

# ALABAMA STATE BOARD OF AUCTIONEERS

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## MINUTES Board Meeting October 13, 2005

The Alabama State Board of Auctioneers met on Thursday, October 13, 2005, at the Board offices in Montgomery for the purpose of conducting Board business. Those in attendance were as follows: Mr. Tommy Barnes, Chair; Mr. Gene Motes, Vice-Chair; Mr. Dan Holland, Secretary; Mr. Chip Pearce, Member; Mr. Buddy Ray, Member; and Mr. Wayne Thorn Member. Mr. Ron Baldwin, Member was 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; and Ms. Dana Billingsley, Board Counsel.

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

The meeting was advertised to the public in the *Montgomery Advertiser* and posted on the Board's website, as well as the Secretary of State's website.

Mr. Pearce made a motion to dispense with the reading of the minutes from July 14, 2005 and September 14, 2005 and to accept them as submitted. The motion was seconded by Mr. Motes and unanimously carried by the Board.

Mr. Warren informed the Board that the Invitation to Bid for Examination Services had been completed and delivered to the State of Alabama Division of Purchasing for disbursement to the qualifying State Vendors.

The Board reviewed the newly drafted Consumer Complaint Form.

Mr. Holland made a motion to accept the Consumer Complaint Form pending the corrections. The motion was seconded by Mr. Ray and unanimously carried by the Board.

Mr. Pearce made a motion to accept final repeal of Rule 150-X-1-.04. No comments were received in opposition to its repeal following advertisement in the

Administrative Monthly. The motion was seconded by Mr. Ray and unanimously carried by the Board.

With regard to the Board's pending legislation, Mr. Ray made a motion that the legislation be changed so that the auctioneer license would serve a dual purpose, constituting licensure for both the individual auctioneer and his/her firm, while the firm license would solely license auction houses. The motion was seconded by Mr. Holland and unanimously carried by the Board.

Mr. Thorn made a motion for a paragraph to be drafted to be placed in the Board's pending legislation describing with more particularity the violations described in § 34-4-29(c)(11) of the *Code of Alabama, 1975*. The motion was seconded by Mr. Pearce and unanimously carried by the Board.

Mr. Barnes presented the Chair's report.

Mr. Warren delivered the Executive Director's report, which consisted of the following topics: a) open/closed investigations; b) detailed financial report; and c) administrative services contract.

Ms. Billingsley addressed the Board in regard to Mr. Homer Oliver and Mr. Wayne Miller. Since Mr. Oliver and Mr. Miller did not receive the Board's certified mail, the individuals will have to be officially served before she can proceed to the Montgomery County Circuit Court. If the Board Investigator is unable to serve them, she will seek assistance from the local law enforcement. Ms. Billingsley also addressed the Board regarding the New Open Meetings Law. The Board was provided a copy of the new law and a memo prepared by Ms. Billingsley.

Ms. Paulene delivered the Executive Assistant's report, which consisted of the following: a) examination scheduled for October 18, 2005; b) list of expired licenses; c) activity summary from 7/15/05 through 10/7/05; and d) 2006 Board Calendar of Events.

Mr. Holland made a motion to adopt the 2006 Board Calendar of Events as submitted. The motion was seconded by Mr. Pearce and unanimously carried by the Board.

The following are the Board meeting dates for the 2006 year: January 12, 2006, April 13, 2006, July 13, 2006, and October 12, 2006. Examination dates are January 17, 2006, April 18, 2006, July 18, 2006, and October 17, 2006.

Mr. Ray made a motion to solicit an Invitation to Bid for Investigative Services. The motion was seconded by Mr. Pearce and unanimously carried by the Board.

Mr. Pearce made a motion to utilize the current Invitation to Bid for Investigative Services as amended and revised. The motion was seconded by Mr. Holland and unanimously carried by the Board.

Mr. Holland made a motion for Mr. Warren to research the possibility of the Board hiring a full-time investigator, in conjunction with another State Agency. The motion was seconded by Mr. Pearce and unanimously carried by the Board.

Mr. Barnes requested that the costs of the Board Sponsored Continuing Education Class held on August 20, 2005 be included in the minutes.

The costs incurred by the Board are as follows:

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|-----------------------------------------------------------------------------------------------------------------------|------------|
| a) Mike Jones-Fees:                                                                                                   | \$ 1000.00 |
| b) Dana Billingsley-Fees (includes drafting Powerpoint presentation and handout, travel and presentation of material) | \$ 4000.00 |
| c) Board Member/Staff Travel:                                                                                         | \$ 880.10  |
| d) Room Rental Fee:                                                                                                   | \$ 524.00  |
| e) Office Supplies/Copying:                                                                                           | \$ 147.23  |

Total Expenses:	\$ 6551.33
Total # of Attendees:	123
Total Cost per Attendee:	\$ 53.26

Mr. Warren informed the Board that he has received an application from Mr. Jimmy Robinson to sit for the Auctioneer License Examination and needed some direction from the Board as to whether Mr. Robinson sit for the examination.

Mr. Thorn made a motion that Mr. Jimmy Robinson needs to come before the Board for an Administrative Hearing on January 12, 2006 regarding his application to sit for the Alabama Auctioneer Examination. The motion was seconded by Mr. Holland and unanimously carried by the Board.

Mr. Motes made a motion for a Rules Revision Committee to be formed, consisting of Mr. Thorn, Mr. Ray, and Ms. Billingsley. The motion was seconded by Mr. Holland and unanimously carried by the Board.

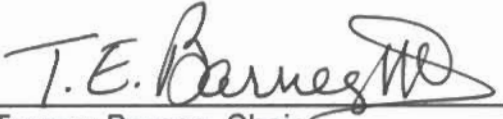
At approximately 1:15 p.m., Mr. Pearce departed the meeting.

The administrative hearings that were scheduled for today have been cancelled.

Mr. Thorn made a motion to accept the Consent Order for Albert Burney, Inc. as presented. The motion was seconded by Mr. Motes and unanimously carried by the Board.

At approximately 1:47 p.m., there being no further business, Mr. Motes made a motion to adjourn the meeting. The motion was seconded by Mr. Holland and unanimously carried by the Board.

Respectfully Submitted,



Tommy Barnes, Chair



Gene Motes, Vice-Chair