



Alabama State Board of Auctioneers

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MINUTES

Board Meeting

June 6, 2023 - AMENDED

The Alabama State Board of Auctioneers met on Tuesday, June 6, 2023, at the Board's office located at 2777 Zelda Road in Montgomery. The meeting was advertised on the Board's website, www.auctioneer.alabama.gov, and the Secretary of State's website, www.sos.alabama.gov, in accordance with the Alabama Open Meetings Act.

Members in attendance were Mr. Mike Fisher (Vice Chair), Mr. John Gray (Board Secretary), Mr. Chad Curvin (member), Ms. Angella Morgan (member), Mr. Keith McDaniel (member), Mr. Chip Pearce (member), Mr. Randall Grissett (member) and Mr. Scott Barnes (new member). Also in attendance were Mr. Keith Warren (Executive Director), Mr. Chris Moore (Legal Counsel), Mr. Mike James (Investigator), Ms. Karen Harlow (Legal Assistant), Ms. Lora Evans (Executive Assistant) and Ms. Renee' Reames (recording secretary). Vice Chairman Fisher called the meeting to order at 9:03 a.m. Mr. Warren called the Board roll and indicated that a quorum of the members was present to conduct business.

Vice Chairman Fisher welcomed everyone attending the meeting. A word of prayer was given at the opening of the meeting and the pledge of allegiance was recited. Mr. Warren gave the opening statement concerning Roberts Rules of Order and the Alabama Open Meetings Act.

Oath of Office: Mr. Warren administered the oath of office to new member, Mr. Scott Barnes. The Board welcomed Mr. Barnes to the Board.

Approval of Meeting Agenda: Vice Chairman Fisher called for a motion to accept the meeting agenda. Mr. Gray made a motion to approve the June 6, 2023, meeting agenda as presented. The motion was seconded by Mr. Pearce and unanimously approved by the Board.

Approval of Minutes: Vice Chairman Fisher reported that a copy of the minutes from March 14, 2023, Board meeting was distributed to the members prior to the meeting for their review. Mr. Pearce made a motion to dispense with the reading of the minutes and approve the March minutes as presented. The motion was seconded by Mr. Gray 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 April 30, 2023. He reported on the current number of licensees, along with the results of applicant examinations and provided a list of companies that had applied for a single-day license. He also reported on the number of complaints received during FY 2023 and provided a similar report for FY 2021 and FY 2022 complaints, and disciplinary fines during this same period (reports available in Official Book of Minutes). Mr. James commented on complaints that were withdrawn, indicating that this sometime occurred when the complainant realized that the Board did not have jurisdiction regarding the matter.

Mr. Warren reviewed some of the activities accomplished by the staff since the last Board meeting held in March (report available in Official Book of Minutes). He commented on the photos and articles submitted for the Board's newsletter, which was soon to be released and posted on the Board's website.

Mr. Gray made the motion to accept the financial report as presented. The motion was seconded by Ms. Morgan and unanimously approved by the Board.

Legal Counsel Report: Mr. Chris Moore reported on closing a few cases received in FY 2020 that the auditor did not find reference in the Board's minutes as being approved by the Board. He presented the following cases:

Case 2020-002 – close case that involved a complaint against a company and the company closed.

Case 2020-003 – close case that had been settled with a signed consent agreement.

Case 2020-004 – close the case as unfounded.

MOTION: Mr. McDaniel made the motion to accept the Investigative Committee's recommendations to close the cases as presented. The motion was seconded by Mr. Pearce and unanimously approved by the Board.

Mr. James explained that cases determined as unfounded did not rise to the level that required Board disciplinary action, and cases determined as no jurisdiction of the Board were also in the category that required no action by the Board.

The Board discussed previous conversations about a board member consulting on complaint cases in their district. Mr. Warren explained that the procedures were changed, and the Board Vice Chairman served on the Investigative Committee (IC) and explained that this shielded the Board from liability of knowledge about the complaint during the decision-making process, and in some cases, information was redacted in considering action on a case. The Board discussed the caseload for the member serving on the IC and agreed to reevaluate the IC appointment and the Board would determine who would serve on the IC in the future.

Rules Committee Report: Mr. Warren reported that the Rules Committee had no new assignments to present.

Update on Association Activities: Mr. Pearce reported that Board members were honorary members of the Alabama Auctioneers' Association, and he invited them to the annual Association meeting to be held at Gulf Shores in September. He reported that the firearms sales continuing education training would be presented again at this meeting and reported on other activities planned at this annual meeting.

OLD BUSINESS

Vice Chairman Fisher called for any old business and there were none to report.

