

**MINUTES**  
**South Carolina Auctioneers' Commission**  
**Meeting**

10:00 a.m., November 28, 2011  
Synergy Business Park  
110 Centerview Drive, Kingstree Building Room 108  
Columbia, South Carolina

**NOTE:** These minutes are a record of the motions and official actions taken by the Commission and brief summary of the meeting. A transcript of this meeting providing more detail will be available on the Commission's website: [www.llr.state.sc.us/pol/auctioneers](http://www.llr.state.sc.us/pol/auctioneers).

**Meeting Called to Order**

James Blocker, chairman, of Walterboro, called the regular meeting of the Auctioneers' Commission to order at 10:02 a.m. Other members participating in the meeting included: Wendell Christopher, of Roebuck; Matthew Holiday, of Spartanburg; Victor Avendano, of Mt. Pleasant; and Michelle Pinkney, of Irmo.

Staff members participating in the meeting included: Lenora Addison-Miles, Administrator; Sheridan Spoon, Assistant General Counsel; Theresa Garner, Program Assistant; and Bobby Taylor, OIE Investigator.

**Public Notice**

Mr. Blocker announced that public Notice of this meeting was properly posted at the S. C. Auctioneer's Commission Office, Synergy Business Park, Kingstree Building, and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

**Pledge of Allegiance**

All present recited the Pledge of Allegiance.

**Approval of Excused Absences**

All members were present.

**Approval of the August 22, 2011 Meeting Minutes**

**MOTION**

Mr. Christopher made a motion the Commission approve the August 22, 2011 meeting minutes as presented. Mr. Avendano seconded the motion which carried unanimously.

**Chairman's Remarks – James Blocker**

Mr. Blocker welcomed everyone to the meeting.

**Administrator's Remarks – Lenora Addison-Miles**

Mrs. Addison-Miles reminded commission members that the meeting materials contained confidential information and at the end of the meeting they should leave the material for proper disposal by staff. Members were provided information to access the LLR Board Member website. The site contains information and resources for board members, including forms, travel information, board member listings, and the board member orientation reference manual.

The September 9, 2011 examination results are as follows: there were 11 candidates, and 10 passed the exam. The average score was 78. There was one apprentice candidate. The next exam is scheduled for Friday, December 2, 2011.

There are currently 988 Auctioneers, and 156 Auction Firms licensed through June 30, 2013. Thirty four Auction firms, and 120 Auctioneers failed to renew, and those licenses lapsed June 30, 2011. Cease and Desist Orders were mailed to lapsed licensees on October 24, 2011.

The October 2011 Cash Balance Report reflects a Recovery Fund balance of \$119,669.57. The Auctioneer Cash Balance account is \$1,050,110.44. Detailed information regarding revenues and expenditures was also provided.

### **Unfinished Business**

There was no unfinished business.

### **New Business**

#### IRC Report – November 16, 2011

The November 16, 2011 IRC report was presented by Bobby Taylor. Mr. Taylor stated OIE has received 16 cases from January 1<sup>st</sup> through November 28<sup>th</sup>. He presented nine cases for Commission approval: 2010-3, 2010-19, 2011-8, 2011-9, 2011-10, 2011-11, 2011-13 were dismissals; 2011-12 was a formal complaint, and 2011-14 was a Letter of Caution.

#### **MOTION**

Mr. Christopher made a motion to accept the November 16, 2011 IRC report. Mr. Holiday seconded the motion which carried unanimously.

#### Review/Approval of Application via Examination

*McKinley Dean Compton*

Mr. Compton appeared before the Commission to give an explanation regarding his credit report.

#### **MOTION**

Mr. Christopher made a motion the Commission take this matter under advisement in executive session. Mr. Avendano seconded the motion which carried unanimously.

*Joey A. Rabon*

Mr. Rabon appeared before the Commission to give an explanation regarding his credit report.

#### **MOTION**

Mr. Holiday made a motion to take this matter under advisement in executive session. Mr. Christopher seconded the motion which carried unanimously.

*Thomas D. Collier (Nikki Dales, LLC – Auction Firm)*

Mr. Collier appeared before the Commission to give an explanation regarding his credit report.

#### **MOTION**

Mr. Christopher made a motion to take this matter under advisement in executive session. Mrs. Pinkney seconded the motion which carried unanimously.

#### SC Auctioneers Association Request for CE Funding

Mr. Randy Ligon, Vice-President of the SCAA, appeared before the Commission to request \$4,371 from the Auctioneer Recovery Fund to be used for continuing education in conjunction with the SCAA annual convention. Discussion ensued regarding the proposed costs associated with the event.

