

STATE OF SOUTH CAROLINA
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BEFORE THE AUCTIONEERS' COMMISSION

IN THE MATTER OF)
)
BOARD DISCUSSIONS)
)
) TRANSCRIPT OF DISCUSSIONS
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Given before Gary A. Haygood, Professional Court Reporter and Notary Public in and for the State of South Carolina, on Monday, November 28, 2011 at the offices of the South Carolina Department of Labor, Licensing and Regulation, 110 Centerview Drive, Columbia, South Carolina.

Reported by:
Gary A. Haygood

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A P P E A R A N C E S

Board Members: James G. Blocker (Chair)
Victor J. Avendano
E. Wendell Christopher
Matthew J. Holiday
Michelle J. Pinkney

For the State: N/A

For the Respondent: N/A

Advising the Board: Sheridan Spoon, Esq.

Also present: Lenora Addison-Miles, Administrator
Theresa Gardner, Program Assistant

Reported by: Gary A. Haygood

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PROCEEDINGS

(On record 10:02 a.m. November 28, 2011.)

MR. BLOCKER: I'll call this meeting to order. Now it's two minutes after ten by my watch. Notice has been given of this meeting and properly posted at the South Carolina Auctioneers' Commission office in the Synergy Business Park, Kingstree Building, and provided to all requesting persons, organizations, and news media in compliance with the Section 30-4-80 of the South Carolina Freedom of Information Act.

In you would join me for our Pledge of Allegiance, please.

(Participants stand and recite the Pledge of Allegiance.)

MR. BLOCKER: Will you join me in an invocation.

(Mr. Blocker gives invocation.)

MR. BLOCKER: I think we've got everybody present today. Did we have everybody last time? The minutes from the August 22nd meeting, you have them before you. Has everybody read them? And is there any additions or deletions, or do I hear a motion that we accept them?

MR. CHRISTOPHER: So moved.

MR. BLOCKER: Do we have a second?

1 MR. AVENDANO: I second it.

2 MR. BLOCKER: All approved, say aye.

3 BOARD MEMBERS: Aye.

4 MR. BLOCKER: So ordered. Ms. Miles, if you would
5 bring us up to date on what's going on.

6 MS. ADDISON-MILES: Yes, sir. Thank you. The
7 members are reminded that the meeting
8 materials that you have contain confidential
9 information, and at the end of the meeting if
10 you would please leave all application
11 documents for proper disposal by staff.

12 You have been provided information to
13 access the LLR board member website. It gives
14 you the website, the user ID, and the
15 password. This site contains information and
16 resources for board members, including forms,
17 travel information, board member listing, and
18 board member orientation reference manual.

19 The September 9, 2011 examination
20 results, there were 11 auctioneer candidates,
21 and ten passed the exam. The average score
22 was 78. There was one apprentice candidate.
23 The next exam is scheduled for Friday,
24 December 2nd.

25 There are currently 988 auctioneers and

1 156 auction firms licensed through June 30th
2 of 2013. Thirty-four auction firms and 120
3 auctioneers failed to renew. Those licenses
4 lapsed effective June 30th of 2011. Cease and
5 desist orders were mailed to those lapsed
6 licensees on October 24th.

7 I provided you with the October 2011 cash
8 balance report. The report reflects in
9 Recovery -- we have a Recovery Fund balance of
10 \$119,669.57. The auctioneer Cash Balance
11 account is \$1,050,110.44. If you flip over to
12 the additional information that you have that
13 shows the chart, this is just for the month of
14 October, just to give you an idea of the
15 revenues and expenses. It shows negative
16 amounts, but those are actually our revenues
17 that are in pink. And we get our revenues, of
18 course, from different licensing, examination,
19 renewal fees, that type of thing. And it will
20 show you those totals there. And on the next
21 page you'll see we also have \$287.25 on
22 October 4th. That's the investment that we
23 earn on the Recovery account. And then the
24 yellow items show you -- the items highlighted
25 in yellow give you an idea of our

1 expenditures. And as I said, these are just
2 for October. And we have expenditures which
3 are normally about this -- paid the same -- we
4 have the same expenditures. We have employee
5 payroll, office supplies, rent for non-state
6 owned building. And there's additional
7 payroll, administrative fees, insurance,
8 dental, retirement.

9 And normally we would also have,
10 depending on the month of the report, it would
11 show the travel for the board members that we
12 pay. But because we didn't have any travel
13 paid in October, it's not on there.

14 But I'll continue to give you these, just
15 to give you an idea of what we are spending
16 our money on.

17 MR. BLOCKER: That's the first one I had ever seen,
18 so I'm glad to get that.

19 MS. ADDISON-MILES: This is a new report that our
20 administration, they have to actually create
21 this report for us. But like I said, this is
22 just to give you an idea of money that comes
23 in and then the money that we spend.

24 In addition, on the actual balance
25 report, the front sheet, you'll see we had

1 administrative transfers. Those are based on
2 a percentage that our budget office has come
3 up with for each board to pay. We have
4 administrative fees that go to the Director's
5 Office. That was \$5,123.86. We have a POL
6 administration. This is Professional and
7 Occupational Licensing administration fee,
8 \$744. The Office of Investigations, and it's
9 based on the number of investigations. It was
10 \$8,530.19. Legal fees were based on the
11 number of investigations, as well. That's
12 \$4,095.46. Our Office of Business Services,
13 which is another administrative fee based on a
14 percentage is \$1,253.98. And there again, you
15 have the total of the \$1,050,110.44.

16 MR. HOLIDAY: How did we come to the \$119,000 in
17 the Recovery fund. Where is that? How was
18 that math?

19 MS. ADDISON-MILES: The 119,000?

20 MR. HOLIDAY: In the Recovery. You mentioned the
21 Recovery fund.

22 MS. ADDISON-MILES: That's from the individuals
23 paying into the fund.

24 MR. HOLIDAY: Okay. Is that on here anywhere?

25 MS. ADDISON-MILES: That should be maybe your

1 second page. It just shows the actual
2 balance. But, you don't -- some of the -- if
3 you look on page -- the second page of the
4 report that has your highlighted items with
5 the chart, if you look at -- see the \$600, the
6 minus \$600 Miscellaneous Revenue --

7 MR. HOLIDAY: Yes.

8 MS. ADDISON-MILES: -- that code 4592, that's the
9 actual code for the Recovery fund. So that
10 was money that we received, that minus 600.
11 It shows as a minus, but it's actually revenue
12 that we received, that \$600. That would be
13 application fees into the Recovery fund. And
14 then right underneath the 4592, the 287.25,
15 that's the investment, the interest on that
16 Recovery fund. That's what we got for
17 October.

18 MR. HOLIDAY: Okay, thank you.

19 MS. ADDISON-MILES: You're welcome.

20 MR. BLOCKER: How about the million dollars? Where
21 is it?

22 MS. ADDISON-MILES: Where is it?

23 MR. BLOCKER: Yeah. Who gets interest on it?

24 MS. ADDISON-MILES: That's a good question.

25 MR. BLOCKER: I'm just curious.

1 MS. ADDISON-MILES: Well, because you know the
2 Auctioneer -- that Recovery account is a
3 specific interest-bearing account. So that's
4 why that shows on here as a separate account.

5 MR. CHRISTOPHER: And sometime in the last year or
6 so, did we give back a million dollars to the
7 general fund or something?

8 MS. ADDISON-MILES: I'm not sure. I can find out
9 for you, but I'm not certain.

10 MR. BLOCKER: I think we did give a large sum.

11 MS. ADDISON-MILES: We did have to, but I'm not
12 sure of the exact amount.

13 MR. BLOCKER: Did we give it, or was it taken?

14 MR. CHRISTOPHER: Taken.

15 MS. ADDISON-MILES: No comment.

16 MR. BLOCKER: Okay. I'm just wondering. I didn't
17 think anybody on this board was wanting to
18 give away anything. Thank you, Ms. Miles.

19 And I'd like to say welcome to each of
20 you visitors this morning who are here whether
21 on business or just visiting. We're glad to
22 have you. Always glad to have people with us.
23 And appreciate our staff, what they're doing.
24 I got in about 30 minutes early this morning,
25 and it took me two hours to read all this

1 information they had piled up for me here.
2 But I appreciate it, and it will certainly
3 make our meeting go better. We're glad to
4 have each one of you.

5 Now, getting back in line. Do we have
6 any unfinished business?

7 MS. ADDISON-MILES: No, sir.

8 MR. BLOCKER: No unfinished business. New business
9 is the review and approval of the November 16,
10 2011 IRC Report.

11 MR. TAYLOR: Bobby Taylor from Investigations and
12 Enforcement. Just to bring you up to date on
13 our caseload, we have received 16 cases from
14 January 1 and that would be through today.
15 And of those 16, we have closed seven. And we
16 have nine cases for Board approval today. Of
17 the nine, seven of them are dismissals, and
18 I'll read those. It's 2010-3, 2010-19, 2011-
19 8, 2011-9, 2011-10, 2011-11, and 2011-13.
20 Those are the dismissals. Of the nine, we had
21 one formal complaint. That's 2011-12. And
22 we're sending one Letter of Caution, 2011-14.
23 It's a total of nine for today's Board
24 approval.

