

Georgia Auctioneer Commission
Board Meeting – July 25, 2016
Professional Licensing Boards Division of the Secretary of State
237 Coliseum Drive, Macon, Georgia 31217

Members Present:

- Charlie Gay, Chair
- Roy D. Cates Sr., Vice-Chair
- Larry “Bo” Benton
- Rossie Ross
- Stephen Burton

Others Present:

- La Trena Tyler-Jones, Executive Director
- David Stubins, Assistant Attorney General
- Laurie Elander, Licensing Supervisor
- Sandy Barboza, Board Support Specialist

Note: Visitors are excused during Executive Session unless scheduled for a personal appearance.

OPEN SESSION:

Charlie Gay, Chair, noted a quorum was present, called the meeting to order at 10:03 a.m. and declared the meeting to be “open” pursuant to the Open and Public Meeting Act, O.C.G.A. §§50-14-1 et seq.

Agenda:

The Board reviewed the Agenda for the July 25, 2016 meeting. Roy Cates motioned, Bo Benton seconded, and the Board voted unanimously to approve the agenda.

Minutes:

The Board reviewed the minutes from the May 23, 2016 meeting. Bo Benton motioned, Roy Cates, seconded, and the Board voted unanimously to approve the Open Meeting minutes and the Executive Session minutes.

Ratification List:

Licenses Issued: 05-24-16 thru 07-21-16 (Total – 21):

License No	Licensee
AU-C003057	Aardvark Antiques Inc
AU-C003058	Transportation Auction Consultants LLC
AU-C003059	Manheim Columbus
AU-C003060	Weeks Auction Group Inc
AU004237	Terry James Shetron
AU004238	Danny Cornell Meadows
AU004239	Harry Herman Pruitt
AU004240	Timothy Lee Newton
AU004241	Brandon Kyle Moore
AU004242	Sandra Secrist Hamilton

License No	Licensee
AU004243	Lisa Denise Gregory-Smith
AU004244	John P Gregory
AU004245	Anna Sims Gregory
AU004246	Linda Lee Johnson
AU004247	Derek Aaron Dodd
AU004248	Steven Lewis King
AU004249	John Anderson Adcock, Jr
AU004250	Kristi Belynda McCook
EXEMPT	Tarrytown Trading Post/Auction
EXEMPT	Bidilla Inc
EXEMPT	Estate Sellers LLC

Bo Benton motioned, Roy Cates seconded, and the Board voted unanimously to ratify the licenses issued in accordance with Board Rules and Policies between meetings.

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EXECUTIVE SESSION:

Rossie Ross motioned, Stephen Burton seconded, and the Board voted to enter into Executive Session at 10:06 a.m. in accordance with O.C.G.A. §§ 43-1-2 (k) and 43-1-19 (h), to deliberate on applications, review complaints, and hear the Attorney General’s report. The motion passed unanimously.

At the conclusion of the Executive Session, Charlie Gay declared the meeting to be “open” pursuant to the Open and Public Meeting Act, O.C.G.A. §§ 50-14-1 et seq. No votes were taken during Executive Session.

Open Session:

Bo Benton motioned, Roy Cates seconded, and the Board voted unanimously in favor of the motion to accept the following recommendations made during Executive Session:

Applications:

Application # 2627275 John Jay Nelson – Auctioneer - approved.

Application # 2624538 Michael James Reynolds – Auctioneer - approved.

Application # 2630078 Mark Lawrence Baker, Auctioneer – approved.

Complaints:

AUCT150029 – Close - no action – license lapsed.

AUCT160022 – Close with a letter of concern regarding starting auctions at the advertised time.

AUCT160023 – Close with a letter of concern, license must be reinstated, license # must appear in advertisements.

AUCT160024 – Close with letter of concern regarding absolute auctions.

AUCT170001 – Tabled – refer to Investigations.

AUCT170002 – Tabled – refer to Investigations.

AUCT170003 – Tabled – refer to Inspections to verify maintenance of records.

AUCT170004 – Tabled – refer to Investigations.

Attorney General’s Report – David Stubins:

Roy Cates motioned, Bo Benton seconded and the Board voted unanimously in favor of the motion to accept the Attorney General’s report, recommendation, and response as presented in executive session:

- 1) B.A.C. - Refer any complaints to the Attorney General’s office to prepare Notice of Hearing for revocation. Recommendation to take action to revoke license.

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2) Provided response to inquiry of inspector’s authority to issue fines for violations. The Commission would need to establish a statute to appoint and empower an inspector to issues fines for violation(s) found during inspection.

Policies:

The Board adopted a policy adding a **Schedule of Fines**.

