

ALABAMA STATE BOARD OF AUCTIONEERS

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MINUTES Board Meeting October 12, 2006

The Alabama State Board of Auctioneers met on Thursday, October 12, 2006 at the Board offices in Montgomery for the purpose of conducting Board business. Those in attendance were as follows: Mr. Tommy Barnes, Chair; Mr. Dan Holland, Secretary; Mr. Chip Pearce, Member and Mr. Buddy Ray, Member. Mr. Gene Motes (Vice-Chair); Wayne Thorn, Member, and Mr. Ron Baldwin, Member were not present. The Board, consisting of a quorum, continued with a voting meeting. Also present were Mr. Keith Warren, Executive Director; Ms. Hope Paulene, Executive Assistant; Ms. Dana Billingsley, Board Counsel; and Mr. Dennis Trammell, Board Investigator.

The meeting was called to order at approximately 9:00 a.m.

The meeting was advertised on the Board's website, www.auctioneer.alabama.gov, as well as the Secretary of State's website, www.sos.state.al.us.

Mr. Pearce made a motion to dispense with the reading of the minutes from July 27, 2006 and to accept them as submitted. The motion was seconded by Mr. Ray, and unanimously carried by the Board.

Mr. Barnes presented the Chair's report. Mr. Barnes expressed that he wishes for the Board to move forward with the pending legislation during the next regular session beginning March 6, 2007. He asked Mr. Warren to mail a copy of the pending legislation to all Board Members, Ms. Billingsley, and Mr. Trammell.

Mr. Warren delivered the Executive Director's report, which consisted of the following topics: a) open/closed investigations; and b) detailed financial report. (This report is available in the Official Book of Minutes).

The tentative 2006-2007 Calendar for Board Meetings is as follows:

January 11, 2007

April 12, 2007

July 12, 2007

October 11, 2007

Ms. Billingsley presented the Board Counsel's report.

Mr. Pearce made a motion that in the event of a repeat offender who violates the law and rules and regulations, the Board defers to the Board Counsel to utilize all tools and resources available to obtain enforcement of a final order of the Board revoking a license or imposing a fine. The motion was seconded by Mr. Holland, and unanimously carried by the Board.

Ms. Billingsley presented the Board with an alternative method of hearing disciplinary cases. Currently, some state regulatory boards' members do not sit and hear testimony in all cases, but read transcripts of the hearing, instead. The Board would be able to save time and angst by adopting this method; however, the Board could not actually hear the testimony, and the Board members would obviously be precluded from asking questions of the witnesses presented. The Board did not consider a motion to revise its current policy to sit and hear all evidence presented and to ask for a recommendation from an Administrative Law Judge of the Administrative Hearings Division of the Attorney General Office as to proposed findings and fact and conclusions of law in each such case.

Ms. Paulene delivered the Executive Assistant's report, which consisted of the following: a) examination scheduled and b) activity summary.

The Board reviewed the Proposed Order for Mr. Danny Phillips and Mr. Charles Whitt. During the discussion of the orders, Ms. Billingsley excused herself from the meeting at approximately 10:06 a.m.

Ms. Billingsley rejoined the meeting at approximately 10:45 a.m.

Regarding Case #04-03, In the Matter of Mr. Danny Phillips, a motion was made by Mr. Pearce to fine Mr. Phillips \$2500.00 (\$500.00 per violation), revoke his Alabama Auctioneer License #1902, and prohibit him from reapplying for a new license for two years. Mr. Warren is to prepare the Final Order finding Mr. Phillips in violation of Alabama Administrative Code Rules 150-X-1-.03 and 150-X-1-.13, which order must be appealed within thirty (30) days. The motion was seconded by Mr. Ray, and with the Chair voting to constitute a quorum, the motion was carried unanimously.

Regarding Case #04-03, In the Matter of Charles Whitt, a motion was made by Mr. Holland to fine Mr. Whitt \$800.00 (\$200.00 per violation) and for the Board to send him a letter explaining the circumstances and consequences if the violation

occurs again in the future. Mr. Warren is to prepare the Final Order finding Mr. Whitt guilty of violating § 34-4-20, Code of Alabama, 1975, which order must be appealed within thirty (30) days. The motion was seconded by Mr. Ray, and with the Chair voting to constitute a quorum, the motion was carried unanimously.

Mr. Ray made a motion to increase Ms. Billingsley's legal services contract from \$100.00 to \$120.00 per hour. The motion was seconded by Mr. Pearce and unanimously carried by the Board.

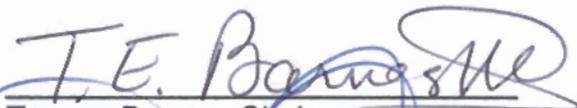
Mr. Richard Talley, owner of "Drop It off Auction" located in Montgomery, Alabama and a registered eBay Trading Assistant, met with the Board to discuss the buying and selling tactics of eBay.

Ms. Billingsley also reminded the Board that the Rules and Regulations Committee (Ms. Billingsley, Mr. Ray and Mr. Thorn) needs to meet to discuss possible "housekeeping" matters for the current rules and regulations. The Chair called for Mr. Thorn and Mr. Ray to have a report prepared to present to the Board at the January 11, 2007 meeting. Ms. Billingsley also stated that legislation needs to be drafted addressing eBay consignment stores.

The next regularly scheduled meeting is January 11, 2007 at 9:00 a.m.

At approximately 11:40 a.m., there being no further business, Mr. Pearce made a motion to adjourn the meeting. The motion was seconded by Mr. Ray and unanimously carried by the Board.

Respectfully Submitted,


Tommy Barnes, Chair


Keith E. Warren, Executive Director