25 MR. BLOCKER: Do I hear a motion we accept this

1 report? Does anyone want to make a motion
2 that we accept the report?

3 MR. CHRISTOPHER: I move it be accepted.

4 MR. BLOCKER: Is there a second?

5 MR. HOLIDAY: Second.

6 MR. BLOCKER: Any discussion? (No response.) All
7 in favor of accepting this report, say aye.

8 BOARD MEMBERS: Aye.

9 MR. BLOCKER: So ordered. Okay. Thank you. Our
10 next is approval of Application by our
11 Examination. The first is Mr. McKinley Dean
12 Compton.

13 (10:19 a.m. - 10:29 a.m. -- Application Appearance of
14 McKinley Dean Compton, which has a separate transcript.)

15 MR. BLOCKER: Our next is Mr. Rabon. Is Mr. Rabon
16 here?

17 MR. RABON: Yes.

18 (10:30 a.m. - 10:41 a.m. -- Application Appearance of Joey A.
19 Rabon, which has a separate transcript.)

20 MR. BLOCKER: And next we have Mr. Thomas D.
21 Collier.

22 (10:42 a.m. - 10:50 a.m. -- Application Appearance of Thomas
23 D. Collier, which has a separate transcript.)

24 MR. BLOCKER: Our next order of business looks like
25 South Carolina Auctioneers Association request

1 for CE funding. Do you want to bring us up to
2 par on that, Ms. Miles?

3 MS. ADDISON-MILES: If you don't mind, if you could
4 move that down further, I got an email this
5 morning --

6 MR. LIGON: Ms. Miles.

7 MS. ADDISON-MILES: Are you here?

8 MR. LIGON: I'm here.

9 MS. ADDISON-MILES: Oh, sorry.

10 MR. LIGON: You haven't turned around and seen me
11 since I got here.

12 MS. ADDISON-MILES: Okay. Well, yes, sir, we're
13 ready. We received a request from the South
14 Carolina Auctioneers Association for funding
15 from the Recovery fund to provide CE for all
16 licensees during their annual convention. And
17 we have a representative here from the
18 Auctioneers Association.

19 MR. BLOCKER: Okay.

20 MR. LIGON: Gentlemen and ladies, I'm Randy Ligon
21 of the South Carolina Auctioneers Association.
22 I'm vice president of the commission this
23 year. Mike Harper, the president, apologized,
24 but he was out of town on vacation for the
25 holidays. So he asked me to fill in. So I

1 apologize. I'm not quite as up to speed as
2 Mike is.

3 But I think y'all have got a better
4 information packet than I have, per se. But,
5 obviously, we're looking to try to improve
6 relations with all auctioneers, whether they
7 be South Carolina Auctioneers Association
8 members or not. And we think continuing
9 education is important to the public as a
10 whole, and we see ourselves as being in a
11 position to invite them in. We're giving
12 classes, CE classes, around conventions and
13 other times. So we could just use some help
14 financially to pay for meeting space and that
15 kind of thing.

16 MR. BLOCKER: Ms. Miles, do we have the money in
17 the fund that we can get?

18 MS. ADDISON-MILES: Yes, sir.

19 MR. LIGON: Yes, sir.

20 MR. BLOCKER: I think we've got that in our packet,
21 have we not, the request?

22 MS. ADDISON-MILES: Yes, sir. The request, yes.
23 It was an email originally from Mr. Mike
24 Harper.

25 MR. LIGON: About \$4400, just to help us cover

1 meeting room expenses mostly.

2 MR. BLOCKER: Okay. Do we have any discussion from
3 the Board?

4 MR. AVENDANO: I've got some questions.

5 MR. BLOCKER: Yes.

6 MR. AVENDANO: Mr. Ligon, nice to see you again.

7 MR. LIGON: Good to see you, sir.

8 MR. AVENDANO: CE -- I've got a couple of
9 questions. These CE meeting spaces. I was a
10 past board member, and usually from my
11 understanding these CE meeting spaces were
12 attached to a block of rooms, a certain block
13 of rooms that we -- the Association rents.
14 They would provide these rooms. Is that the
15 case here or did --

16 MR. LIGON: Well, obviously, we do rent them, but
17 that's a cost to us. So we still have a cost
18 involved. And we may be in a position to do a
19 kind of a lunch and learn CE class around the
20 state, trying to move it around a little bit.
21 So like this coming year, the convention's in
22 Greenville. We might be able to facilitate
23 something during the off season of the
24 convention, you know, like summer in
25 Charleston or somewhere. You know, we might

1 be able to spread it around and be more
2 convenient to people around the state.

3 MR. AVENDANO: So these monies are not only for
4 Greenville?

5 MR. LIGON: Oh, no. No, sir. I don't think that's
6 the intention at all. However, I did not draw
7 this up, so I --

8 MR. BLOCKER: That's the intention I got. That's
9 the impression I got. It was for one meeting,
10 and I thought it looked to be expensive.

11 MR. LIGON: No, I don't think so. I apologize. I
12 don't have a good answer for that, though.
13 But I don't think we were trying to ask you to
14 pay for our convention space. Certainly not
15 my understanding of it. And I think we were
16 just looking to spread our costs over the --
17 you know, over the state just to facilitate
18 more CE classes. And I'm assuming auctioneers
19 all over the state need them from what we
20 know. We know they need them. The public
21 needs them to have them.

22 MR. HOLIDAY: Mr. Ligon, if I could mention, the
23 letter is specific to the convention.

24 MR. LIGON: Okay.

25 MR. HOLIDAY: I like your idea about spreading it

1 out.

2 MR. LIGON: Well, I didn't -- I didn't draw this
3 letter. Mike did.

4 MR. HOLIDAY: But this is just specifically about
5 this meeting.

6 MR. LIGON: So he was then. So I stand corrected.
7 You're right.

8 MR. AVENDANO: Okay, with that said, I've got other
9 questions. So the CE, I remember sometimes
10 that other association members would have to
11 sometimes room or, you know, file apart so
12 they could get more rooms. That's what I
13 remember from past conventions, that we would
14 get a block of rooms. You know, we would get
15 certain spaces to meet in.

16 MR. LIGON: Sure.

17 MR. AVENDANO: A/V equipment. Again, from past
18 experiences, first of all, you know, we are
19 auctioneers. We all have portable PAs. In my
20 past experience we've had auctioneers from
21 that area, wherever our convention is, donate
22 their services, their PA equipment. And,
23 again, you're asking for \$400 there.

24 If I could just go on. I'm totally in
25 agreement with, you know, Christie King coming

1 in. She's an excellent educator. But I also
2 think the \$750 for coffee and soda is a bit
3 excessive for less than a hundred members from
4 the association; is that right? We're under a
5 hundred or just over a hundred members of the
6 association?

7 MR. LIGON: It's right at 110.

8 MR. AVENDANO: A hundred and ten.

9 MR. LIGON: Yeah. We've --

10 MR. AVENDANO: So \$750 there seems a little
11 excessive to me, as well.

12 The handouts, I've been to these
13 conventions before, and less than, what, 80
14 percent of the people show of the association
15 members?

16 MR. LIGON: Yeah, probably less than that.

17 MR. AVENDANO: Probably less than that. Here
18 again, presenters, my past experience, I
19 believe, that we haven't paid presenters from
20 our association in the past. I don't know if
21 that's true or not.

22 MR. LIGON: Well, your better presenters, you give
23 them a stipend of some kind. I mean, I think
24 that number I can't argue with. I think
25 that's probably right.

1 MR. AVENDANO: Do we know who the presenters are?

2 MR. LIGON: I do not. I think one is an attorney
3 that I think is charging, but I don't know.
4 I'm not in charge of the program.

5 MR. HOLIDAY: I think I know who they are. I know
6 who they are. They are Auction Law with
7 Darron Meares; is that correct? Mike Harper,
8 who's the president, as far as I know. But
9 I'm just remembering the email and newsletter.
10 And then Christie King on benefit auctions. I
11 think there's three educational opportunities
12 at this time; is that correct?

13 MR. LIGON: It sounds right.

14 MR. AVENDANO: And is this \$300 per person or would
15 be a --

16 MR. LIGON: I don't know. I mean, that's to give -
17 -

18 MR. AVENDANO: All are together.

19 MR. LIGON: That's three speakers. \$300.

20 MR. AVENDANO: And then this registration toward
21 mailing and non-member licensees.

22 MR. LIGON: Which is probably the most needed of
23 the numbers.

24 MR. AVENDANO: Sure. We're going into December
25 now, and this is a meeting in January. I

1 think that it's a little late in the park to
2 even try to pitch things like that.

