



Alabama State Board of Auctioneers

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MINUTES Board Meeting January 22, 2019

The Alabama State Board of Auctioneers met on Tuesday, January 22, 2019 at the Board office in Montgomery. Those in attendance were Mr. Brian Knox (Board Chair), Mr. Keith McDaniel (Vice Chair), Mr. Erskine Valrie (member), Mr. Chad Curvin (member), Mr. Mike Fisher (member) and Mr. John Gray (member). Members not in attendance were Mr. Michael Langford (member) and Mr. Pete Horton (member). Also present were Mr. Keith Warren, Executive Director, Mrs. Dana Billingsley (Board Counsel) and Ms. Hope Childers (Board Administrator). The Board, consisting of a quorum, continued with a voting meeting. The meeting was called to order at 9:07 a.m. by Mr. Knox, Board Chairman.

The regular 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.

Chairman Knox presented a copy of the October 16, 2018 regular meeting minutes for the Board's approval. A copy of the minutes was distributed to the Board members prior to the meeting for their review. Mr. Gray made a motion to approve the October meeting minutes as presented. The motion was seconded by Mr. Valrie 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, 2018 with a line item summary of expenses. He also reported on the number of licensees, as well as the number of complaints received and investigated during FY 2017 and FY 2018. Mr. Warren introduced Mr. Dennis Trammell, Board Investigator.

Mr. Warren also presented the Administrator's report and reviewed activities performed by the staff since the last Board meeting, which included a summary of examination statistics, licensing activities and a list of expired licenses as of September 2018.

Mr. Valrie made a motion to approve the financial report as presented. The motion was seconded by Mr. Gray and unanimously approved by the Board.

Mr. Warren reported that he expected to have all of the reciprocity agreements with other states signed by the next Board meeting. He commented on CE issues by the North Carolina licensing Board.

He also reported that a Board appointment from the Governor's office would be forthcoming regarding the position held by Mr. Knox.

Mr. Warren reported that Mrs. Billingsley had taken a position with the Alabama Department of Public Health and would no longer be serving as Legal Counsel. He reported that Mr. Bill Garrett, Assistant Attorney General, had agreed to serve as the Board's Legal Counsel. The Board members offered their well wishes to Mrs. Billingsley and thanked her for her service.

Mrs. Billingsley presented the Legal Counsel Report. She reported on a complaint concerning a repeat offender, who had signed a Consent Agreement in 2017 and again concerning the recent complaint. She reported that the Respondent had agreed to voluntarily surrender his auctioneer license, which resulted in his company license no longer being valid. She reported that the proposed Consent Agreement also included a \$5000 fine, and upon compliance with this consent agreement, the Respondent may reapply to the Board for licensing. The Board discussed further legal action should the violations continue in the future. Mr. Fisher made the motion to approve the Consent Agreement as recommended by Mrs. Billingsley. The motion was approved by Mr. Gray. Chairman Knox called for a roll call vote: Mr. Erskine Valrie, aye; Mr. Chad Curvin, aye; Mr. Mike Fisher, aye; Mr. John Gray, aye, and Mr. Brian Knox, aye. Mr. McDaniel was recused from voting. The motion was approved by the majority of the members present.

Mrs. Billingsley also reported on a previous complaint case where the Respondent's license was revoked. She indicated that the Respondent had indicated interest in reapplying to the Board and recommended an application hearing to consider the merits of a license. The Board discussed rescheduling the Board meeting to a mutually agreeable date for the Respondent and their Legal Counsel. Mr. Gray made the motion to change the April Board meeting from April 9th to April 17th. The motion was seconded by Mr. McDaniel and unanimously approved by the Board.

Mr. Warren presented the following proposed rule changes for approval by the Board to be published for public notice: 150-X-1-01.01 Definitions; 150-X-1-.03 Advertisements; 150-X-1-.05 Exam; 150-X-1-06 Fees; 150-X-1-.12 Auctioneer Schools; 150-X-1-.13 Continuing Education and Appendix 1, Fees. Mr. McDaniel made the motion to approve the rule changes as previously discussed and approved by the Board, with no additional changes. The motion was seconded by Mr. Gray and unanimously approved by the Board.

Mr. Warren presented a request by the Alabama Auctioneer Association (AAA) for the Board to advertise in the 2019 AAA CE Programs. Mr. Curvin made the motion for the Board to advertise in the 2019 AAA programs, not to exceed \$10,000 annually, of which \$2500 advertised at the upcoming AAA convention. The motion was seconded by Mr. Fisher and passed by the majority of the vote, with one member voting nay.

Mr. Warren presented a draft of proposed legislation for changes in the Board's statute as previously reviewed and approved by the Board. The Board reviewed the proposed changes for any additional updates and modifications.

Mr. Gray moved that the requirements for a Bond be removed from the statute. The motion was seconded by Mr. Valrie and unanimously approved by the Board. The Board discussed the addition of creating a recovery fund.

Chairman Knox called a recess of the Board at 10:26 a.m. for approximately 10 minutes. Chairman Knox reconvened the business meeting of the Board at 10:35 a.m.

The Board continued extensive discussions regarding the process to create a recovery fund and licensees maintaining a form of bond or insurance in the meantime. Mr. Fisher made the motion to include a recovery fund in the proposed legislation that would have a minimum balance of \$25,000, funded with operation funds and created through the assessment of \$25 per licensees per year henceforth and new licensees assessed \$100 in the first licensing year, with maximum claim not to exceed \$5000. The motion was seconded by Mr. Curvin and unanimously approved by the Board.

Mr. McDaniel made the motion to increase the examination application fee not to exceed \$150. The motion was seconded by Mr. Fisher and unanimously approved by the Board.

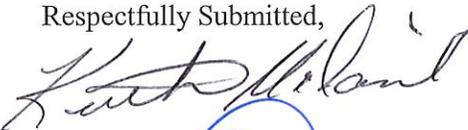
Mr. Gray made a motion to approve the proposed legislation as reviewed and modified. The motion was seconded by Mr. Fisher and unanimously approved by the Board.

Mr. Warren reminded the Board members about the Board Training session scheduled March 1, 2019. He reported that Board attendance would be included in the audit report to the State Sunset Committee. He encouraged the Board members to attend the training and indicated that additional information about the training would be sent to them.

Chairman Knox announced that the next regularly scheduled meeting of the Board was April 17, 2019 at 9:00 a.m., with an application hearing set at 10:00 a.m.

There was no further business by the Board and Mr. Curvin made a motion that the meeting be adjourned. The motion was seconded by Mr. Gray and unanimously approved by the Board. Chairman Knox adjourned the meeting at 12:01 p.m.

Respectfully Submitted,



Keith McDaniel
Vice Chair



Keith E. Warren
Executive Director

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