



# Alabama State Board of Auctioneers

# ASBA *Newsline*

Volume VI, Issue 1

Spring 2008

## ALABAMA STATE BOARD OF AUCTIONEERS

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#### *Members*

Mr. Ken Garner

Mr. Howard Mark Lane

Mr. Larry "Chip" Pearce

Mr. Austin L. "Buddy" Ray, Jr.

Mr. David B. Starnes

Mr. Johnny D. Vetra

Mr. Bryant S. Wood

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#### *We're on the Web!*

[www.auctioneer.alabama.gov](http://www.auctioneer.alabama.gov)

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## BOARD HONORS GENE MOTES

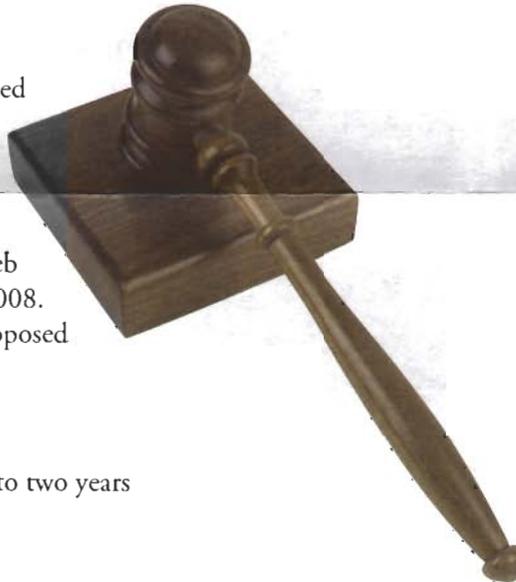
The Board honored Mr. Gene Motes for his outstanding service as a member of the Alabama State Board of Auctioneers at its meeting on October, 11, 2007. Mr. Tommy Barnes, Chair, presented Mr. Motes with a plaque for his outstanding professional and personal contributions during his tenure from November 18, 1996 through August 7, 2007. Each member of the Board expressed their appreciation and honor for being able to serve along with Mr. Motes during his terms. Mr. Motes was elected as Secretary of the Board on November 22, 1996 and served until October 21, 1998. Mr. Motes was then elected Vice Chair on January 30, 2001 and served until January 10, 2007. The Board and staff are very thankful for all Mr. Motes' service, contributions and work ethic he has illustrated during his more than 10 years service. We wish Mr. Motes all the best in his future endeavors.

## EXECUTIVE DIRECTOR REPORT

It has been another busy and productive year at the Board Office. We continue to update the web site continuously so you may have the most recent information at your fingertips. This year the Board contracted with Alabama Interactive to provide for online renewals. There was a small percentage of usage this year and we hope to have all the problems worked out before the next renewal period. When renewing online, you are able to use your MasterCard or Visa to make your renewal payment to the Board. This has been requested to simply the transfer of funds, quicker and easier. The Board also initiated computerized examinations with five locations available throughout the state. These sites include Montgomery, Mobile, Dothan, Birmingham and Huntsville. This has expedited the licensure process and also accommodates the examination and decreases your travel time. We continue to strive to provide services easier and as convenient as possible. As times changes, more and more of us rely and require our information as quickly as possible. Therefore, we tend to rely on emails and web sites to provide us this information. If you ever have any ideas or suggestions on how we may better serve you, please do not hesitate to contact me at 334-269-9990 or at keith@warrenandco.com. Thank you and let me know if I can ever be of any assistance to you.

## LEGISLATION

The Alabama Legislature convened its 2008 Regular Session on February 5, 2008. The Board plans to introduce legislation during this session, as it has during the past two years, which should be available on the Board's web site for your review by the first of February 2008. The following is a brief summary of the proposed changes to the Auctioneers License Act:



- Redefine the term auctioneer
- Change licensing periods from one year to two years
- Establish an inactive license
- Further provide for reciprocity
- Permit the Board to suspend or revoke a license for a pattern of frivolous, unfounded complaints
- Provide for a firm license (dual licensure component)
- Provide further for conducting investigations and hearings on complaints
- Provide for accountability of Board members to the Governor
- Provide for Board member immunity from good faith acts
- Redefine a quorum to consist of a majority of the currently appointed board members
- Further provide for regulation of internet auction businesses.

If you would like to ask any questions or voice any concerns regarding the proposed legislation, please do not hesitate to contact your Board member in your district or the Executive Director, Keith Warren, at the Board Office. Many of the proposed changes will help the Board to better effect its purposes and respond more effectively to illegal activity. I look forward to receiving your questions or comments. Thank you in advance for your support in this project!

## BOARD SPONSORED CE COURSE

The Board successfully sponsored its Second Continuing Education Seminar this year on August 4, 2007, located at The Legends in Prattville, Alabama. This year the Board appointed a Continuing Education Committee to plan the seminar. The committee members were Mr. Wayne Thorn and Mr. David Starnes. These members did a great job with arranging great presenters and outstanding facilities. There were 127 attendees at this seminar along with the Board's staff and many Board members. The Board takes great pride in providing this seminar to its licensees every other year. We look forward to providing this opportunity to you again in 2009.

## ONLINE CONTINUING EDUCATION

The Board has recently been made aware that the National Auctioneers Association has now approved online continuing education courses. Some states in which the Board reciprocates have also approved online continuing education sources. The Board will also recognize these courses for your fulfillment for your 6-hour requirement every other year. Hopefully, this will assist you in obtaining your hours if you are unable to physically attend any courses. To obtain additional information, you may contact the National Auctioneers Association at [www.auctioneer.org](http://www.auctioneer.org) or go to the Board's web site at [www.auctioneer.alabama.gov](http://www.auctioneer.alabama.gov) and click on "state licensing boards" icon to obtain other state's web sites for their available online courses.