3 MR. LIGON: I don't know.

4 MR. AVENDANO: I mean, we're going into December.

5 MR. LIGON: You've got a late January meeting. I
6 mean, how many people are going to schedule it
7 any sooner?

8 MR. AVENDANO: Okay. And one other question. If
9 you could share with us in your fund, in the
10 South Carolina Auctioneers Association fund,
11 your bank account, could you -- do you
12 remember a balance?

13 MR. LIGON: No, sir, but we are in the black for
14 the first time in a long time. I'll say that.
15 We got out of the red.

16 MR. AVENDANO: Are we at a thousand; 5,000; 10,000;
17 do you have approximate total?

18 MR. LIGON: Yeah, I'm going to say it's between
19 five and ten.

20 MR. AVENDANO: Five and ten, got you.

21 MR. AVENDANO: One other question and I'll get off.
22 There has been no -- you haven't asked for
23 this money before from the LLR, from the
24 Auctioneers' Commission. Why is the sudden
25 interest in obtaining this money when you're

1 sitting in the black?

2 MR. LIGON: Well, we're barely in the black,
3 relatively speaking. And after being in the
4 red a long time, once you get there, you try
5 to figure out how to stay there. That's
6 important, because you don't want to be back
7 in the red next year. But to answer your
8 question directly, I think it's to be -- it's
9 a plus to Mike Harper, who thought about it
10 and said, you know, maybe there's some funds
11 to help us. We're not looking for a free ride
12 or a handout, per se. We are trying to expose
13 this -- all these classes to the entire
14 auction industry, not just our membership,
15 because there certainly are a lot of
16 auctioneers that aren't members. So there's a
17 wide gap there that needs CE credits. So I'm
18 just going to give Mike credit for thinking
19 about it and saying how can we, you know,
20 balance our budget and do a couple of thousand
21 dollars worth of mailouts and figure out how
22 to pay for it all? Because we feel like it
23 would be -- you know, if we do a good job
24 marketing it to the auctioneer list as a
25 whole, which how many is on that list? I

1 don't even know.

2 MS. ADDISON-MILES: Nine hundred eighty-eight.

3 MR. LIGON: Nine hundred eighty-eight. So 988 at a
4 dollar a card would be at least \$988, so, you
5 know, postage on a card. So I would say
6 that's probably the minimum we need for
7 postage and handling would be that. Right at
8 a thousand dollars. And, of course, 1500, I
9 don't know where that number came from
10 exactly. But that's not a bad guess, by the
11 time you pay your printing and postage and
12 everything.

13 But to answer your question directly, why
14 now? I think it's just they just thought
15 about it. I mean, it's just one of those
16 things Mike Harper thought about when we were
17 trying to figure out how to stay ahead of the
18 curve and to provide a good service, which is
19 what we feel is our mission at the
20 association.

21 MR. HOLIDAY: Mr. Ligon, I have a few questions.

22 And I don't want to trip you up, because I
23 know some of this, this is the first time
24 you're looking at it.

25 MR. LIGON: Yes.

1 MR. HOLIDAY: So, please, if I ask you a question,
2 it's fine if you don't know the answer. I'm
3 not trying to, you know, cause you grief on
4 this issue. I just -- as a vice president, I
5 want you -- I mean, you shared some things
6 earlier that sounded very interesting to me.
7 I want you to have an opportunity to share
8 your thoughts. We have about \$19,000 -- we
9 have 119,000 and some change in our Recovery
10 fund, and from my understanding, anything over
11 a hundred thousand can be used for education,
12 things like that. Similar, obviously, some of
13 these items that you are requesting. We have
14 19,000. So I just want you to think about,
15 you know, how we can best use the money. I'm
16 going to ask you a couple of questions about
17 this.

18 Do you know how many -- because I've done
19 some math in my head, and I'm not sure about
20 the numbers. But what -- how many auctioneers
21 do you estimate will actually show up and
22 benefit from the CE at the convention? Do you
23 have any estimates?

24 MR. LIGON: Fifty to seventy-five. Darron, what do
25 you think?

1 MR. MEARES: Forty to fifty? Forty to fifty.

2 MR. HOLIDAY: Okay.

3 MR. LIGON: Yeah, 50's probably a good round
4 number.

5 MR. HOLIDAY: Because I think --

6 MR. LIGON: Especially if we do this mailout.
7 We'll get a little bump there.

8 MR. HOLIDAY: But I don't know about my math. Is
9 it about -- he's asking about 25 percent of --
10 20 to 25 percent of what we have in the
11 Recovery fund for one meeting for 50 people.
12 And 750 bucks for coffees and sodas and
13 things. So I believe that reaching out to all
14 the auctioneers in the state is going to cost
15 a little bit of money. Try to get them there.
16 Hopefully we can get a hundred. But in
17 reality, if we get a hundred, it's still a
18 miracle. Do we really want to spend \$4,000
19 for, you know, an unprecedented amount of
20 people getting an education. I know it's 40
21 bucks to sit in on a class online. We could
22 -- we could fund four hours of education for
23 every licensed auctioneer in the state for
24 \$4,000. And what we're doing is spending
25 \$4,000 on maybe 40 or 50 people.

1 So I want -- all that being said, I'm not
2 sure this is a good use of money. And on top
3 of that, I'm assuming that the attendees are
4 going to pay for the CE class; is that
5 correct?

6 MR. LIGON: Yes, sir.

7 MR. HOLIDAY: So they're paying for it.

8 MR. LIGON: They're still paying for it.

9 MR. HOLIDAY: And they're paying to attend the
10 convention.

11 MR. LIGON: Right.

12 MR. HOLIDAY: So it -- now, I am concerned if
13 you're in the -- if you're in the red or
14 you're in the black?

15 MR. LIGON: No, we're slightly in the black
16 finally.

17 MR. HOLIDAY: You're slightly in the black. So
18 there's not a deficit. The convention's not
19 going to fall apart. Education opportunities
20 aren't going to fall apart if they don't have
21 this money.

22 MR. LIGON: Right.

23 MR. HOLIDAY: Okay. What -- some ideas -- we have
24 \$19,000 here. Do you think it's wise to spend
25 \$4,000 on a convention that's already being

1 paid for by the attendees?

2 MR. LIGON: Well, I probably don't have a good
3 answer for that. I can certainly question the
4 \$750 for sodas. And I didn't do this budget.
5 But, you know, you make a good point. Is
6 there a better way to do it? Maybe we should
7 work with the Commission on creating an
8 internet-based system or we do -- we have had
9 another committee working on a lunch and learn
10 type of breakout to share and spread ourselves
11 around the state better. Because we're having
12 the convention this year in Greenville, which
13 means we neglect -- not neglect, but, you
14 know, we're not focused on Charleston this
15 year. Whereas, next year we'll be in
16 Charleston. Then we'll be leaving out
17 Columbia and Greenville regions of the state.
18 So maybe there are better ways to do this.
19 Maybe we still try to take the mailer and
20 maybe do a mailout, a few handout dollars, and
21 some mail money, and then maybe we'll get our
22 attendance up by a little bit and probably do
23 that for half the cost. I'm just using round
24 numbers off the top of my head.

25 MR. HOLIDAY: So lunch and learn, probably rent a

1 room for three to five hundred dollars.

2 Charge people 40 to \$60 to --

3 MR. LIGON: Right. And do it on the opposite side
4 of the state somewhere. Which would be like,
5 we wouldn't want to do it in January. We'll
6 do it several months down the road. June or
7 something.

8 MR. HOLIDAY: I think -- thinking about the
9 registration mailing, that should be a really,
10 really nice mailing. Maybe scratch-off or
11 something like it on it for 1500 bucks to
12 reach out to everyone. I mean, is there a
13 plan who's going to do a -- any talk about
14 who's going mail this out and when it's going
15 to go out? I mean, we're a little over a
16 month and half away. So most people -- it
17 will make it tough.

18 MR. LIGON: Well, you know -- right. I mean, but
19 we have vendors, as you recall. I'm just --
20 what's the one I use? Index up in Greenville,
21 just to pull one out of thin air. You know,
22 those guys are certainly willing to work with
23 us on this. I didn't know what the number
24 was. I know now. It's less than a thousand.
25 I mean, when I budget my auctions, I try to

1 keep my mailers down to a dollar a copy, is
2 about all I want to spend. I would say you're
3 right. A thousand dollars would probably
4 handle the mailouts.

5 MR. HOLIDAY: I know in the past -- I believe in
6 the past the Bid Caller went out -- one year
7 the Bid Caller went out -- the convention
8 issue went out to every member or every
9 licensed auctioneer in the state, with the
10 intent to get them to the convention.

