



## **Alabama State Board of Auctioneers**

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### **MINUTES Board Meeting October 8, 2014**

The Alabama State Board of Auctioneers met on Wednesday, October 8, 2014, at the Board offices in Montgomery. Those in attendance were as follows: Mr. Ken Garner (Chair), Mr. Bryant Wood, Mr. Bryan Knox, Mr. Michael Langford, Mr. Erskine Valrie, Ms. Christie Ray, 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), Hope Paulene (Administrative Assistant), Mr. Mike James (Investigator) and Ms. Renee' Reames (Executive Secretary to Mr. Warren).

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

The rescheduled regular meeting was advertised on the Board's web site, [www.auctioneer.alabama.gov](http://www.auctioneer.alabama.gov), and the Secretary of State's website, [www.sos.state.al.us](http://www.sos.state.al.us), in accordance with the Alabama Open Meetings Act. Mr. Garner 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 July 15, 2014 minutes of the regularly scheduled meeting was submitted to the Board prior to the meeting for their review. Mr. Knox corrected the minutes to reflect him voting aye on convening into an Executive Session at the July meeting. Mr. Baldwin made a motion to dispense with the reading of the minutes and to accept the July meeting minutes as amended. The motion was seconded by Mr. Langford and unanimously approved by the Board.

The Board commented on the positive continuing education program conducted by the Board on October 7, 2014. Further discussion was deferred until later in the meeting under Committee Reports.

Mr. Warren presented the Executive Director's Report to include financial activities and fund balance as of September 30, 2014 (report is available for viewing in the Board's official Book of Minutes), noting that the funds would not be final until the end of the 13<sup>th</sup> month to close out the fiscal year. Also included in his report were the total number of licensees and number of complaints received and closed.

Mr. Warren presented a list of licensees and a list of companies who had not yet renewed their license as of September 24, 2014. Mr. Wood requested that the number of licensees by reciprocity for year-to-date, be included in the activity report presented at the Board meetings.

Mr. Garner deferred the Legislative Report until later in the meeting to be reported under Committee Reports.

Mr. Warren reported that continuing education program would be included in the upcoming newsletter.

Ms. Billingsley presented the Legal Counsel Report. She reported that three notices of delinquent fees pertaining to consent agreements had been sent out. She reported that the Board had received from Mr. Paul White a request to reduce his fine from \$800 to \$400. Mr. Baldwin made a motion to approve reducing Mr. White's fine from \$800 to \$400, with the stipulation that should he go back into the auction business he would owe the difference in fine. The motion was seconded by Mr. Wood and unanimously approved by the Board.

Mr. Baldwin reported that he had called the Kentucky auctioneer licensing board director and the Wieck Realty and Auction. Mr. Baldwin reported that Wieck Realty and Auction was not connected to Tom Wieck. Mr. Baldwin further stated that the Kentucky director reported that Tom Wieck was no longer licensed in Kentucky and had offered to investigate if Tom Wieck owned property in Kentucky for the purpose of placing a lien against this holdings. Mr. Baldwin suggested that the Board follow-up with Kentucky director to determine if Mr. Wieck had any property holdings in Kentucky. Ms. Billingsley stated that she would check on the lien procedure if the Board wanted to go forth with determining if Mr. Wieck had property in Kentucky.

Mr. Baldwin reported that he had spoken with Conrad Green and that Mr. Green had indicated interest to come before the Board to request taking the auctioneer exam. Mr. Baldwin reported that Mr. Green may have been involved in the meantime in auctions, but no complaints had been filed. Mr. Wood made a motion for the Board's investigator to check on Mr. Green's involvement in auctions held in Alabama and provide a follow-up report. The motion was seconded by Mr. Langford and unanimously approved by the Board.

Mr. Warren presented to the Board for final approval the published Rule 150-X-1-.02(c) regarding reciprocity fees. He indicated that no comments from the public had been received. The Board discuss the inconsistency in fees for applications and separate fees for licensing charged by some states. Ms. Billingsley presented revised language to the Rule to clarify reciprocity fees to include licensure, renewal or applications fees. Mr. Knox made a motion that the proposed Rule be amended as presented by Board Counsel. The motion was seconded by Mr. Wood and unanimously approved by the Board.

