



Alabama State Board of Auctioneers

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MINUTES Board Meeting January 14, 2020

The Alabama State Board of Auctioneers met on Tuesday, January 14, 2020 at the Board office in Montgomery. Those in attendance were Mr. Pete Horton (Board Chair), Mr. Mike Fisher (Vice Chair), Mr. Erskine Valrie (Secretary), Mr. Keith McDaniel (member), Mr. Chad Curvin (member) and Mr. Chip Pearce (member arriving at 9:02 a.m.). Members not in attendance were Mr. John Gray and Mr. Michael Langford. Also present were Mr. Keith Warren, Executive Director, Mr. Bill Garrett (Assistant Attorney General), Ms. Hope Childers (Administrator), Ms. Jennifer Love (Legal Assistant), Mr. Mike James (Investigator), Mr. Mike Week (Legislative Affairs) and Ms. Renee' Reames (recording secretary). Chairman Horton called the meeting to order at 9:00 a.m. Mr. Warren called roll and Mr. Garrett acknowledged that a quorum of the members was present.

The 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. Mr. Warren gave the opening statement concerning Roberts Rules of Order and the Alabama Open Meetings Act.

Chairman Horton presented a copy of the October 15, 2019 regular meeting minutes for the Board's approval. A copy of the minutes was distributed to the Board members prior to the meeting for their review. Mr. Fisher made a motion to dispense with the reading of the minutes and to accept the minutes as presented. The motion was seconded by Mr. Valrie and unanimously approved by the Board.

Also presented was an amended copy of the September 25, 2018 meeting minutes for the Board's approval. Mr. Warren explained that the minutes were corrected to show Mr. Fisher present at the meeting. Mr. McDaniel moved that the amended minutes be approved as submitted. The motion was seconded by Mr. Valrie and unanimously approved by the Board.

Mr. Pearce arrived at 9:02 a.m.

Mr. Warren 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 December 31, 2019, along with a line item summary of expenses. He reported on the number of licensees, as well as the number of complaints received and investigated for FY 2020.

Mr. Warren reported that he had not yet spoken with Mr. Langford about continuing to serve on the Board. He reminded the members that Mr. Langford term expired in October 2020.

Mr. Warren also presented the Administrator's report, which included a summary of examination statistics and licensing activities since the last Board meeting through December 31, 2019.

Mr. Valrie made a motion to approve the financial report as presented. The motion was seconded by Mr. Fisher and unanimously approved by the Board.

Mr. Bill Garrett reported that there were no complaints pending and no additional information to report for the Legal Counsel's Report.

Mr. Warren presented, for the Board's approval, a copy of the proposed Legislation with changes in the Board's statute. The Board discussed potential sponsors of the legislation.

While deliberating changes in the Board's statute, the Board discussed and agreed that an unlicensed individual was not authorized to negotiating with clients. These negotiations fell under the authority of the licensed auction as stated in § 34-4-2 definition of a licensed auctioneer.

Also discussed by the Board was the current rule restricting an auctioneer sponsorship of an apprentice who resided out-of-state. The Board discussed changes to the current rule concerning apprentice/sponsor relationship.

The Board also discussed apprentice education and training requirements and considered the limited availability of auctioneer schools in Alabama. The Board reviewed, online during the meeting, the apprentice requirements in other states. Mr. McDaniel made the motion to remove the residence requirements and include these changes in the proposed legislation to be presented in the 2020 Legislative session. The motion was seconded by Mr. Fisher and unanimously approved by the Board.

The Board discussed creating a reinstatement processes for lapsed licenses. Mr. Warren explained that the current 2020 proposed legislation included an option for licensees to place their license on an inactive status, which could be restored back to active status. He explained that should an active license lapse, and not renewed in a timely manner, the licensee would have to reapply to the Board by submitting an initial application for licensure.

Mr. Fisher made the motion to proceed with the proposed 2020 legislation to include the proposed change to remove apprentices' residence requirements and allow the Executive Director to proceed with working with LSA and submitting the document to the Legislature. The motion was seconded by Mr. Curvin and unanimously approved by the Board.

The Board discussed scenarios where a license is revoked for a principal auctioneer, who is the sole owner of an auction company, and the company allowed to continue to operate by acquiring another licensed auctioneer to serve as its principal auctioneer. Mr. Garrett explained that disciplinary action by the Board would be based on the complaint, whether against an individual and/or company, and the scope of the investigation.

The Board considered a request to reinstate an auctioneer license. The Board reviewed the Rules for license renewals and Mr. Garrett advised that the Board had no discretion in its statute to renew or reinstate a license after the 60-day later period. The request for reinstatement was denied by the Board.

Mr. Warren encouraged the Board member to attend the Board Training sponsored by the Alabama Department of Examiners of Public Accounts scheduled in late January.

Mr. Warren indicated that he would prepare a summary of the Board's proposed legislation to serve as a reference when speaking with Legislators.

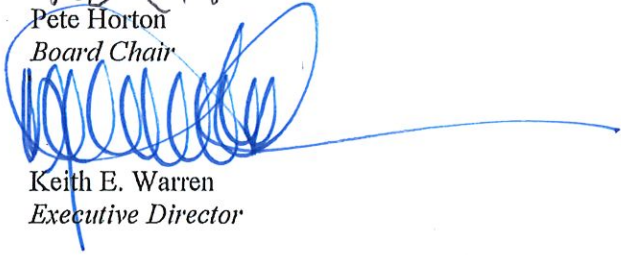
Chairman Horton announced that the next regularly scheduled meeting of the Board was scheduled April 14, 2020 at 9:00 a.m.

There was no further business by the Board and Mr. Curvin made a motion that the meeting be adjourned. The motion was seconded by Mr. McDaniel and unanimously approved by the Board. Chairman Horton adjourned the meeting at 10:36 a.m.

Respectfully Submitted,



Pete Horton
Board Chair



Keith E. Warren
Executive Director

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