11 MR. LIGON: Right.

12 MR. HOLIDAY: Has anything like that been done?

13 MR. LIGON: No. You know, that publication has
14 gotten so expensive to mail, I doubt they're
15 going to send a thousand copies out. However,
16 it is online. Or I know that that issue is
17 online. I think they're all online now. So
18 they're all online. So that -- technically,
19 that doesn't cost anything. So, here again,
20 you would drive traffic from your postcard to
21 the website, which would have the application
22 process on it. You know, we also are trying
23 to reduce costs as much as possible and
24 control costs. So, I mean, I could see that
25 \$1500 dropping to a thousand and still doing a

1 good job with a thousand dollars.

2 MR. HOLIDAY: So the question is, I mean, I know
3 you have a vision of lunch and learn, which I
4 think is a cool idea. Do you want \$4,000? Do
5 you think that's wise? Do you think it's wise
6 for us to give the SCAA \$4,000 for the
7 convention and CE. Do you really want that?

8 MR. LIGON: I'm going to defer. From the
9 standpoint that I'm the vice president and
10 this is written by the president, I'm not
11 going to throw him under the bus. I will
12 abstain from answering that question, and I
13 will let you tell me what I should take back
14 to him. I just -- I don't think I'm in any
15 position to say.

16 MR. BLOCKER: I have a question.

17 MR. LIGON: Yes, sir.

18 MR. BLOCKER: Did I understand you to say you're
19 going to charge the participants \$40?

20 MR. LIGON: Members and -- yes, sir. Everybody
21 would be the same.

22 MR. BLOCKER: I don't think that's wise. I mean,
23 if you can bring them in and if the state's
24 paying for it, why not the state pay for it?
25 I mean, why hit them on two sides? You're

1 just trying to make a profit.

2 MR. LIGON: Well, of course, we're trying to make a
3 small profit, not a big profit. But that's
4 certainly something you could direct us to do,
5 is if we were to accept this kind of money,
6 that we would open it up to everybody for
7 free. And then we just have to take our
8 potluck at whether we get somebody to join the
9 association, so we can make a dollar there.

10 MR. CHRISTOPHER: Are you going to do this
11 regardless of whether we give you the \$4,000
12 or not?

13 MR. LIGON: We will do the convention. Attendees
14 will have CE credits available. But there
15 would not be an announcement postcard go out
16 to everybody. And also, you know, we're also
17 trying to be smart and hedge -- what if we did
18 have 500 people show up? We would be
19 overwhelmed and not prepared nor budgeted.

20 MR. BLOCKER: It costs the same thing, wouldn't it,
21 if you had 500 or 200?

22 MR. LIGON: Well, I don't know that we'd be
23 prepared for that. The size room, drinks,
24 everything, handouts. I mean, there would be
25 a little difference, not that I'm expecting

1 500.

2 MR. HOLIDAY: But if we ask them to pay and you get
3 150 people, well, then you can afford a larger
4 meeting room.

5 MR. LIGON: If we had it paid, right. But if
6 backed up to Mr. Christopher's, you know, line
7 of thought, which I understand and agree with,
8 that if we gave it away, or Mr. Blocker one,
9 you said something about we could give it
10 away. Then -- or if y'all pay for it, then we
11 should give it away. Can't argue that point
12 either. With \$4,000 I guess we could give it
13 away.

14 MR. AVENDANO: I've got a couple of more questions.
15 I'm sorry. Just to make sure we're all, Board
16 members, are on the same page, are we
17 discussing the convention in Greenville only
18 for this money?

19 MR. LIGON: The way this letter is written, and I
20 appreciate Mr. Holiday correcting me there.

21 MR. AVENDANO: Okay. And you brought up some great
22 points. But I also want to -- the membership
23 fees went up this year to \$75, correct?

24 MR. LIGON: Yes, sir.

25 MR. AVENDANO: And you're charging for the CE

1 credits? Okay. I was trying to get in my
2 thick scull here. And you brought up some
3 great points about a lunch and learn. And we
4 have other dates that this Board meets. I
5 think that in the future that, you know, we've
6 got four dates here, that we get those lunch
7 and learn dates at those -- at those meetings
8 that we have, instead of trying to group it
9 all together. That's why I said, I just
10 wanted to make sure that we're all on the
11 right page about it's all for Greenville. And
12 that's what it says on the email.

13 MR. LIGON: Right. That is what this says.

14 MR. AVENDANO: Thank you.

15 MR. HOLIDAY: I just want to say, I think \$4,000
16 may have a huge impact on providing great
17 quality education that is available to our
18 members, and I want -- I want the SCAA to
19 present a really, really great plan to use
20 that money wisely. So we're off to a good
21 start having you here. But I don't think this
22 is wise, you know, a wise way to use money.
23 But the idea is great. You guys, we need to
24 take advantage of that \$19,000 surplus, I
25 guess, you would say. But four grand would go

1 a long way getting people together for a CE.

2 MR. BLOCKER: Mr. Christopher, do you have any
3 questions?

4 MR. CHRISTOPHER: No.

5 MR. BLOCKER: Ms. Pinkney?

6 MS. PINKNEY: No.

7 MR. BLOCKER: All right.

8 MR. HOLIDAY: I make a motion to bring this into
9 the Executive Session.

10 MR. BLOCKER: We've got a motion that we take it up
11 in Executive Session. Do I have a second?

12 MR. CHRISTOPHER: Second.

13 MR. BLOCKER: I've got a second. All in favor, say
14 aye.

15 BOARD MEMBERS: Aye.

16 MR. BLOCKER: Appreciate that.

17 MR. LIGON: Thank you, Mr. Blocker.

18 MR. BLOCKER: The next I have is approval for
19 continuing ed classes by Southeastern School
20 of Auctioning. Mr. Meares.

21 MR. MEARES: I'm just observing. I can speak to
22 this if you have any questions.

23 MR. BLOCKER: We've got you on the agenda.

24 MR. MEARES: Oh, hey, you know me. I'll talk. I
25 presented two new classes. We're getting

1 ready to start our 2012 CE sessions and just
2 presented two more classes to be approved. I
3 believe that's Using PowerPoint in Auctions
4 and Communicating Between the Generations. So
5 I just request approval of those two classes.

6 MS. ADDISON-MILES: In addition, he also has
7 another class that was submitted by Lanny for
8 Technology for Kris Kennedy.

9 MR. MEARES: Exactly. Kris Kennedy is one of the
10 authors of the program Auction Flex. He
11 speaks at several different auction training
12 schools, Mendenhall in North Carolina. I
13 believe he speaks at Reppert in Indiana. And
14 he speaks at our auction training school.
15 He's put together a non-commercialized version
16 of auction technology that he is -- that he
17 uses at various auction training schools. And
18 we'd like to submit it as one that we can use
19 throughout the state and have auctioneers to
20 pick up auction technology. I believe it's a
21 four-hour class, where the two that I
22 submitted are both two-hour classes.

23 MS. ADDISON-MILES: Yes, it is four.

24 MR. BLOCKER: And the instructors have already been
25 approved?

1 MR. MEARES: Yes. On the two that we have, yes.
2 Kris Kennedy has given his bio and his
3 information in the packet that you received in
4 the email. He would have to be approved.
5 Well, actually, he has been approved as an
6 auction school instructor, so I believe that
7 carries over into the CE.

8 MR. BLOCKER: All right. We have it in our packet.
9 Has everybody had a chance to look at it?
10 Anybody got any questions of Mr. Meares? (No
11 response.) I'll entertain a motion.

12 MR. AVENDANO: I make a motion to approve Mr.
13 Meares.

14 MR. BLOCKER: I have a motion to approve this
15 continuing education. Do I have a second?

16 MR. CHRISTOPHER: Second.

17 MR. BLOCKER: Any discussion? (No response.) All
18 in favor?

19 BOARD MEMBERS: Aye.

20 MR. MEARES: Okay, thank you, sir.

21 MR. BLOCKER: Thank you for coming. Online
22 auctions, inquiry from Dee Dancha?

23 MS. ADDISON-MILES: Yes, sir. Staff received an
24 email that was included in your packet, an
25 inquiry from Dee Dancha regarding an online

1 auction and the possible license requirement.

2 And we just need guidance to respond to her.

3 MR. BLOCKER: She's wanting to have an auction?

4 MS. ADDISON-MILES: Yeah. Based on this email, I

5 guess it's a she. I'm not really sure. Has

6 been a collector for 52 years, and now they

7 want to do an online auction.

8 MR. BLOCKER: Well, the way I read it, she doesn't

9 need an auction license, if it's going to be

10 online only. And the way she says, she

11 selling her own merchandise.

12 MS. ADDISON-MILES: Right.

13 MR. BLOCKER: So I think she's not -- although I

14 think that online auction license is a big

15 thorn in my flesh. But as the law reads, we

16 can't regulate it.

17 MR. SPOON: Yeah, I don't know that you have any

18 exception in your statute for online auction.

19 That's the question that I had. Selling your

20 own items, you do, but that could be online or

21 not online. So is the distinction -- is the

22 distinction for purposes of her question, that

23 it's her own items?

