



Alabama State Board of Auctioneers

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MINUTES Board Meeting April 15, 2014

The Alabama State Board of Auctioneers met on Tuesday, April 15, 2014, at the Board offices in Montgomery. Those in attendance were as follows: Mr. Bryant Wood, (Vice Chair), Mr. Bryan Knox, Mr. Michael Langford, Ms. Christie Ray and Mr. Erskine Valrie. Board member not in attendance was Mr. Ken Garner, Mr. Keith Baldwin and Mr. Pete Horton. The Board, consisting of a quorum, continued with a voting meeting. Also present were Mr. Keith Warren (Executive Director), Ms. Dana Billingsley (Board Counsel) Mr. Mike James (Investigatory) and Ms. Renee' Reames (Executive Secretary to Mr. Warren).

The meeting was called to order at 9:10 a.m.

The regularly scheduled meeting was advertised on the Board's web site, www.auctioneer.alabama.gov, and the Secretary of State's website, www.sos.state.al.us, in accordance with the Alabama Open Meetings Act. Mr. Wood welcomed members present at the meeting. The Pledge of Allegiance was recited by attendees and a word of prayer was given at the opening of the meeting. Mr. Warren gave the opening statement concerning Roberts Rules of Order and the Alabama Open Meetings Act.

The copy of the January 21, 2014 minutes of the regularly scheduled meeting was submitted to the Board prior to the meeting for their review. Ms. Ray made a motion to dispense with the reading of the minutes and to accept the January meeting minutes as submitted. The motion was seconded by Mr. Valrie and unanimously approved by the Board.

Mr. Warren presented the Executive Director's Report to include financial activities and fund balance as of March 31, 2014 (report is available for viewing in the Board's official Book of

Minutes). The report was corrected to reflect the correct reporting dates. Also included in his report were the total number of licensees and number of complaints received and closed. Mr. Warren commented on the number of applications received during the period of January 1, 2014 through April 11, 2014 and number of individuals who took the examination for auctioneer and apprentice.

Mr. Warren reported that he was scheduled to meet again with ISD to reconsider their proposal to develop the licensee database.

Mr. Warren also reported that the proposed legislation, sponsored by Representative Mack Butler and Senator Phil Williams, had passed concerning reciprocity licensing fees, and this law would become effective in three (3) months. He further commented that, in the interim, he and the Board's Counsel would work on proposed rules to present at the next Board meeting. The Board recommended that an emergency rule and regular rule be presented for consideration.

The Board discussed additional changes to the statute for consideration at the 2015 legislative session, and it was the consensus of the Board to wait until after the governmental elections. Mr. Warren reported that auctioneer fee was currently at \$150, which had a cap of \$250, and could be increased incrementally at \$25 per year. He reported that the apprentice fee was at its cap. Ms. Billingsley reminded the Board that an increase in licensing fees for auctioneers would also affect the company license fee. Mr. Langford made a motion to increase by \$25 the auctioneers licensing fee and the company licensing fee to \$175. The motion was seconded by Mr. Knox and unanimously approved by the Board.

Mr. Warren discussed articles to be printed in the upcoming Board newsletter. The Board discussed including in the newsletter, or presenting as a continuing education (CE) program, information about equipment UCC liens. Mr. Wood reported that an article on equipment UCC liens was recently published in the National Auctioneer Association's newsletter. Ms. Ray commented on the Board's Educational Committee's discussions about having a Spring and Fall CE Program. It was the consensus of the Board to make this topic an educational priority at a future CE Program and include an article in the Board newsletter.

Mr. Warren presented a letter from a spouse of an auctioneer about an expired license and requested the Board's consideration for re-licensing/renewing of the license. A copy of the letter was distributed to the Board members. Mr. Warren reported that the auctioneer did not renew their license between September through November and the renewal period had passed. After a review of the Board's rules and regulations by Ms. Billingsley, it was determined that the rules did not allow for renewal of license pass 60 days from expiration. Mr. Warren will write a letter in reply to the spouse's request.

Ms. Billingsley presented the Legal Counsel Report and commented on the presentation that she gave at the recent Association meeting, as well as presentations by the Board's investigator and other Board members.

Ms. Billingsley reported that administrative fees assessed by the Board had not been paid by some of the individuals that had been disciplined by the Board and that she would start the process of preparing property liens through civil court.

Ms. Billingsley presented a Consent Agreements signed by Clyde Powell to cease and desist conducting auction business in Alabama and to pay a fine of \$500. A copy of the Consent Agreement was provided to the Board. Mr. Valrie made a motion to accept the Consent Agreement. The motion was seconded by Ms. Ray and unanimously approved by the Board.

Ms. Billingsley also presented a Consent Agreement signed by William E. Nichols and Debra Hill with WMTY, Inc. (a television station), to cease and desist conducting auction business in Alabama and pay a fine totaling \$4,500. Mr. Langford made a motion to accept the Consent Agreement. The motion was seconded by Mr. Knox and unanimously approved by the Board.

Ms. Billingsley stated that she would prepare the Final Order concerning these two Consent Agreements and their fines would be due within 30 days of the effective date of the Order.

Mr. Warren presented the proposed rule, Admin. Code 150-X-1-.10, Duties of Sponsors and Apprentices, that had been published for public comment. He reported that no comments were received by the public. Ms. Ray made a motion to approve for final adoption Admin. Code 150-X-1-.10. The motion was seconded by Mr. Langford and unanimously approved by the Board.

Mr. Wood requested committee reports from the Educational, Technology and Legislative Committees. Ms. Ray reported, in Mr. Horton's absent, on the Educational Committee activities. She commented on the Auctioneer Association's annual meeting that was recently held and the Committee preparing for a continuing education program in the fall of 2014 on UCC liens. Ms. Ray also reported on the Technology Committee activities to contract for licensee database services. Mr. Wood thanked the Board members for their efforts in working with the legislative committee to get the proposed bill passed in the 2014 Legislative session.

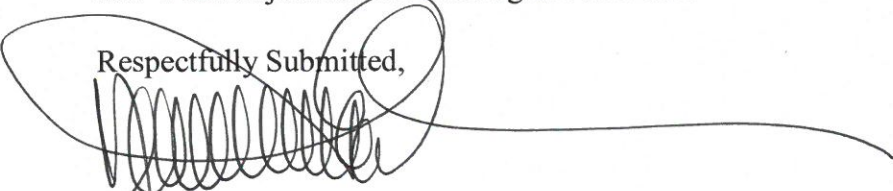
Mr. Warren encouraged the board members to submit a photograph for the board member identification cards. He reported that he would mail cards to those members who had submitted a photograph.

The next regularly scheduled meeting of the Board is July 15, 2014.

There was no further business of the Board and Mr. Langford made a motion to adjourn the meeting. The motion was seconded by Ms. Ray and unanimously approved by the Board.

Mr. Wood adjourned the meeting at 10:06 a.m.

Respectfully Submitted,



Keith E. Warren
Executive Director