



Alabama State Board of Auctioneers

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MINUTES

Board Meeting

November 14, 2023

The Alabama State Board of Auctioneers met on Tuesday, November 14, 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 (Board Chair), Mr. Chad Curvin (Vice Chair), Mr. John Gray (Board Secretary), Ms. Angella Morgan (member), Mr. Keith McDaniel (member), Mr. Chip Pearce (member), Mr. Randall Grissett (member) and Mr. Scott Barnes (member). Also in attendance were Mr. Keith Warren (Executive Director), Mr. Cameron Elkins (Legal Counsel), Ms. Hope Childers (Board Administrator), Mr. Mike James (Investigator), Mr. Dennis Trammell (Investigator), Ms. Karen Harlow (Legal Assistant), Ms. Angela Warr (Executive Assistant) and Ms. Renee' Reames (recording secretary). Chairman Fisher called the meeting to order at 9:04 a.m. Mr. Warren called the Board member roll and indicated that a quorum of the members was present to conduct business.

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.

Approval of Meeting Agenda: Chairman Fisher called for a motion to accept the meeting agenda. Mr. McDaniel made a motion to approve the November 14, 2023, meeting agenda as presented. The motion was seconded by Mr. Gray and unanimously approved by the Board.

Approval of Minutes: Chairman Fisher reported that a copy of the minutes from August 15, 2023, regular meeting and amended minutes from the June 6, 2023 Board meeting were distributed to the members prior to the meeting for their review.

MOTION: Mr. McDaniel made a motion to dispense with the reading of the minutes and approve the August minutes and amended June 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, 2023. He reported on the current number of licensees, to include a list of expired licenses, inactive licenses, expired company licenses

and list of companies that had applied for a single-day license. Also included in the report was the list of activities performed by the staff since the last Board meeting held in August. Mr. Warren reported on the number of complaints received during fiscal years 2023 and 2024 (all reports available in the Board's official Book of Minutes).

Mr. Warren reported that the licensure examination was being updated with the new exam questions.

Mr. Warren requested articles from the members for the Winter newsletter and he indicated that it would contain an article about the recent Attorney General's Opinion, etc.

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

Legal Counsel Report: Mr. Cameron Elkins reviewed the recent Attorney General's Opinion regarding Internet auctions (copy available in the official Book of Minutes), and he indicated that the Rules would need to address the broad areas of the statute regarding Internet auctions.

He also presented a summary on Filing A Complaint and indicated that Mr. James would review the information with the Board later in the meeting.

Mr. Elkins reported that he had no report at this time from the Investigative Committee.

Rules Committee: Chairman Fisher asked the Rules Committee to meet and make a recommendation to the Board regarding the recent Attorney General's Opinion. He appointed Mr. Barnes to the Rules Committee and a January meeting date was discussed. Mr. Warren reported that with the promulgation of rules, the Board would continue notifying licensee of the rule changes and the disciplinary process would transition with the revised rules. Chairman Fisher deferred discussion of apprentice licenses until rules were reviewed concerning Internet auctions.

Mr. James commented on Ohio's rules concerning Internet auctions and firm licenses. He indicated that auctions held on the Facebook platform may be addressed as computer-ran auctions requiring a firm license and bid calling online required an auctioneer license. The Board discussed licensing of auctions should property be publicly bid, auction physically in the State, and if it was a public site, etc.

Mr. Warren recommended that a letter to the two co-chairs of the Sunset Committee be sent regarding the Board's approach concerning the Attorney General's Opinion and the letter signed by Chairman Fisher, and the Board concurred. He also recommended that the Board defer any legislation at this time.

Update on Association Activities: Mr. Pearce reported on activities of the State Association to include the CE class scheduled to be held in February 2024 and election of new Association President, Mr. DeWayne McClendon. He also mentioned discussions about joining with the Georgia Association in establishing a small convention to keep the industry strong.

NEW BUSINESS

Filing a Complaint and Investigation Process: Mr. James presented a PowerPoint presentation on Investigations and Complaints, and a copy of the Filing A Complaint summary was provided to the Board (copies available in the official Book of Minutes).

The Board discussed their authority to approve warrants for non-compliance after the Respondent in the case had been notified. The Board also discussed the recusal process on Board matters, including the member serving on the Investigative Committee (IC) when voting on disposition of complaint cases. Mr. Fisher reminded the Board that currently a Board member serves six (6) months on the IC and some cases may not be closed within a 6-month period.

MOTION: Mr. Gray made the motion that the assigned IC member would continue to serve specific to a case until the case was closed. The motion was seconded by Ms. Morgan and unanimously approved by the Board.

The Board agreed that should an IC member be unable to serve on the IC specific to a case and be recused, the Executive Director would appoint a new member to hear the case on the IC.

Update on Licensure Examination: Chairman Fisher indicated that the licensure examination report was presented earlier by the Executive Director.

Proposed 2024 Board Meeting Schedule: Chairman Fisher presented a list of dates for the Board to meet in 2024 and the Board discussed modifications to the proposed meeting schedule.

MOTION: Mr. Pearce made the motion to approve February 6, June 25, August 1, and November 12, 2024, as Board meeting dates. The motion was seconded by Mr. McDaniel and unanimously approved by the Board.

Mr. Warren and staff left the meeting at 10:12 a.m.

RFP Specifications for Administrative Services: Mr. Elkins presented proposed specifications for Request for Proposal for Administrative Services (proposed specifications available in the official Book of Minutes).

MOTION: Mr. Gray made the motion to approve the RFP specifications for administrative services. The motion was seconded by Mr. Pearce and unanimously approved by the Board.

Mr. Elkins reported that the current administrative services contract with Smith Warren would expire October 30, 2023.

MOTION: Mr. McDaniel made the motion to approve an emergency services contract for administrative services with Smith Warren for 90 days. The motion was seconded by Mr. Barnes and unanimously approved by the Board.

Mr. Warren and the staff joined the meeting at 10:35 a.m.

OTHER BUSINESS AND ANNOUNCEMENTS

Next Board Meeting: Chairman Fisher announced that the next regularly scheduled meeting of the Board was Tuesday, February 6, 2024 at 9:00 a.m.

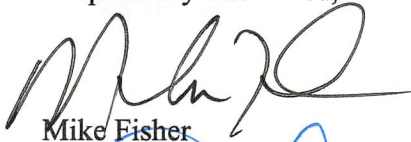
ADJOURNMENT

There was no further business by the Board and Chairman Fisher called for a motion to adjourn.

MOTION: Mr. McDaniel made a motion that the meeting be adjourned. The motion was seconded by Mr. Gray and unanimously approved by the Board.

Chairman Fisher adjourned the meeting at 10:38 a.m.

Respectfully Submitted,



Mike Fisher
Board Chair



Keith E. Warren
Executive Director

Approved on March 5, 2024 /rr 