24 MR. BLOCKER: I think that's what she should be

25 answering. As long as she sells her own

1 items, she does not need any license. Still
2 if we go in that internet auction, the states
3 that have tried to enforce it have been turned
4 down completely. Arkansas and Tennessee both
5 have gone all the way up as high as they could
6 go, and we have no jurisdiction on that.

7 But, anyway, I'll entertain a motion as
8 to what we do with it. I really think if
9 she's selling her own merchandise, by the law
10 she's right. Can I get a motion?

11 MR. CHRISTOPHER: Yeah, I'll make a motion that she
12 be notified that this does not come under
13 jurisdiction of this Commission.

14 MR. BLOCKER: Do I have a second?

15 MR. HOLIDAY: I'll second it.

16 MR. BLOCKER: Do we have any more discussion on it?

17

18 MR. HOLMES: Ms. Miles, we are going to discuss
19 online auctions a little later on in the
20 meeting?

21 MS. ADDISON-MILES: I mean, that's why it's -- you
22 can go ahead now.

23 MR. HOLMES: Okay. Do it at this time, okay.

24 There's no doubt if you're selling your own
25 merchandise, public outcry or not, it doesn't

1 matter. And I know we're up against the wall
2 regulating online auctions, and it's much
3 bigger than what we can tackle right now. But
4 the question is, Counselor, is there -- is it
5 possible to start moving in the direction of
6 requiring an auction firm license or an
7 auction license to entities that actually
8 advertise property in the state of South
9 Carolina? You know, physical advertisements
10 with signs and in newspapers. If you're
11 having an auction and it's all online, all
12 email, all online advertisements and online
13 auction, once you venture into, you're going
14 to have an auction, put up a sign, you're not
15 licensed. You're advertising in newspapers.
16 You're drawing citizens of South Carolina to
17 this auction. Is it possible for us to
18 require that these entities have either a firm
19 license or have a licensed auctioneer or be an
20 licensed auctioneer as an individual? And
21 with that being said, it is possible to have
22 an antique auction and allow people to sit in
23 a room and electronically bid on an item while
24 someone's talking about it. And then they're
25 acting as an agent for the seller and taking

1 their money on, you know, South Carolina soil.
2 So we have -- you know, we're going down that
3 road. So the issue is that there are people
4 in South Carolina that are putting up signs,
5 online auctions. They're acting as an agent
6 for sellers that live in South Carolina, and
7 their customers are South Carolina citizens.
8 And they're being solicited in a traditional
9 way, through print media and, you know, all
10 types of media beyond internet auctions. So
11 can we start down that road of requiring a
12 license?

13 MR. SPOON: I think it would -- you know, there's a
14 lot to this. I don't -- did not see any
15 exception in your Practice Act for an auction
16 that's conducted online. But I think that may
17 be because technology moves faster than laws
18 change. So your Practice Act was written when
19 it was written, and it may have been written
20 at a time when the online auctions were not
21 prevalent. It is probably -- and the other
22 part of it is enforcement. If what I say is
23 true and that there's no exemption for online
24 auctions, do you have an enforcement problem,
25 even though you could say, well, it's within

1 the scope of practice and something that would
2 require a license. I don't know. I'd have to
3 really look into the history a little bit
4 more. And it may be something that requires a
5 statutory clarification.

6 MR. HOLIDAY: I know South Carolina's going to have
7 a challenge controlling internet commerce, so
8 that's obviously off the table for a while,
9 because we've failed in other states. But the
10 real issue is to protect the citizens of South
11 Carolina when they go -- they bid on a house
12 in South Carolina or they bid, you know, on a
13 car. It's on our soil. And they are drawn to
14 this auction through signs and newspapers and
15 businesses that are located here in South
16 Carolina. So I think that's the first step of
17 at least protecting our citizens. And if the
18 entity is actually located here in South
19 Carolina, they're taking people's money on our
20 soil, and they're holding their money. And
21 they're accountable to no one.

22 MR. SPOON: Well, I think that's what your previous
23 discussions, I think that's where you had come
24 down previously is the location of the
25 sellers, I believe, as opposed to out of state

1 sellers.

2 MR. HOLIDAY: I mean, if she -- if this woman is
3 acting as an agent for -- I know she's not
4 asking for that. But there are a lot of
5 internet sellers out there. And it's the
6 point when they -- you know, it's fine to
7 auction your own stuff on Ebay, that's not the
8 issue. The issue is when you act as an agent
9 for someone that is unable to do all the hard
10 work, you know, putting things up on Ebay or
11 up on Proxy bid. So you're acting as an
12 agent. And some of these folks may be
13 handling money from our citizens. And, you
14 know, there's concern that the money is put
15 into an escrow account.

16 And they're using the word auction all
17 over the place. We have -- we have news
18 stations now that are advertising online
19 auctions for real estate, and not really sure
20 who's watching over these transactions.
21 Where's the money going? And they're using
22 the word auction. People have an expectation
23 that if they go to an auction, if they're
24 involved in an auction in South Carolina, that
25 they're protected.

1 MR. BLOCKER: That's been my nightmare. They think
2 that they're protected. And we haven't been
3 able to do anything about it.

4 MR. HOLIDAY: We can't control the internet, what's
5 going to pop up, the pop-up ads. But, you
6 know, you're not allowed to -- I'm sure
7 pornography is -- I mean, you can't have --
8 you can't advertise pornography on billboards
9 around here, you know. I'm sure there's some
10 -- there's some rules for alcohol. There's
11 rules for a lot of things out there. So if
12 they're going to use the word auction in South
13 Carolina and put a sign on our soil, they need
14 to have a license. So how do we -- how do we
15 move forward?

16 MR. SPOON: I think that's where y'all have come
17 down, like I said, in the past.

18 MR. BLOCKER: Can you do some research on that and
19 get back to us, please?

20 MR. SPOON: Yes, sir.

21 MR. HOLIDAY: There's nothing in our statute that
22 we can -- we can stop people at this point.

23 MR. SPOON: Well, it's more of a question of what's
24 not there. I mean, there's no exemption in
25 here that says you're exempt if. Because like

1 I said, the timing of when the law took effect
2 and when the online auctions became, you know,
3 prevalent.

4 MR. HOLIDAY: I mean, this woman, I think it's
5 great that she inquired. And she's asking all
6 the right questions. And it's a little
7 frustrating that she needs to live in fear. I
8 mean, it's very clear. If it's their own
9 product, that's one thing. She will be
10 eventually tempted into acting as an agent for
11 someone else. So it needs to be clear that
12 once she does that, she needs a license. But
13 right now it's kind of iffy.

14 MR. BLOCKER: Well, do we have a motion on this?

15 MR. CHRISTOPHER: We had a motion that she doesn't
16 come under our jurisdiction.

17 MR. BLOCKER: Did we have a second to that motion?

18 MR. HOLIDAY: Yeah, I seconded it.

19 MR. BLOCKER: Anymore discussion on it? (No
20 response.) All in favor of the motion, say
21 aye.

22 BOARD MEMBERS: Aye.

23 MR. BLOCKER: Can you draft that up, please, sir?

24 MR. SPOON: I'll see what I can come up with.

25 MR. BLOCKER: Well, I think she needs to be told

1 that it's not under our jurisdiction now, as
2 long as it's her personal property.

3 MR. SPOON: Yeah.

4 MR. BLOCKER: But she can't sell for Matt or
5 Wendell or anybody else.

6 MR. HOLIDAY: Well, that's the question. You know,
7 she can right now. So we need to set the ball
8 rolling for, you know, the statute to say, if
9 you act as an agent and you advertise in South
10 Carolina an online auction, you need to have a
11 firm license or an auction license. Can we
12 get that ball rolling legislatively? And then
13 will it start with this entity? I mean,
14 what's our next step? Do we need to make a
15 motion to present this to the legislature?

16 MR. BLOCKER: Mr. Spoon's going to investigate.

17 MR. SPOON: I'll look into it. I know y'all have -
18 -

19 MR. BLOCKER: Got to see where we are and what
20 we're going to do.

21 MR. SPOON: You've had a lot of discussion in the
22 past about it. And I felt like where you had
23 come down in the past was that the -- first of
24 all, there was an enforcement problem. There
25 is an issue of resources. And secondly, that

1 if one was selling their own things that they
2 owned, then that didn't fall under the current
3 scope of practice. And that the rest of it
4 was kind of an open question. Other than
5 saying that if the company was located out of
6 state, then that was sort of the combination
7 of not having jurisdiction over an out-of-
8 state company. And also an enforcement
9 problem too, because you can't go investigate
10 an auction firm in Colorado.

11 MR. HOLIDAY: But certain types of advertisement
12 can be banned in South Carolina; is that
13 correct?

14 MR. SPOON: If it's deceptive and misleading. A
15 lot of Practice Acts have a little bit to say
16 about advertising. You can't be deceptive,
17 misleading to the public. But I see your
18 point.