**MOTION**

Mr. Holiday made a motion to take this matter under advisement in executive session. Mr. Christopher seconded the motion which carried unanimously.

**Review/Approval of Continuing Education Courses**

*Southeastern School of Auctioneering*

Darron Meares, Southeastern School of Auctioneering, appeared before the Commission requesting approval of two new courses for 2012, "Using Power Point for Auction Presentations" and, "Communicating Between the Generations" instructed by Darron Meares and an additional course, "Technology" instructed by Kris Kennedy.

**MOTION**

Mr. Avendano made a motion to approve the continuing education courses. Mr. Christopher seconded the motion which carried unanimously

**Online Auctions**

*Inquiry from Dee Dancha*

The Commission reviewed an email inquiry from Ms. Dancha regarding online auctions.

**MOTION**

Mr. Christopher made a motion that Legal Counsel, Sheridan Spoon, submit a letter to Ms. Dancha informing her that selling her own items does not fall under the jurisdiction of this Commission. Mr. Holiday seconded the motion which carried unanimously.

**Continuing Education Audit (July 1, 2009 through June 30, 2011)**

Staff conducted a CE audit of 10 percent of active licensees on October 11, 2011. Licensees were asked to submit proof of CE documents by November 18, 2011. As of last Wednesday, staff had not received responses from Michael Rogers, Forest Smith, III, and Linda Smith. Follow-up letters were sent. Mrs. Miles provided documentation from the following licensees who sent in questionable continuing education: Darrell Bogan, Wendell Burton, James Fiddie, Stevie Ivey, Daniel Petterson, Marty Joe Sims, and Jay Slater.

Mrs. Miles asked the Commission's guidance for licensees who answered "yes" to the CE question listed on the renewal notice, and after being audited it is determined they have not met the requirements. She asked if the board would like to continue to require them to sign a consent agreement and be issued a \$500 fine as in the past.

**MOTION**

Mr. Holiday made a motion to continue as in the past. Mrs. Pinkney seconded the motion which carried unanimously.

**Proposed Legislative Changes**

*LLR Engine (Chapter 1, Section 40)*

Proposed changes were presented to Commission members for their comments or suggestions.

*Auctioneers' Regulations Chapter 14*

Proposed language for the continuing education exemption, and establishment of fees in regulation was reviewed and discussed.

**MOTION**

Mr. Holiday made a motion to approve the proposed fee schedule. Mrs. Pinkney seconded the motion which carried unanimously. Mr. Holiday made a motion to approve the proposed CE exemption language. Mr. Christopher seconded the motion which carried unanimously.

**2012 Meeting Dates**

The Commission reviewed the proposed 2012 meeting dates.

**MOTION**

Mr. Christopher made a motion to accept the meeting dates of February 27, May 7, August 20, and November 19, 2012. The motion was seconded by Mrs. Pinkney, which carried unanimously.

**Election of Vice Chairman**

Mr. Avendano nominated himself. He was unanimously elected.

**Public Comments**

There were no public comments.

**Executive Session**

**MOTION**

Mr. Christopher made a motion to go into Executive Session. Mrs. Pinkney seconded the motion which carried unanimously.

**Return to Public Session**

**MOTION**

Mr. Christopher made a motion the Commission return to public session. Mrs. Pinkney seconded the motion which carried unanimously.

*McKinley Dean Compton*

**MOTION**

Mr. Christopher made a motion to approve Mr. Compton's application and place him on probation for two years. He must submit a credit report at the end of twelve months showing the progress he has made regarding the resolution of his credit history, including the state tax liens. He can petition to be removed from probation at the end of the two years. Mrs. Pinkney seconded the motion which carried unanimously.

*Joey A. Rabon*

**MOTION**

Mr. Holiday made a motion to deny Mr. Rabon's request for a license. Mr. Christopher seconded the motion which carried unanimously.

*Thomas D. Collier (Nikki Dales, LLC – Auction Firm)*

**MOTION**

Mr. Holiday made a motion to grant Mr. Collier a license, and place him on one year probation. Mr. Avendano seconded the motion which carried unanimously.

*SC Auctioneers Association Request for CE Funding*

**MOTION**

Mr. Avendano made a motion to grant the SCAA \$1,250 for the convention, and requested an accounting for those monies used for mailing. Mr. Holiday seconded the motion which carried unanimously.

**Adjournment**

Mr. Christopher made a motion to adjourn the meeting at 1:10 p.m. The motion was seconded by Mr. Holiday which carried unanimously.

The next meeting of the SC Auctioneers' Commission is scheduled for February 27, 2012.