## NEW MEMBERS



**G**overnor Riley has made several appointments to the Board during this last year. The appointments as follows: Mr. Ken Garner, Mr. Mark Lane, Mr. David Starnes and Mr. Johnny Vetra. Mr. Garner, Mr. Lane and Mr. Starnes were all appointed December 22, 2006 and Mr. Vetra was appointed August 8, 2007. During the last Sunset Legislation, a Consumer Position was added to the esthetics of the Board. This now requires seven licensed auctioneer members, one from each congressional district and one consumer member, from the state at large.

**Mr. David Starnes** was appointed by Governor Riley to serve as the consumer member of the Board. Mr. Starnes is currently Vice President – Commercial Lending for River Bank and Trust located in Montgomery, Alabama. Mr. Starnes was also Assistant Vice President – Commercial Lending for Colonial Bank, N.A. in Montgomery, Alabama prior to his current employment. Mr. Starnes brings to the Board knowledge of state government from his tenure at the Alabama Board of Cosmetology beginning in June 1999 until February 2003. Mr. Starnes served as both Assistant Director and Executive Director while he was employed at the Board of Cosmetology. Mr. Starnes holds a Bachelor of Science in Economics/Business Administration from Troy State University and has also completed the first year course of study at Birmingham School of Law. Mr. Starnes is married to Kim Starnes and has two children, Reese and Taylor and they reside in Prattville, Alabama.

**Mr. Ken Garner**, CAI, was appointed by Governor Riley to serve in 5<sup>th</sup> Congressional District. Mr. Garner is President of Garner Auctions, Inc. which he established in 1999. Mr. Garner has over 25 years of service in the auction business and has earned several professional certifications. Mr. Garner is a graduate of Certified Auctioneers Institute at Indiana University, graduate of Fort Smith Auction School in Fort Smith, Arkansas, Real Estate Broker in Alabama Tennessee and Georgia and he is also a licensed Auctioneer in Tennessee, Georgia, Arkansas as well as Alabama. Mr. Garner is a member of the National Auctioneers Association and has served as Past Chairman of the Board, President, and Vice President of the Alabama Auctioneers Association. Mr. Garner is a 2<sup>nd</sup> Generation Auctioneer and was the 1998 Alabama Grand Champion Auctioneer. He is married to Frances Garner and they have three children, Natasha Greenhaw, L. K. Garner, and Zac Garner. The Garners reside in Athens, Alabama.

**Mr. Johnny D. Vetra** was appointed by Governor Riley to serve in the 3<sup>rd</sup> Congressional District. Mr. Vetra has over 30 years experience in the Auction Business. He started Johnny Vetra Auction Company in 1982 and also owns Jewelry Exchange and

Loans since 1990. Mr. Vetra graduated from Nashville Auction School in 1972 and back to his hometown of Tampa, Florida, where he started his own company, AAA Auction Company. Mr. Vetra served as the Vice President of the Florida Auctioneers Association in 1976. In 1979, Mr. Vetra moved to Alabama and started working as an auctioneer and ring man for Gene Motes Auction Company. Mr. Vetra has served on the Auction School Advisory Committee at Jacksonville State University in 2003 and has been an instructor for JSU since 2004. Mr. Vetra is very active in local organizations around the Talladega area. He served as Chairman of the Committee for Honest Government in 1999, active in both the National Auctioneers Association and serves on the Board of Director for the Alabama Auctioneers Association. Mr. Vetra is married to Sandra McClain Vetra. Mr. Vetra has one son, Johnny D. Vetra, II, one step son, David Martin and one granddaughter, Victoria Vetra. Mr. Vetra and his wife Sandra reside in Talladega, Alabama.



## 2008 Calendar of Events

### Board Meetings

9:00 a.m. – Thursdays  
Board Conference Room

Board Meetings advertised in Montgomery Advertiser, ASBA Newsline, and ASBA Web Site at [www.auctioneer.alabama.gov](http://www.auctioneer.alabama.gov) and the Alabama Secretary of State Web Site, [www.sos.state.al.us](http://www.sos.state.al.us)

April 10, 2008

July 10, 2008

October 9, 2008



ALABAMA STATE BOARD OF AUCTIONEERS

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## INTERNET AUCTION CONSIGNMENT SHOPS

By: Keith E. Warren, *Executive Director*

In 2007, the Board requested an Attorney General's Opinion regarding its jurisdiction over the in-state activities of both Internet auction listing service providers and Internet auction consignment shops. While the Opinion, dated June 6, 2007, opined that the acts of an Internet auction listing service provider do not fall within the current definition of auction business, and

the Board does not have jurisdiction over these activities, the Opinion stated that the Auctioneers License Act does confer jurisdiction to the Board to regulate the activities of internet consignment shops in the state if the Board determines that they are engaging in the auction business. Accordingly, the Opinion supports the Board's

interpretation of the Auctioneers License Act requiring any Internet auction business having a consignment shop, office, storefront, or facility located in the State of Alabama to either name a licensed auctioneer, who is a partner or officer in the business, to whom the authority to transact business in the company's name is limited or require its own company members or employees to become licensed auctioneers in order to avoid running afoul of ALA. CODE § 34-4-20 (1975 as amended).

This new requirement was posted on the Board's web site shortly after its July 2007 Board meeting and announced that the licensure of Internet auction consignment shops would be required by January 31, 2008. Unfortunately, the Board has had difficulty obtaining the contact information necessary to notify these establishments of this requirement. Any contact information regarding these businesses in your area would be welcomed by the Board office and may be provided by fax, email or telephone. You may also direct anyone interested in this information to our web site at [www.auctioneer.alabama.gov](http://www.auctioneer.alabama.gov), where the Attorney General's Opinion and the Notification Letter are posted.

