



Alabama State Board of Auctioneers

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MINUTES Board Meeting April 10, 2018

The Alabama State Board of Auctioneers met on Tuesday, April 10, 2018 at the Board office in Montgomery. Those in attendance were Mr. Bryan Knox (Board Chair), Mr. Keith McDaniel (member), Mr. Erskine Valrie (member), Mr. Michael Langford (member), Mr. Pete Horton (member), Mr. Chad Curvin (member), Mr. Mike Fisher (member) and Mr. John Gray (member). Also present were Ms. Hope Childers (Board Administrator), Ms. Dana Billingsley (Board Counsel), and Ms. Renee' Reames (Executive Secretary to Mr. Warren, Board Executive Director, and recording secretary). The Board, consisting of a quorum, continued with a voting meeting. The meeting was called to order at 12:00 Noon by Mr. Knox, Board Chairman.

The rescheduled regular meeting was advertised on the Board's web site, www.auctioneer.alabama.gov, and the Secretary of State's website, www.sos.alabama.gov in accordance with the Alabama Open Meetings Act. The Pledge of Allegiance was recited by attendees and a word of prayer was given at the opening of the meeting. Ms. Childers gave the opening statement concerning Roberts Rules of Order and the Alabama Open Meetings Act.

Chairman Knox presented a copy of the January 23, 2018 Board meeting minutes for the Board's approval. A copy of the minutes was submitted to the Board members prior to the meeting for their review. Mr. Gray made a motion to approve the January minutes as presented. The motion was seconded by Mr. Horton and unanimously approved by the Board.

Chairman Knox introduced Ms. Tommie Lynn Morrison, who asked to attend the meeting and speak to the Board regarding her application to reapply as an auctioneer. The Board advised Ms. Morrison that they would consider her application when completed. Ms. Billingsley stated that should the Board allow further discussion of this matter, it may result in prejudicial information that would prevent the Board being impartial in their future deliberations of Ms. Morrison's application. Ms. Morrison thanked the Board for their future consideration.

Ms. Childers presented the Executive Director's Report (report available for viewing in the Board's official Book of Minutes). The report included the financial activities of the Board for the period

ending March 31, 2018, along with a line item summary of expenses. She reported on the number of licensees, as well as the number of complaints received and investigated during FY 2017 and FY 2018.

Ms. Childers also presented the Administrator's report and reviewed activities performed by the staff since the last Board meeting, which included a summary of exam and licensing activities. Ms. Childers reported that the examination study guide prepared by the Alabama Auctioneers Association had been posted to the Board's website.

Ms. Billingsley presented the Legal Counsel Report. She reported that several states had not responded to the request to approve the revised Reciprocal Agreement and a date would be set to provide them notice of termination of the existing (old) agreement.

Ms. Billingsley also presented a Consent Agreement in the matter of Case No. 2017-005 for the Board's consideration, indicating that the agreement represented a settlement of the third complaint against this same auctioneer and auction company. The Consent Agreement assessed a \$7,500 disciplinary fine against the Respondents, to be paid in installments, and restricted the Respondents from applying for licensure for two years from the effective date of the Board's Final Order adopting the Consent Agreement. A copy of the Consent Agreement was provided to the Board. Mr. Horton made the motion to approve the Consent Agreement as presented. The motion was seconded by Mr. McDaniel and unanimously approved by the Board. The Board also agreed that Ms. Billingsley would advise other states associated with the Respondent and auction company of the Board's disciplinary action.

The Board discussed with Ms. Billingsley the outstanding disciplinary fines listed in the Administrator's report and on the Board's website. No further action was required.

Chairman Knox called for a report from the Board Committees. There was no Legislative Committee report.

Ms. Billingsley presented the Rules Committee Report, which recommended approval of non-substantial revisions to the following rules, to be published for public comment by the Legislative Services Agency (LSA):

- 150-X-1-.01 Definitions
- 150-X-1-.03 Advertisements
- 150-X-1-.05 Exams
- 150-X-1-.06 Fees
- 150-X-1-.12 Auctioneer Schools
- 150-X-1-.13 Continuing Education
- Appendix I. Fees

Ms. Billingsley explained that the Board did not have specific authority to assess fees for criminal background checks.

There was considerable discussion regarding the need for mandatory continuing education in Alabama auctioneer law for all licensees. Consideration was carried over for further discussion at the July meeting.

Mr. Fisher made a motion to approve the changes to the Board's Rules as presented. The motion was seconded by Mr. Curvin and unanimously approved by the Board.

Mr. Curvin made a motion to adopt the recommendation of the Rules Committee certifying to the LSA that the Board has conducted the compliance review of all Rules adopted prior to July 1, 2013 required by ALA. CODE § 41-22-5.2. The motion was seconded by Mr. Fisher and unanimously approved by the Board.

Mr. Horton requested that the Board consider sponsoring the Alabama Auctioneer Association (AAA) CE program at the Association's annual meeting to be held in May. He also requested that the Board register as a sponsor for the AAA's CE program to be held in September in conjunction with the National Association meeting to be held in Birmingham. Following discussion, Mr. Horton made a motion that the Board register as a \$2,500 sponsor of the AAA CE program to be held in May. The motion was seconded by Mr. Fisher. Mr. Horton amended his motion to include an additional \$2,500 sponsorship by the Board for the AAA/National CE program to be held in September. The motion was seconded by Mr. Fisher, and the amended motion was unanimously approved by the Board. Chairman Knox then called for a vote on the original motion, which was also unanimously approved by the Board.

Chairman Knox announced that the next regularly scheduled meeting of the Board is set for July 10, 2018, at 9:00 a.m.

There being further business, Mr. McDaniel moved that the meeting be adjourned. The motion was seconded by Mr. Langford and unanimously approved by the Board. Mr. Knox thanked the members for their time and attendance and adjourned the meeting at 1:05 p.m.

Respectfully Submitted,



Bryan Knox
Chair



Keith L. Warren
Executive Director

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