

MINUTES
S. C. Auctioneers' Commission

Conference Call

December 6, 2000

The Kingstree Building, Suite 104-01

Columbia, South Carolina

Mr. Archie Moody, Chairman, of Darlington, called the conference call meeting to order at 3:00 p.m. Other commission members participating during the meeting included: Mr. Jeffrey Shaw, Vice-Chairman, of West Columbia; Mr. Fred Mullis, of Lancaster; and Ms. Rebecca A. Frierson, of Newberry.

Members of staff participating during the meeting included: Ms. Lou Ann Pyatt, Administrator; Ms. Sharon Dantzler, Deputy General Counsel, LLR-Office of General Counsel; Ms. Jackie Carter, Administrative Assistant; and Ms. Sandra Dickert, Administrative Assistant.

A member of the public participating during the meeting included Mr. Joe Loeser, Jr.

Mr. Moody announced the meeting was being held in accordance with the Freedom of Information Act [§ 30-4-80 (e)] by notice mailed to The State newspaper, Associated Press, WIS-TV and all other requesting persons, organizations, or news media. In addition, notice was posted on the bulletin boards located at both of the main entrances of the Kingstree Building where the Board office is located.

Chairman's Remarks

Mr. Moody stated he appreciated everyone's time in this matter.

Administrator's Remarks

A. David Loeser, Jr.

Ms. Pyatt stated staff has forwarded the application to the members concerning Mr. David Loeser, Jr. and indicated she had included a summary in this matter. She went on to say Mr. Loeser is from Fairfield, Connecticut, has completed the Mendenhall School of Auctioneering and has passed the South Carolina exam. She further stated the original issues concerning Mr. Loeser's application was a judgement dated April 1999 in the amount of \$799.00 to the Connecticut Telephone Company. She said this judgement has been paid according to

information presented by Mr. Loeser. She also said there is a charged off account with Universal Bank. She added that Mr. Loeser did not answer question fourteen regarding unpaid judgements and debts.

Mr. Loeser stated he had sent a letter indicating he missed the question and corrected the application by answering 'no' to that question. He went on to say his company is attempting to conduct more business in the south and indicated South Carolina is a fantastic place for his company to conduct an auction. He further stated he believes he has done everything to the best of his ability, passed the exam, has studied the statutes and regulations, and believes he know the South Carolina law. He said that when he was 17 years old and a freshman in college he received a credit card from Universal Bank. He noted his lack of judgement at that time got him into trouble with the credit card. He graduated from college the following year, got a job and paid off the account. He has since gotten a note from Universal Bank indicating it was improperly written on his credit report. His credit has since been perfect.

Ms. Frierson asked Mr. Loeser if he is currently licensed in Connecticut. Mr. Loeser stated he just recently took over the company business from his father. He went on to say his father is licensed in Connecticut. Ms. Frierson asked Mr. Loeser if he has been conducting auctions. Mr. Loeser replied he is sitting with his father who indicated to him that it is unnecessary to have an auctioneer's license in Connecticut. He went on to say certain towns in Connecticut require a permit to conduct an auction. He noted that the State of Connecticut does not require an auctioneer to obtain an auctioneer license.

Ms. Pyatt stated staff has contacted the State of Connecticut who indicated an auctioneer's license was required until 1995. She went on to say Connecticut does license real estate.

Mr. Shaw asked Mr. Loeser what type of auctions he would be conducting. Mr. Loeser replied he would be auctioning industrial machine tools. Mr. Shaw asked Mr. Loeser if he would be conducting real estate auctions. Mr. Loeser replied he hoped he would be conducting real estate auctions. He went on to say there is a sale coming up that would contain real estate. He said they would be selling commercial and industrial properties. He indicated most of the time the sale consists of the machine tools located inside; however, occasionally they do get the opportunity to auction real estate.

Mr. Stated that if Mr. Loeser conducts real estate auctions in South Carolina he must have a real estate broker's license as well as an auctioneer's license.

Ms. Frierson asked Mr. Loeser if he has already executive a contract to conduct an auction later this month. Mr. Loeser replied he has executed that contract.

Ms. Pyatt asked Mr. Loeser if he or his company is licensed as a real estate agent in Connecticut. Mr. Loeser replied neither he nor the company is licensed as a real estate agent in Connecticut. He further stated the last time his company conducted a real estate auction there was a real estate agent employed with them. He went on to say that his company has partnered with real estate firms to conduct the real estate auctions. He said his company

has not conducted enough real estate auctions to justify obtaining a real estate agent license. He noted his company has not had the resources or the number of individuals to conduct real estate auctions. He indicated the company has grown and will grow more. Once the company has grown more he would employ a real estate agent.

Mr. Moody asked Mr. Loeser how long his father was in business. Mr. Loeser replied his father began buying and selling machinery in 1969 and began the auction company in 1987. Mr. Moody asked Mr. Loeser if he started working with his father at that time. Mr. Loeser replied he began working with his father in April 1996.

Ms. Pyatt stated she noted Mr. Loeser attended the Mendenhall School of Auctioneering in 1999. She asked Mr. Loeser if he is licensed in any other state. Mr. Loeser replied he became licensed in North Carolina shortly before taking the exam in South Carolina.

Mr. Shaw asked Mr. Loeser if he has conducted any auctions in North Carolina since he became licensed in that state. Mr. Loeser replied he conducted an auction for 3C Corporation, Chicago Pneumatic, outside of Charlotte, and contracted with the New Breed Company for a post office auction in Greensboro this past spring.

Ms. Frierson asked Mr. Loeser when his North Carolina license became effective. Mr. Loeser replied he does not remember the date his license became effective but would obtain that information for the commission.

Ms. Pyatt stated Mr. Loeser answered 'no' to question seven regarding licensure in other states.

Mr. Loeser asked Ms. Pyatt when he completed the application for South Carolina. He said he believes his application has been pending for approximately eight months. Ms. Pyatt replied his application was received by staff on August 28, 2000.

Mr. Loeser stated he has been attempting to simultaneously obtain as many licenses in different states as possible because he is the sole proprietor of the business.

Executive Session

Mr. Shaw moved the commission enter executive session to seek legal advice regarding this application. Mr. Mullis seconded the motion, which carried unanimously.

Open Session to Report on Executive Session

Mr. Moody noted for the record that no votes were taken while the board was in executive session.

Mr. Shaw moved the commission grant a probationary license to Mr. Loeser, with the probation to expire in June 2003. Further, that Mr. Loeser is to immediately disclose to the

commission all auctioneer licenses held in other states and the disciplinary status of those licenses. And further that Mr. Loeser, at the end of the probationary period, provide a credit report, at his expense, and disclose all auctioneer licenses in other states and the disciplinary status of those licenses. In addition, Mr. Loeser must pay a penalty of \$1,000.00 for executing a contract without being properly licensed. Mr. Mullis seconded the motion, which carried unanimously.

Adjournment

There being no further business to be brought before the commission at this time, the conference call meeting adjourned at 3:50 p.m.



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