



## Alabama State Board of Auctioneers

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### MINUTES Board Meeting November 29, 2022

The Alabama State Board of Auctioneers met on Tuesday, November 29, 2022, at the Board's office located at 2777 Zelda Road in Montgomery. Members in attendance were Mr. Pete Horton (Board Chair), Mr. Mike Fisher (Vice Chair), Mr. John Gray (Board Secretary), Mr. Chad Curvin (member), Ms. Angella Morgan (member), Mr. Chip Pearce (member) and Mr. Randall Grissett (member). Member absent was Mr. Keith McDaniel (member). Also in attendance were Mr. Keith Warren (Executive Director), Ms. Peggy Rossmannith (Legal Counsel), Ms. Hope Childers (Board Administrator), Ms. Karen Harlow (Legal Assistant), Mr. Mike James (Investigator), Mr. Dennis Trammell (Investigator), and Ms. Renee' Reames (recording secretary). Chairman Horton called the meeting to order at 9:00 a.m. Mr. Warren called Board roll and indicated that a quorum of the members was present to conduct business.

The 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.alabama.gov](http://www.sos.alabama.gov), in accordance with the Alabama Open Meetings Act. A word of prayer was given at the opening of the meeting and pledge of allegiance recited. Mr. Warren gave the opening statement concerning Roberts Rules of Order and the Alabama Open Meetings Act. Chairman Horton welcomed everyone attending the meeting.

Approval of Meeting Agenda: Chairman Horton called for a motion to accept the meeting agenda. Mr. Gray made a motion to approve the November 29, 2022 meeting agenda as presented. The motion was seconded by Mr. Pearce and unanimously approved by the Board.

Approval of Minutes: Chairman Horton reported that a copy of the minutes from July 19, 2022, Board meeting was distributed to the members prior to the meeting for their review. Mr. Gray made a motion to dispense with the reading of the July meeting minutes and approve the minutes as presented. The motion was seconded by Mr. Pearce and unanimously approved by the Board.

Executive Director Report: Mr. Warren presented the Executive Director's Report, which included financial activities of the Board for the period ending September 30, 2022, along with FY 2023 financial report for the period ending October 31, 2022. He reported on the current number of licensees and provided a list of expired Auctioneer licenses and company licenses as of November 30, 2022. He also reported on the number of complaints received during FY 2022 and FY 2023.

Mr. Pearce made the motion to accept the financial report as presented. The motion was seconded by Mr. Fisher and unanimously approved by the Board.

Proclamation for Erskine Valrie: Mr. Warren commented on the continued efforts, with the assistance of Mr. Ken Garner, to contact the family of Mr. Erskine Valrie to arrange a date to present a Proclamation in his honor.

Board Newsletter: Mr. Warren reported that he had requested some additional articles from individuals to be included in the Board's newsletter publication.

Administrator's Report and Licensure Summary: Mr. Warren presented the Administrator's Report, which included licensing activities completed since the last Board meeting held in July, along with a summary of licensure and examination statistics from this same period.

Mr. Warren reported that an email had been sent to licensees regarding changes in the Board's statute and he was keeping track of those compliance issues. The Board discussed Board member-initiated complaints and Ms. Rossmanith recommended that the Executive Director initiate the complaint on behalf of a Board member to restrict members' involvement and further recusal in voting on Board matters. Mr. Warren agreed that he would file the complaint in those circumstances.

Legal Counsel Report: Ms. Rossmanith presented the Legal Counsel report. She commented on the new ruling concerning agent immunity and indicated that she would distribute information at the next Board meeting. She also commented on outstanding disciplinary fines and reported that the Board could file an injunction in the Respondent's jurisdiction.

Ms. Rossmanith reported that the Investigative Committee (IC) had met, and the Board considered the IC recommendations regarding the following cases:

Case 2023-001 – IC recommended closing the case due to no probable cause.

MOTION: Mr. Pearce made a motion to accept the IC recommendation to close Case 2023-001 due to no probable cause. The motion was seconded by Mr. Gray and unanimously approved by the Board.

Case 2022-002 – IC recommended a consent agreement settlement to include a \$2,500 fine and a 1-year probation for the licensed auctioneer involved in the disputed auction case, and a letter of concern sent to the auction company owner who was also a licensed auctioneer.

MOTION: Mr. Pearce made a motion to accept the IC recommendations that the auctioneer involved in the Case 2022-002 be placed on a 1-year probation and assessed \$2,500 fine and the auction company owner be sent a letter of concern. The motion was seconded by Mr. Fisher and unanimously approved by the Board.

Case 2022-001 – IC recommended the Board approve to administratively close the case due to the complainant withdrawing the complaint.

MOTION: Mr. Gray made the motion to accept the IC recommendation to close Case 2022-001 due withdrawal of the complaint. The motion was seconded by Mr. Pearce and unanimously approved by the Board.

The Board discussed online auctions and licensure requirements when online auctions were called. Other concerns discussed by the Board were online auction company having a designated principal auctioneer, establishing continuing education requirements for online auctioneers and bond requirements for the online auction company. Potential liability for the public was discussed concerning online auction company auctioning its own property vs. contractual sales of public property

and identifying a principal member who had a financial interest in the company vs. an officer of the online auction company. The Board also discussed creating a recovery fund for the restitution of funds in complaint cases, etc. Mr. Warren suggested that the Board consider, as future proposed legislative changes, the creation of a recovery fund and establishing bond requirements for online auction companies, etc.

**ACTION:** Chairman Horton asked the Rules Committee to consider these discussions and make a recommendation to the Board at a future meeting. He reminded the members that the Rules Committee was comprised of Messrs. Fisher, Pearce and Gray and Ms. Morgan and Mr. Warren and Ms. Rossmanith.

Update on Association Activities: Mr. Pearce reported on plans for a CE class to be held in February 2023 and the Association's annual meeting scheduled later in the summer. He reported that the members of the Board were invited to attend as honorary members of the Association.

Update on Board Terms: Mr. Warren reviewed the Board terms that had expired in October 2022 and the vacancy to occur in Congressional District 6.

Licensure Examination Review: Mr. Warren recommended that the Board have a special meeting, or assign to a committee, to review the auctioneer examination questions since some of the licensure criteria had changed.

**ACTION:** The Board asked Mr. Warren to coordinate with Mr. Sorensen with PROV to meet with the Board to discuss the Board examination and two alternate dates in January 2023 were suggested by the members.

Proposed 2023 Board Meeting Calendar: Chairman Horton presented a list of meeting dates in 2023 for the Board to conduct meetings.

**MOTION:** Mr. Gray made the motion to approve the following Board meeting dates: February 14, June 6, August 22 and November 14, 2023. The motion was seconded by Mr. Curvin and unanimously approved by the Board.

Next Board Meeting: Chairman Horton reminded the members that the next meeting of the Board was scheduled February 14, 2023, and a meeting date to review the Board's examination questions would be announced.

Adjournment: There was no further business by the Board and Mr. Pearce made a motion that the meeting be adjourned. The motion was seconded by Mr. Gray and unanimously approved by the Board. Chairman Horton adjourned the meeting at 10:23 a.m.

Respectfully Submitted,

Pete Horton  
*Board Chair*

Keith E. Warren  
*Executive Director*  
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