19 MR. BLOCKER: There again, you've got that
20 enforcement.

21 MR. HOLIDAY: It is deceptive. They're not an
22 auction company. They're not a licensed
23 auction company in South Carolina. So it's
24 reasonable to believe these people are legit
25 under South Carolina law.

1 MR. SPOON: Or licensed.

2 MR. HOLIDAY: Or licensed.

3 MR. SPOON: No, I agree. Give me a chance to look
4 at it and I'll see what -- I think two things.
5 One is the larger issue and also the response
6 back to Ms. Dancha.

7 MR. HOLIDAY: Thank you.

8 MR. BLOCKER: Moving right along, continuing
9 education audit. Ms. Miles, correct?

10 MS. ADDISON-MILES: Yes, sir. Staff conducted a
11 random audit of ten percent of the licensees
12 for continuing education compliance. Ninety-
13 one letters were mailed on October 11th. The
14 licensees were asked to forward their CE
15 completion documents by November 18th. As of
16 last Wednesday we had not received a response
17 from Michael Rogers, Forest Smith III, and
18 Linda Smith, and follow-up letters were sent
19 to them.

20 I have provided you copies of the
21 documents for a questionable CE. Mr. Darrell
22 Bogan, he renewed his license online on June
23 9, 2011. He answered yes to the CE question,
24 indicating that he had obtained the required
25 eight hours. Once he submitted his documents,

1 it was found that one course was taken on June
2 16th, which was after the license was renewed.

3 Basically, these licensees that you have
4 to review with regards to the CE audit, staff
5 needs guidance as to how you want to proceed
6 with those, if you want to follow the same
7 procedures that we have in the past, where an
8 individual who renewed their license indicated
9 yes they had the hours, but then when they
10 were audited, they were found that they
11 obtained the courses after they renewed. They
12 were asked to sign a preapproved Consent
13 Agreement and pay a \$500 fine. And I just
14 need guidance as to if that's how you want to
15 handle these or some other method.

16 MR. BLOCKER: That's the way we've done it in the
17 past.

18 MS. ADDISON-MILES: Yes, sir. That's what we've
19 done in the past. And Mr. Wendell Button, he
20 provided proof of one course that was taken in
21 February. And then he submitted a written
22 statement indicating that he's unable to
23 locate the documentation for an additional
24 course.

25 MR. BLOCKER: The proof would be on him.

1 MS. ADDISON-MILES: Right.

2 MR. BLOCKER: The burden would be on him to find
3 it. I think it's very serious, if they answer
4 something that's not true. It's getting on
5 fraud, isn't it?

6 MR. HOLIDAY: And it's a \$500 fine for lying.

7 MS. ADDISON-MILES: That's the way we've done it in
8 the past. It's providing a false statement on
9 the renewal form,, yes.

10 MR. HOLIDAY: Five hundred dollar fine, I think is
11 fair.

12 MR. CHRISTOPHER: Do many of them pay it?

13 MS. ADDISON-MILES: The ones -- they either pay it,
14 or they didn't have a license, yeah.

15 MR. CHRISTOPHER: I mean, do they just let their
16 license drop rather than pay it, or do they go
17 ahead and pay it?

18 MS. ADDISON-MILES: The ones in the past have paid
19 it, yes.

20 MR. BLOCKER: That \$500 will get most people's
21 attention.

22 MR. HOLIDAY: Yeah. So, Ms. Miles, the guidance
23 that you need is to continue on the track in
24 the past?

25 MS. ADDISON-MILES: Or if you want to make some

1 other arrangements. Or as far as the fine is
2 concerned, how do you want to handle that?

3 Yeah, I just need guidance.

4 MR. BLOCKER: I have no problem with the way we've
5 been doing it. I think \$500 --

6 MR. HOLIDAY: I think 500 is fair, yeah.

7 MS. ADDISON-MILES: Okay.

8 MR. BLOCKER: Do I hear a motion?

9 MR. HOLIDAY: I motion.

10 MR. BLOCKER: Second?

11 MS. PINKNEY: Second.

12 MR. BLOCKER: Any discussion? Any further
13 discussion? (No response.) All in favor, say
14 aye.

15 BOARD MEMBERS: Aye.

16 MR. BLOCKER: So ordered.

17 The next thing is the proposed
18 legislative changes. LLR Engine. Ms. Miles,
19 tell us about that.

20 MS. ADDISON-MILES: Agency Director Catherine
21 Templeton forwarded the proposed changes to
22 the LLR Engine to all Board members for their
23 review. In addition, we also have the
24 proposed language for our CE exemption that we
25 drafted. And we've been instructed that we

1 also need to establish fees in regulation.

2 And Counsel is supposed to help us with that.

3 MR. BLOCKER: And he had to step out and go to
4 another meeting and said he would be right
5 back.

6 MS. ADDISON-MILES: Okay.

7 MR. BLOCKER: So we -- we can jump over that.

8 MS. ADDISON-MILES: Basically, the changes here you
9 see to the Engine bill, the main change, it
10 changes the "All licenses issued will now be
11 valid for two years." And it takes out "with
12 the consent of each board." And in section
13 40-1-50A, it adds where any conflict in the
14 actual board statute or regulation, that the
15 language in this Engine bill will supercede
16 any conflicts from the board's actual statute
17 or regulation.

18 So it's some minor changes in the Engine
19 bill. And basically this information just has
20 -- it's been provided for board member
21 information, if they want to make any comments
22 or have any suggestions regarding the changes
23 in the Engine bill.

24 MR. BLOCKER: Well, that license coming due twice -
25 - I mean, every two years rather than annually

1 is a --

2 MS. ADDISON-MILES: The only issue and I've kind of
3 discussed it with Counsel. The only issue we
4 have with that is with the apprentice license,
5 because the apprentice license is only good
6 for one year. They can renew it if they want
7 to, but they don't have to. So that will
8 create an issue for us with the apprentice
9 license.

10 MR. HOLIDAY: You mentioned something about it
11 superceding. Would that -- does that still
12 have an effect on the apprentice license, even
13 though --

14 MS. ADDISON-MILES: See, that's what -- I need
15 guidance from Counsel, as to how -- if this
16 passes the way it's written, how would we
17 handle the apprentice license when it's only a
18 one-year license?

19 MR. BLOCKER: We would have to get that written in.

20 MS. ADDISON-MILES: Right.

21 MR. BLOCKER: Let's just skip over that until he
22 can get back.

23 MS. ADDISON-MILES: Okay.

24 MR. BLOCKER: What else did we have here?

25 MS. ADDISON-MILES: The continuing education

1 exemption that we -- the language has been
2 proposed. This is the proposed language. And
3 the question that we have, we added "The
4 licensees 65 years of age with a minimum of 25
5 years of licensure are exempt from the
6 continuing education requirement." And the
7 question that we wanted to ask of the
8 Commission, in the current regulation, 14-2A
9 says that "Four hours of continuing education
10 credit must be reported on each renewal
11 application." Do we want to go ahead and
12 change that to eight instead of the four,
13 because we have the two-year licensing deal
14 now?

15 MR. BLOCKER: Take eight hours every two years,
16 rather than -- you wouldn't have to take four
17 each year.

18 MS. ADDISON-MILES: Right. Right.

19 MR. BLOCKER: Yeah. I think that's pretty well
20 automatically written into it, I would think.

21 MS. ADDISON-MILES: Okay.

22 MR. BLOCKER: Do y'all want to take a vote on it?

23 MR. HOLIDAY: Do we need to vote on it?

24 MS. ADDISON-MILES: Let's wait and see what Counsel
25 says. Because the situation that we have in

1 the statute, our statute says that the four
2 hours must be taken within the previous 12
3 months. So we would have one thing in the
4 statute, and then we'll have another thing in
5 the regulation.

6 MR. HOLIDAY: So we change it to 24 months. They
7 have to get a CE within 24 months.

8 MS. ADDISON-MILES: But we would have to change the
9 statute, and that's not what we were working
10 on right now.

11 MR. HOLIDAY: I see.

12 MS. ADDISON-MILES: So we're kind of in limbo with
13 that, of how we're going to handle that.

14 MR. BLOCKER: I think we need to just wait until
15 Counsel comes back. He will be right back.
16 He had to go to another board meeting.

17 Can we just skip over that and go -- the
18 next thing would meeting dates. Can we
19 approve the meeting dates?

20 MS. ADDISON-MILES: Yes, sir.

21 MR. BLOCKER: February 27, May 21, August 20, and
22 November 19. Anybody got any problems with
23 any of those?

24 MR. HOLIDAY: I just have one conflict on May 21.

25 MR. BLOCKER: Well, what date could you meet, I

1 guess?