Violation	Amount
Current Company License or Exemption Certificate O.C.G.A. §§ 43-6-9(c).	\$500.00
Current Auctioneer License O.C.G.A. §§ 43-6-9(c).	\$500.00 per license
Failure to make address change within 10 days O.C.G.A. §§ 43-6-21(a).	\$100.00
Records: Rule 55-5-.01(3).	\$200.00
Escrow Account: Rule 55-5-.02.	\$250.00
Money Due Others Paid within 30 days or per contract O.C.G.A. §§ 43-6-21(a).	\$250.00
Closing Statements of each Auction held for past 3 years Rule 55-5-.01(3).	\$100.00 per violation
License Pocket Card in Possession O.C.G.A. §§ 43-6-21(a).	\$ 50.00
Name/License number in Advertisements Rule 55-5-.01(2).	\$100.00 per violation
Display License in Office O.C.G.A. §§ 43-6-14.	\$ 50.00
Branch Office License Display O.C.G.A. §§ 43-6-14.	\$ 50.00
Aiding & Abetting in Unlicensed Practice O.C.G.A. §§ 43-1-19(d)(7).	\$500.00 per violation
Violation of Absolute Auction by Selling Items with Reserve Rule 55-10-.01.	\$500.00
Comingling Funds O.C.G.A. §§ 43-6-18(3).	\$250.00
Failure to notify Commission of Loss of Auctioneer Directly Supervising Company within 15 days. Rule 55-7-.04.	\$250.00

The Board adopted a policy for **Licensure by Reciprocity**:

- Applicants may sit for the exam:
 - If they have served an apprenticeship and/or graduated from Auction School or
 - If they have completed a state’s mandatory apprenticeship or
 - If they have passed an exam and obtained a state agency license that is current and active.

Ratification:

The Board ratified the previous acceptance of Home Prep as a Continuing Education Provider; verification of Tennessee and Virginia approvals received.

Correspondence:

A question was received from Auctioneer Lawrence Pregent regarding the auction of used cars. The Board responded that the company must have both a licensed auctioneer and a licensed used motor vehicle dealer. The auctioneer is not required to have both licenses. Bo Benton recommended referring the question to the Board of Used Motor Vehicle Dealers as well.

Discussion:

Schedule a work committee to review current Laws, Rules, and Policies for updates and/or changes.

Adjournment: With there being no further business, the meeting adjourned at 12:08 a.m.

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The next meeting of the Georgia Auctioneer Commission will be held Monday, September 26, 2016 at 10:00 a.m. at 237 Coliseum Drive, Macon, Georgia.

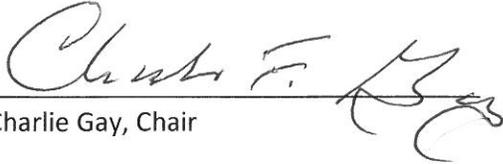
Minutes prepared by:

Sandy Barboza, Board Support Specialist

Minutes reviewed and edited by:

La Trenda Tyler-Jones, Executive Director

Minutes were approved on: 9-26-2016



Charlie Gay, Chair



La Trenda Tyler-Jones, Executive Director

STATE OF GEORGIA

COUNTY OF BIBB

AFFIDAVIT SUPPORTING CLOSING OF PUBLIC MEETING

The Georgia Open Meetings Act, O.C.G.A 50-14-1 et seq., requires that all meetings of an entity covered by the statute must be open to the public unless there is some specific statutory exception which permits the closing of the meeting. If such a meeting is to be closed, the law requires that the presiding person execute a sworn affidavit stating that the subject matter of the meeting or the closed portion thereof was devoted to matters within the statutory exceptions and identifying those specified exemptions relied upon. O.C.G. A. 50-14-4(b). A copy of this affidavit must be filed with the minutes of the meetings in question.

Comes now Charlie Gay, Chairman identified below and, before an official duly authorized to administer oaths, makes this affidavit in satisfaction of the statutory requirements outlined above.

1. I am the presiding officer of the Georgia Auctioneer Commission.
2. I am over the age of 18 and in other aspects competent to make this sworn statement. I acknowledge that I am giving this statement under oath and subject to penalty of perjury and that I have read the contents of this affidavit prior to signing it.
3. On July 25, 2016 this entity, which is subject to the Open Meetings Act, met. A majority of the quorum of members present voted to close the meeting or a portion thereof of the following indicated reason(s). I hereby certify that that during the closed portion of the meeting, only those subjects indicated below were discussed. I also certify that I have reviewed the exceptions provided under the Open Meetings Act that may permit the closing of a meeting and that, to the best of my knowledge, the reasons I have described in detail below meet the requirements for closing this public meeting. The legal authority for closure of this meeting was: O.C.G.A. 43-1-2(k).
4. The subjects discussed and the underlying facts supporting the closing of this meeting are as follows:
Applications and other personal information submitted by the applicants; information, favorable or unfavorable, submitted by a reference source concerning an applicant; and deliberations of the Board with respect to an application, an examination, a complaint, an investigation, or a disciplinary proceeding.

FURTHER THE AFFIANT SAYETH NOT.


PRESIDING OFFICER

Sworn to and subscribed before me this 25th
Day of July 2016.


Notary Public