Mr. Wood made a motion to approve the amended Rule 150-X-1-.02(c) as Final Rule. The motion was seconded by Mr. Baldwin and unanimously approved by the Board.

The Board discussed establishing a Rule concerning licensing verification fees. Ms. Billingsley reported that the Board had no authority to establish a fee for licensing verification (letters).

Ms. Billingsley further reported that fees for duplicate licenses may be feasible if the license is reissued due to change in status of license, e.g., sponsorship, etc. and that the fee is a reasonable fee. She suggested the Board consider automated online printing of license by a licensee after their renewal application has been accepted, etc.

The Board discussed application fees for continuing education and auction schools as educational providers. Ms. Billingsley commented on the requirement for auction schools to be registered by the Board, which is not as a CE provider.

The Board discussed cost for background checks, and Ms. Billingsley advised that it is reasonable for the Board to recoup background check charges and suggested a flat fee of \$20. Ms. Ray made a motion to charge \$20 fee for new background checks. The motion was seconded by Mr. Valrie and unanimously approved by the Board.

Ms. Billingsley reported that the statute limits exam fees to \$100, and suggested this matter be readdressed when the expense of the exam exceeded the limit cited in the statute.

Mr. Warren indicated that he would proceed with updating the Board's website to facilitate license verification letters and printing licenses.

Mr. Warren reported on the technology bids specifications for the Board's licensee database and explained that the cost would be ongoing for development and maintenance, which included changes and upgrades. Mr. Warren reported that he was considering incorporating the maintenance cost of the Board databases by Warren and Co. The system would include applications, signatures and upload of documents. The Board discussed the benefits of such a system. Mr. Warren reported that he was reviewing the workload by number of licensees and the charges associated with the process that would be paid by the Board and Warren and Co. He reported that he would have additional information at the next Board meeting.

The Board adjourned at 10:30 a.m. for a fifteen minute break.

The Board reconvened its business meeting at 10:46 a.m.

Mr. Warren reported that the Legislative Session would begin in March 2015 and a final draft of the proposed legislative bill, with focus on disciplinary fines and inactive status, would be presented to the Board at the January meeting.

Mr. Horton reported on the recent continuing education program sponsored by the Board. He commented on the nice venue location and positive exit comments received from the attendees. The Board discussed having future programs in the Fall. Ms. Ray suggested that the Board consider approaching the Association about co-branding the February or Fall CE program. The Board discussed having the Board Counsel present at future CE programs to participate in question and answer segments.

Ms. Ray made a motion to pay \$1500 to Mr. Profitt for his services as guest speaker at the Board-sponsored CE program. The motion was seconded by Mr. Horton. The Board discussed and agreed that speakers had been paid in the past and that the CE session had been finalized by the Board's CE Committee between the regularly scheduled Board meetings. There was no further discussion and the motion was unanimously approved by the Board.

Mr. Wood made the motion that an Examination Committee be created comprised of Mr. Baldwin, Mr. Langford and Ms. Ray. The motion was seconded by Mr. Horton and unanimously approved by the Board. Mr. Garner directed the Examination Committee to meet with the exam proctor. Dates were discussed and a conference call would be coordinate with the Committee members, the exam proctor and the Board's legal counsel.

There was no additional report from the Disciplinary Committee.

Mr. Garner presented the proposed scheduled for the Board to meeting in 2015: January 20, 2015, April 21, 2015, July 21, 2015 and October 20, 2015. Ms. Ray made a motion to approve the meeting dates as proposed. The motion was seconded by Mr. Horton and unanimously approved by the Board.

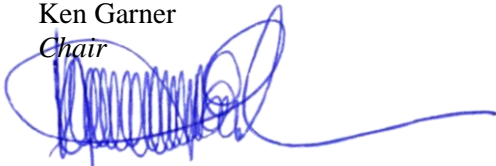
The next regularly scheduled meeting of the Board is January 20, 2015.

There was no further business of the Board and Mr. Horton made a motion to adjourn the meeting. The motion was seconded by Mr. Langford and unanimously approved by the Board. Mr. Garner adjourned the meeting at 11:22 a.m.

Respectfully Submitted,



Ken Garner  
*Chair*



Keith E. Warren  
*Executive Director*

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