



Alabama State Board of Auctioneers

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MINUTES Board Meeting January 23, 2018

The Alabama State Board of Auctioneers met on Tuesday, January 23, 2018 at the Board offices in Montgomery. Those in attendance were Mr. Bryan Knox (Board Chair), Mr. Keith McDaniel (member), Mr. Erskine Valrie (member), Mr. Chad Curvin (member), Mike Fisher (member) and John Gray (member). Member not in attendance were Mr. Pete Horton and Mr. Michael Langford. Also present were Mr. Keith Warren (Executive Director), Mrs. 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 9:09 a.m. by Mr. Knox.

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.

The Oath of Office was administered by Mr. Warren to new Board members, Mr. John Gray and Mr. Mike Fisher. The other Board members and staff welcomed the new members.

Mr. Knox reported that, with the addition of two new members, the election of officers was due. Mr. McDaniel nominated Mr. Horton as Board Secretary/Treasurer. Mr. Gray seconded the nomination. There were no further nominations from the floor and the Board unanimously approved electing Mr. Horton as Board Secretary/Treasurer.

Mr. Gray nominated Mr. McDaniel as Board Vice Chair. Mr. Fisher seconded the nomination. There were no further nominations from the floor and the Board unanimously approved electing Mr. McDaniel as Board Vice Chair.

Mr. Daniel nominated Mr. Knox as Board Chair. Mr. Curvin seconded the nomination. There were no further nominations from the floor and the Board unanimously approved electing Mr. Knox as Board Chair.

Mr. Knox presented a copy of the October 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. McDaniel made a motion to approve the October minutes as presented. The motion was seconded by Mr. Curvin 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 December 31, 2017, along with a line item summary of expenses. He reported on the number of licensees, as well as the number of complaints received and investigated during FY 2017 and FY 2018.

Mr. Warren also presented the Administrator's report of activities performed by the staff since the last Board meeting, noting the number of individual who had taken the examinations during the reporting period and corrections to the last exam report. Included in the report were the number of licenses that were not renewed and expired licenses.

Mr. Warren indicated that several states had not responded to the request to approve the revised Reciprocal Agreement between the two states and he stated that he would be following up and report to the Board.

Mrs. Billingsley reported on the outstanding disciplinary fines listed in the Administrator's report and she reminded the Board that disciplinary action by the Board was listed on the Board's website.

Mrs. Billingsley presented the Legal Counsel Report. She presented four memoranda for the Board's information and refresher-review concerning the Alabama Open Meeting Act, Summary of Gift, Hospitality and Entertainment Restrictions under the Alabama Ethics Act, Complaint Procedure and Administrative Hearing Process and the North Carolina State Board of Dental Examiners v. Federal Trade Commission Supreme Court decision. Following a discussion by the Board about the memoranda, Mrs. Billingsley reported that an Administrative Hearing was scheduled to be held at the April Board meeting and asked the members to attend.

Mr. Warren presented to the Board the final adoption of Rule 150-X-1-.02 Application for Auctioneer's License and Rule 150-X-1-.11 Violations. He indicated that no comments from the public had been received on the matter of the two proposed rule changes. Mr. Valrie made a motion to approve the Final Rules 150-X-1-.02 and 150-X-.02 as published. The motion was seconded by Mr. McDaniel and unanimously approved by the Board.

Mr. Knox called a 10-minute recess of the Board at 10:10 a.m.
Mr. Knox reconvened the Board meeting at 10:21 a.m.

Mrs. Billingsley reported that the Alabama Legislative Services Agency had notified the state boards about conducting a review by July 21, 2018 of each rule adopted prior to July 1, 2013 and a five-year review of rules which were adopted after July 1, 2013. She recommended that the following rules be reviewed by the Board: Rules 150-X-1-.03, .04, .05, .06, .11, .12, .13, and Appendix 1.

In consideration of a Rules review, the Board discussed Committee appointments and assignments. Mr. Warren presented a list of Board Committees and previous appointments. Mr. Valrie made the motion to discontinue the Educational Committee and Technology Committee since the assignments had been completed. The motion was seconded by Mr. Fisher and unanimously approved by the Board.

Mr. Curvin made the motion to continue the Examination Committee, along with the additional appointments of Mr. Fisher and Mr. Horton to serve on the Committee. The motion was seconded by Mr. Gray and unanimously approved by the Board.

Mr. McDaniel made the motion to continue the Legislative Committee, along with the additional appointment of Mr. Gray to serve on the Committee. The motion was seconded by Mr. Curvin and unanimously approved by the Board.

Mr. Warren reported that the Rules Committee was comprised of Mr. Knox, the Executive Director and the Board Counsel. Mr. Gray nominated Mr. McDaniel to serve on the Rules Committee. The motion was seconded by Mr. Valrie and unanimously approved by the Board. Mr. McDaniel nominated Mr. Curvin to serve on the Rules Committee. The motion was seconded by Mr. Valrie and unanimously approved by the Board. Mrs. Billingsley advised the Board to advertise the meeting of the Rules Committee for public information and Mr. Warren agreed to post the notice.

Mr. Warren recommended that proposed legislative changes be assigned to the Rules Committee to discuss and present to the Board. Mr. Knox agreed and tabled further discussion of proposed legislation.

Mr. Warren presented the Professional Services Contract for legal services by Mrs. Billingsley for the Board's approval. He reported that the hourly fees had been increased from the previous contract to \$175 per hour. Mr. McDaniel made a motion to approve the Professional Services Contract, as presented, effective through September 30, 2019. The motion was seconded by Mr. Gray and unanimously approved by the Board.

Mrs. Billingsley presented a draft Resolution for the Board's approval to seek a formal opinion from the Office of the Attorney General concerning activities of certain online auctions that are open to the public. The Board discuss Internet technology as a tool to effect auctions, as with other tools to conduct business. Mr. Curvin made the motion to adopt the Resolution as presented. The motion was seconded by Mr. McDaniel and unanimously approved by the Board.

Mr. Warren reported that the efforts by the Alabama Auctioneer Association to provide continuing education programs in the State was going well.

There was no further business by the Board and Mr. McDaniel moved that the meeting be adjourned. The motion was seconded by Mr. Valrie and unanimously approved by the Board. Mr. Knox thanked the members for their time and attendance and adjourned the meeting at 11:10 a.m.

Respectfully Submitted,



Bryan Knox
Chair



Keith E. Warren
Executive Director

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