2 MR. HOLIDAY: Any other day in May except that day.

3 MR. BLOCKER: Ms. Miles, you'll have to help us
4 there. Can we get the room, and can we get it
5 changed?

6 MS. ADDISON-MILES: Let me check and see what other
7 -- if we have a room available another day.
8 If you want to give me a minute, I can check
9 to see if we have a room available on another
10 day.

11 MR. BLOCKER: Is that good for everybody, if we can
12 accommodate Matt?

13 MR. HOLIDAY: My apologies. But every other day.

14 (Ms. Addison-Miles leaves room to check on dates for May
15 Board meeting.)

16 (Sidebar conversations.)

17 MR. BLOCKER: Y'all be thinking about the next
18 thing, is we've got to elect a vice-chairman.
19 Mr. Martin is no longer here. That will be
20 the next thing we're going to bring up.

21 MS. ADDISON-MILES: We have a room available on
22 Monday, May the 7th.

23 MR. BLOCKER: Does that interfere with anybody
24 else's --

25 MR. CHRISTOPHER: What was that date?

1 MS. ADDISON-MILES: May 7th.

2 MR. AVENDANO: Does anybody know when spring break
3 is for public schools?

4 MR. BLOCKER: Spring break? No, I don't. I know
5 when my birthday is.

6 MR. HOLIDAY: In March. I'm thinking March.

7 MR. BLOCKER: Anybody got any objections to May the
8 7th? (No response.) Then I'll entertain a
9 motion that we accept these dates.

10 MR. CHRISTOPHER: So moved.

11 MR. BLOCKER: Second?

12 MS. PINKNEY: Second.

13 MR. BLOCKER: All in favor, say aye.

14 BOARD MEMBERS: Aye.

15 MR. BLOCKER: The change is made from May 21 to the
16 7th.

17 MR. HOLIDAY: Thank you.

18 MR. BLOCKER: Thank you. All right. Next thing we
19 have would be election of the vice chairman.
20 I'll entertain nominations for vice chairman.
21 Do we have any nominations? I'm due a day off
22 though. I haven't missed a day.

23 MR. HOLIDAY: May we draw lots?

24 MR. BLOCKER: So I might need to get off one day.

25 MR. HOLIDAY: May we draw lots? A little less

1 awkward.

2 MR. BLOCKER: I need a motion, a nomination rather.

3 (No response.)

4 MR. AVENDANO: Can you nominate yourself?

5 MR. BLOCKER: I guess so.

6 MR. AVENDANO: Well, if it's okay with the Board
7 members, I'd like to nominate myself for vice
8 chair.

9 MR. BLOCKER: Is that permissible?

10 MR. SPOON: Yes, sir. Or actually, you know, it's
11 been a long time. I haven't memorized
12 Robert's Rules, by any means. I think that to
13 be according to the rules, so to speak, if you
14 would request that your name be nominated by
15 another member, I believe. I can look that up
16 for you right now if we need to. I mean no
17 offense.

18 MR. AVENDANO: Oh, no, no, no. I understand.

19 MR. SPOON: It's just that I don't recall it off
20 the top of my head.

21 MR. AVENDANO: Well, I request somebody throw my
22 hat in for the vice chair.

23 MR. HOLIDAY: Well, Ms. Pinkney, are you
24 interested? I'll nominate Ms. Pinkney.

25 MS. PINKNEY: I am not interested.

1 MR. HOLIDAY: Okay.

2 MR. BLOCKER: You did what?

3 MS. PINKNEY: He asked me if I was interested, and
4 I indicated that I am not.

5 MR. BLOCKER: Oh, okay.

6 MR. HOLIDAY: I thought it would be nice to have an
7 non-auctioneer maybe. No offense, Julio.

8 MR. AVENDANO: Okay.

9 MR. HOLIDAY: Wendell, I mean, my reasoning is, you
10 know, we had a non-auctioneer. We're new to
11 the Board. We have a non-auctioneer. You've
12 been around for a while.

13 MR. CHRISTOPHER: I've been chairman. I've been
14 vice chairman for years and years. And I
15 think some of you newer members ought to do
16 it.

17 MR. BLOCKER: What do we do now, Counsel? We have
18 a tie for vice chairman.

19 MR. HOLIDAY: Why don't we draw lots?

20 MR. SPOON: Oh, we're doing the vice. I'm sorry.
21 I appreciate your indulgence to let me go next
22 door for a minute to the other meeting.

23 MR. BLOCKER: Well, we saved all the work for you,
24 so don't worry.

25 MR. SPOON: Okay. If you want to take a -- you've

1 got your ballot set, nomination set for the
2 vice chair?

3 MR. BLOCKER: Well, we've only got the one
4 nomination.

5 MR. SPOON: Mr. Avendano. Are there any further
6 nominations? (No response.) You only have
7 one candidate. You can have a vote.

8 MR. BLOCKER: All in favor of Mr. Avendano, say
9 aye.

10 BOARD MEMBERS: Aye.

11 MR. BLOCKER: Unanimous, you got it. Thank you,
12 sir.

13 MR. BLOCKER: I might warn you that the pay does
14 not go up.

15 Okay. Counsel, we need a little advice
16 on proposed legislative changes. We have
17 talked just a little bit and decided to wait
18 until you got back.

19 MR. SPOON: There's actually two items. I believe,
20 one is for action; one is for information.
21 The Agency through the Director's office has
22 undertaken what has so far been a very
23 worthwhile review of the -- I don't want to
24 say it's a review of all of the Practice Acts.
25 But what it is is a review of the Practice

1 Acts and the regulations, mainly looking for
2 areas in which there are conflicts, where the
3 regulation might exceed the statute or where,
4 for instance, your fees had to be -- your fees
5 had to be in regulation and were not, things
6 of that nature. So that was what we were
7 doing with this.

8 What you have, you did not have a cleanup
9 provision. You did have -- you do have in
10 your statute a requirement that your fees be
11 spelled out in regulation. That's in your
12 Practice Act. We learned that they were not
13 spelled out. And so therefore, you have fees,
14 of course. It's just that there's a statutory
15 requirement that those fees be in your
16 regulations, and they weren't.

17 So what we have here, and I need your
18 discussion and approval on this, is these are
19 your current fees that are being used, that
20 your administrator applies to licensing
21 applications. And the document that you have
22 is adding a regulation or an amendment to the
23 regulations to add those fees and make them --
24 and promulgate them in regulation.

25 MR. BLOCKER: Okay. What do we do?

1 MR. SPOON: I hope you've had a chance to look at
2 it. Again, I could say these are the same
3 fees. They're not modified. They're not
4 adjusting fees. They're what we currently
5 charge. And requesting your approval of the
6 Notice of Drafting, so it can published in the
7 state register and promulgated as a
8 regulation.

9 MR. BLOCKER: Has everybody looked at it? (No
10 response.) I'll entertain a motion that we
11 approve them.

12 MR. HOLIDAY: I make a motion.

13 MR. BLOCKER: Do we have a second?

14 MS. PINKNEY: Second.

15 MR. BLOCKER: All in favor of the changes in this
16 Engine bill, say aye.

17 BOARD MEMBERS: Aye.

18 MR. BLOCKER: So ordered. Is there another one
19 now?

20 MR. SPOON: You had gotten information from the
21 Director in the early part of November, an
22 email. Hope you got it. It had several
23 attachments. One of them was the Engine bill.
24 The Agency is proposing changes to Title 40,
25 which is the Engine bill. It works in

1 conjunction with your Practice Act. What you
2 got, and I've got a copy here for anyone that
3 doesn't have it, but it is the proposed
4 changes to the Engine bill. It's in that
5 legislative format. Underline, strike thru,
6 that kind of thing, so you can see directly
7 what is being proposed. And this is for your
8 review and comment, any questions that you
9 have. Just to make you aware that this will
10 be put forth as a bill to make some changes to
11 the Engine. I'll be happy to try to answer
12 any questions that you have. And the Director
13 has wanted us all to let you know, if you have
14 any questions for her, her door is open, if
15 you have any questions about these changes.

16 MS. ADDISON-MILES: Sheridan, we had a question
17 that I discussed with you earlier regarding
18 the changes in the Engine with the two-year
19 licensing deal. And our apprentice license is
20 for one year. So how -- how do we adjust or
21 accommodate with regards to that, if the
22 Engine says two years? And it says that the
23 Engine is going to supercede.

24 MR. SPOON: It does say, and the change that's
25 proposed to section 50 of the Engine is that

1 it says, where there is a conflict, the Engine
2 would govern over that. There in section 50
3 there.

4 MR. HOLIDAY: So how do we go about changing the
5 statute to be consistent with the Engine? Or
6 do we need to bother?

7 MR. SPOON: You could always -- like we were
8 talking about earlier, you could always make
9 proposed changes in the form of legislation to
10 your own Practice Act, Title 40, chapter 6.
11 You can always do that.