NEW BUSINESS

Advertising and Social Media: Mr. Pearce recommended that the Board consider spending Board funds toward educating the public about licensing requirements for auctioneers, and regulating online and live auctions. Mr. Moore commented on the Attorney General's opinions in 2008 and 2018 and indicated that the 2021 changes in the law were not significantly different regarding authority over online auctions. The Board agreed that the definition of auctions needed to be better defined. The Board discussed that an individual was required to be licensed if "holding one out to be an auctioneer," regardless of the live or online platform of the auction.

Mr. Warren reminded the Board about the State's procedures for RFPs and vendors for media campaigns. The Board discussed determining an amount for advertising. An example discussed as \$10,000 - \$25,000 in a fiscal year, or \$1,500 per month, and create criteria and specifications for vendors to present proposals.

MOTION: Mr. Pearce made the motion to select Mr. Fisher and Mr. Warren to serve on the Advertising Committee to develop specifications and release for bid for public education campaign and to report back to the Board. The motion was seconded by Mr. Gray and unanimously approved by the Board. The Board discussed tracking the use of the funds in evaluating the monthly expenditure and having the vendor provide results on the campaign. The Board agreed to start the process and to review the matter at the next meeting in determining the allocation of funds.

The Board agreed to begin reviewing other states' definition of auctions and review the Board's rules for future changes. In consideration of proposing further changes to the Board's statute, the Board also discussed having the authority to establish a recovery fund associated with consumer complaints.

Vice Chairman Fisher called a recess of the Board at 10:36 a.m. for 10 minutes.

Vice Chairman Fisher reconvened the business meeting at 10:46 a.m.

Election of Board Officers: Mr. Warren explained that the Board's statute required the election of Board officers when a member was appointed to the Board. Vice Chairman Fisher called for nominations for the offices of Chair, Vice Chair and Secretary.

Mr. Pearce nominated Mr. Fisher as Board Chair. The nomination was seconded by Mr. Grissett. There were no other nominations from the floor and Mr. Fisher was elected by acclamation.

Mr. Pearce nominated Mr. Curvin as Board Vice Chair. The nomination was seconded by Ms. Morgan. There were no other nominations from the floor and Mr. Curvin was elected by acclamation.

Mr. Pearce nominated Mr. Gray as Board Secretary. The nomination was seconded by Mr. McDaniel. There were no other nominations from the floor and Mr. Gray was elected by acclamation.

Board Member Service on Investigative Committee: The Board discussed having a member of the Board serve on the Investigative Committee (IC).

MOTION: Mr. McDaniel made a motion that Mr. Pearce be nominated to serve on the IC for six (6) months. The motion was seconded by Mr. Pearce and unanimously approved by the Board.

Vice Chairman Fisher called a recess of the Board at 11:18 a.m. for 10 minutes before discussing the examination process with Mr. Henry Sorensen with PROV.

Vice Chairman Fisher reconvened the business meeting at 10:28 a.m.

Update on Licensure Examination Review: Mr. Warren introduced Mr. Henry Sorensen, President of PROV, the company that administers the Board's licensure examination. Mr. Sorensen reviewed the criteria for creating an examination, i.e., valid and reliable test, ability score, etc. He distributed to the members an examination booklet for their review and discussion that included a confidentiality statement which all members signed.

Vice Chairman Fisher called a recess of the Board at 12:30 p.m. for lunch.
Vice Chairman Fisher reconvened the business meeting at 1:15 p.m.

The Board continued the review of the individual questions in the licensure exam and discussions continued with Mr. Sorensen. The Board's final recommendations were completed on modifications to the exam question and Mr. Sorensen concluded his presentation to the Board.

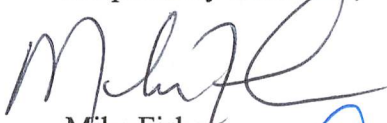
ANNOUNCEMENTS

Next Board Meeting: Vice Chairman Fisher announced that the next regularly scheduled meeting was Tuesday, August 15, 2023, at 9:00 a.m.

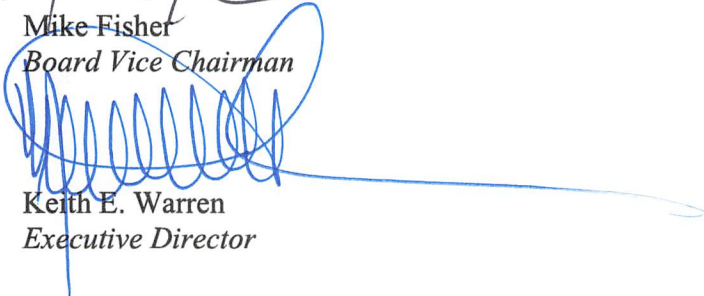
ADJOURNMENT

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. Vice Chairman Fisher adjourned the meeting at 3:32 p.m.

Respectfully Submitted,



Mike Fisher
Board Vice Chairman



Keith E. Warren
Executive Director

Amended Minutes Approved: August 15, 2023 rr