topic.

Ms. Ray made a motion that the affidavits for a sponsor and an apprentice be required with each application renewal. The motion was seconded by Mr. Knox. Ms. Ray amended her motion by also requiring the sponsor affidavit and apprentice affidavit included with license renewal and, in cases of online renewals, that an acknowledgement statement of the sponsor affidavit and the apprentice affidavit, in place of a notary seal, be included. The amended motion was seconded by Mr. Knox and unanimously approved by the Board.

The Board discussed the Board's advertising rule and Ms. Billingsley referenced two auction companies' websites as an example of listing the Company license number and auctioneer's license number. The Board also discussed advertising for online auctions.

The Board discussed obtaining an Attorney General's opinion about the use of the word "auction" based on the statute and seeking feedback in the meantime. Mr. Horton made a motion to authorize the Board's Legal Counsel to draft a request for opinion for the Board's consideration. The motion was seconded by Mr. Curvin and unanimously approved by the Board.

Mr. Warren reported on behalf of the Technology Committee and indicated that the licensee database had been installed and programming adjustments were continuing.

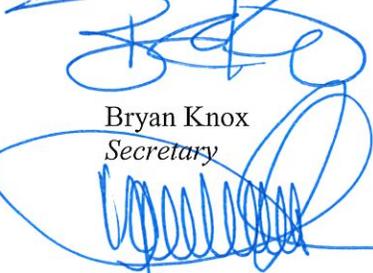
Mr. Warren also reported on behalf of the Education Committee. He explained that the Board had registered as a sponsor of the upcoming Alabama Auctioneer Association convention. The Board members discussed having a Fall CE session at the Pelham Civic Center, as a centralized location. Ms. Ray reported that the Alabama Association had scheduled a CE program on September 14, which would be open to non-Association members. The Board recommended that the CE Survey(s) have content relevant to the Board's Admn. Code 150-x-1-.13, and the CE vendors provide a list of attendees to the Board to credit CE hours, and a panel session be held to answer questions and the panel would be comprised of Board members, etc.

The Board discussed Board terms and identified members eligible to serve another term on the Board. Mr. Warren asked the members to notify him about their interest in continuing to serve another term.

The next meeting of the Board is scheduled July 18, 2017 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. Curvin and unanimously approved by the Board. Mr. Wood adjourned the meeting at 11:50 a.m.

Respectfully Submitted,



Bryan Knox
Secretary



Keith E. Warren
Executive Director

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