12 MR. HOLIDAY: Is it a waste of time since the
13 Engine supercedes the --

14 MR. SPOON: That is a good question, in terms of
15 the duration of that license. I really don't
16 see a conflict in the sense that I know that
17 the renewal dates that are talked about there
18 apply to permanent licenses. So it may be
19 that there's not a conflict at all with a one-
20 year apprenticeship, and that your Practice
21 Act would control. So I really don't see that
22 as a problem with you having a -- because it's
23 specific in your Practice Act that the
24 apprentice license is a one-year license,
25 whereas your permanent license is not. It's a

1 two-year license. So in all likelihood, not a
2 conflict there.

3 MR. BLOCKER: I agree with that. I don't think
4 we've got to change it personally.

5 MR. HOLIDAY: Ms. Miles, are we missing anything?

6 MS. ADDISON-MILES: If Counsel says no, then no.

7 MR. HOLIDAY: She has to deal with us.

8 MR. SPOON: No, she's the person to ask.

9 MS. ADDISON-MILES: So if we -- if you're saying we
10 can still issue the one-year apprentice
11 license, that's fine.

12 MR. SPOON: It's good for one year, and then at
13 that point, the person has to either get a
14 permanent license, or they don't have a
15 license.

16 MS. ADDISON-MILES: They can renew it one time, if
17 they want to. They don't have to. But yeah.
18 At that point --

19 MR. BLOCKER: But it's essential that their license
20 is up in one year.

21 MS. ADDISON-MILES: One year. Their license is
22 issued for one year.

23 MR. BLOCKER: So they have to do something.

24 MS. ADDISON-MILES: That's correct. They either
25 renew it, or they apply for the auctioneer

1 license.

2 MR. BLOCKER: You still all right with that?

3 MR. SPOON: I'm okay with that.

4 MR. BLOCKER: You all right, Ms. Miles?

5 MS. ADDISON-MILES: Uh-huh. And we have the other
6 issue of the CEs. In the new proposed with
7 the exemption, do -- we discussed whether we
8 wanted to change that to eight hours while we
9 were doing the regulation to include the
10 exemption in section A, if we wanted to go
11 ahead and change the four hours to eight
12 hours. And if that creates an issue, because
13 in the statute it says that we have to obtain
14 four hours within the previous 12 months.

15 MR. BLOCKER: And that would have to change to 24
16 months.

17 (Sidebar conversations regarding the CE change.)

18 MR. SPOON: Your regulation says four hours.

19 MS. ADDISON-MILES: But in the statute it says
20 licensee has to get at least four hours within
21 the previous 12 months. So if the statute
22 says four hours within the previous 12, do we
23 want to change the regulation to say eight
24 hours?

25 MR. SPOON: It's all coming back to me.

1 MS. ADDISON-MILES: And this is all because of the
2 two-year licensing deal.

3 MR. HOLIDAY: So as it says now, you'd have to take
4 four hours the first year and then four hours
5 the second year to be consistent with the
6 statute? And we're trying to change it to
7 where you could take eight hours whenever, as
8 long as it's in the two years?

9 MS. ADDISON-MILES: Well, it's -- the way it stands
10 now, it's four hours within the previous 12
11 months. But, see now we've added on that
12 other year for the two-year license. So we're
13 trying to make it conform to that.

14 MR. SPOON: You'd have to get four hours -- four
15 hours a year in a two-year renewal period.

16 MR. BLOCKER: Could they get eight hours in one
17 year?

18 MS. ADDISON-MILES: That's the way we've been doing
19 it. You know, as long as they get the eight
20 hours, yeah, we didn't care.

21 MR. HOLIDAY: I think I would like for auctioneers
22 to have the option of taking the eight hours
23 anytime during that two-year period, even it's
24 a month before the renewal date. I think
25 that's the way it is in other states.

1 MR. SPOON: But the question he asked -- see, the
2 question is, four hours -- your continuing
3 education requirement is not changing. It's
4 just you now have a two-year cycle.

5 MR. BLOCKER: Right.

6 MR. SPOON: You have to get a total of eight hours.
7 And both your statute and your reg is based on
8 a one-year cycle. And the only problem that I
9 see is that if you change it from four to
10 eight in the regulation, then it's going to
11 look like there's an immediate conflict
12 between the statute and the regulation. So
13 you may want to not change that.

14 MR. HOLIDAY: Okay.

15 MR. SPOON: Recognizing that you have a -- it
16 really is eight hours every renewal period.
17 That would not change.

18 MR. BLOCKER: Can you take the eight hours anytime,
19 not four one year or the next?

20 MR. SPOON: Right.

21 MR. BLOCKER: Anybody got any questions with that?
22 Ms. Miles, have you got any problems with
23 that?

24 MS. ADDISON-MILES: No, sir.

25 MR. BLOCKER: All right. All in favor of this

1 clarification, I guess, is what we would call
2 it. I'll seek a motion. Anybody going to
3 make a motion? I would say we need a motion.

4 MR. SPOON: And this is -- by the way, this is
5 separate. This is two separate submissions.
6 One is the fees that we already discussed.

7 MR. BLOCKER: Right.

8 MR. SPOON: And this is the one on the CEs. This
9 adds some -- because the version that I have
10 adds some language about the 65.

11 MS. ADDISON-MILES: Yeah, the exemption.

12 MR. HOLIDAY: So CE and the exemptions are all in
13 one that we have to vote on, correct?

14 MR. SPOON: Yes.

15 MR. HOLIDAY: Okay.

16 MR. BLOCKER: Do I hear a motion?

17 MR. HOLIDAY: For the CE and exemption, yes.

18 MR. BLOCKER: Do we have a second?

19 MR. CHRISTOPHER: Second.

20 MR. BLOCKER: Anymore discussion on it? (No
21 response.) All in favor, say aye.

22 BOARD MEMBERS: Aye.

23 MR. BLOCKER: So ordered. All right. That brings
24 us up to that.

25 MR. HOLIDAY: We have to vote on the other,

1 correct?

2 MR. SPOON: You voted on your fees, right?

3 MS. ADDISON-MILES: Yes.

4 MR. HOLIDAY: Okay.

5 MR. BLOCKER: Are we leaving something out, or are
6 we all right? I think we're all right.

7 MR. SPOON: I appreciate you doing that.

8 MR. BLOCKER: Well, we needed your help. That's
9 why we put it off. Anything else, Ms. Miles,
10 before we go into Executive Session?

11 MS. ADDISON-MILES: No, sir.

12 MR. BLOCKER: I'll entertain a order that we take a
13 break and then go into Executive Session.

14 MR. CHRISTOPHER: So moved.

15 MR. BLOCKER: Second.

16 MS. PINKNEY: Second.

17 MR. BLOCKER: So ordered.

18 12:00 p.m. - 12:58 p.m. -- Board in Executive Session.)

19 MR. BLOCKER: We have discussed these issues before
20 us, and we have discussed them thoroughly.

21 And we have not taken any vote.

22 (Decision of McKinley Dean Compton given in his separate
23 transcript.)

24 (Decision of Joey A. Rabon given in his separate transcript.)

25 (Decision of Thomas D. Collier given in separate transcript.)

1 MR. BLOCKER: All right. The next thing we took up
2 was the request from the South Carolina
3 Auctioneers Association for CE funding. Mr.
4 Ligon?

5 MR. LIGON: Yes, sir.

6 MR. AVENDANO: I make a motion we grant the SCAA,
7 South Carolina Auctioneers Association, the
8 amount of \$1250 for the convention. And I'd
9 like to have an accounting of those monies.

10 MR. BLOCKER: Do we have a second?

11 MR. HOLIDAY: For the mailing.

12 MR. AVENDANO: For the mailing.

13 MR. BLOCKER: Do we have a second?

14 MR. HOLIDAY: I'll second it.

15 MR. BLOCKER: We have a second. Any discussion?

16 (No response.) All in favor of this motion,
17 say aye.

18 BOARD MEMBERS: Aye.

19 MR. BLOCKER: Thank you, Mr. Ligon.

20 MR. LIGON: Thank y'all. We appreciate it. We'll
21 hopefully put it to good use and come back
22 with some good ideas on how to utilize the
23 other funds and do a better job around the
24 state in the upcoming years. Thank you.

25 MR. BLOCKER: Do we have anything else to come

1 before us at this board meeting? (No
2 response.) If not, I'll entertain a motion
3 that we adjourn.

4 MR. CHRISTOPHER: I move that we adjourn. Hope
5 everybody has a Merry Christmas and a Happy
6 New Year.

7 MR. BLOCKER: Thank you.

8 MR. HOLIDAY: I'll second that.

9 MR. BLOCKER: Do we have a second?

10 MR. HOLIDAY: I'll second that.

11 MR. BLOCKER: And everybody in favor of leaving?

12 BOARD MEMBERS: Aye.

13 MR. BLOCKER: Thank y'all for coming.

14 (Whereupon, at 1:08 p.m., the proceeding
15 in the above-entitled matter was
16 concluded.)

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