

Georgia Auctioneers Commission
Teleconference Meeting Minutes – May 18, 2020
Professional Licensing Boards Division of the Secretary of State
237 Coliseum Drive, Macon, Georgia 31217

Members Present:

- Stephen Burton, Chair
- Kim Hagen
- Larry “Bo” Benton
- Perry Walden
- Rossie Ross

Others Present:

- Brad Coman, Executive Director
- Alexis Hardy, Board Support Specialist
- Cindy Groves, Licensing Analyst
- Carla Murray, Licensing Supervisor
- Betsy Cohen, Assistant Attorney General

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

OPEN SESSION:

Stephen Burton, Chair, noted a quorum was present, called the meeting to order at 10:08 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:

Kim Hagen moved, Bo Benton seconded, and the Commission voted to approve the May 18, 2020 agenda.

Minutes:

Kim Hagen moved, Bo Benton seconded, and the Commission voted to approve the March 30, 2020 Open Meeting minutes and Executive Session minutes.

Ratification List:

Licenses Issued: 3/24/2020 – 5/13/2020- (Total 2): Kim Hagen moved, Bo Benton seconded, and the Commission voted to ratify the licenses issued between meetings in accordance with Commission Rules and Policies.

License #	Licensee
AU-C003161	Bid It Auctions LLC
AU004457	Brian Lee Brockman

EXECUTIVE SESSION:

Kim Hagen moved, Bo Benton seconded, and the Commission voted to enter into Executive Session at 10:09 a.m. in accordance with O.C.G.A. §§ 43-1-2 (k); 43-1-19 (h); and 43-6 for the purpose of discussing and reviewing applications and complaint cases, and to hear the Attorney General’s report.

At the conclusion of Executive Session, Stephen Burton, Chair, declared the meeting to be “open” pursuant to the Open and Public Meeting Act, O.C.G.A. §§ 50-14-1 et seq. at 10:56 a.m. No votes were taken during Executive Session.

OPEN SESSION:

Bo Benton moved, Kim Hagen seconded, and the Commission voted to accept the following recommendations made during Executive Session:

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Applications:

2552995 – Approved for renewal with letter to licensee addressing statutory obligation to notify the Commission of arrests and convictions.

Complaints:

AUCT200012 – Close – Refer to Georgia Board of Used Motor Vehicles.

AUCT200013 – Table – Refer to Investigations to obtain statement from respondent and offer a voluntary Cease and Desist order to anyone found practicing without a license.

AUCT200014 – Close – No violation.

AUCT200015 – Close – No jurisdiction.

AUCT200016 – Table – Refer to Investigations to obtain settlement statements and statement from respondents.

AUCT200008 – Close – Lack of information.

Attorney General's Report:

The Commission reviewed and accepted the Attorney General's report, which included information on any cases referred for action and requested legal advice. The Commission reviewed the Memorandum of Authority for the Proposed Rule Amendments, and asked that further review be tabled to the July 27, 2020 Commission meeting.

Other Business

Missouri Auction School

The Commission reviewed correspondence, including additional information provided between meetings at the Commission's request, from Missouri Auction School regarding distance learning in conjunction with the CDC guidelines during the COVID-19 pandemic. The Commission noted that they will be voting to adopt an Emergency Rule to address this issue during the Georgia State of Emergency. The Commission also noted their plans to revisit their rules to look at the possibility of making permanent changes to address distance learning for prelicensure education. Kim Hagen moved, Bo Benton seconded, and the motion carried.

Western College of Auctioneering

The Commission reviewed an inquiry from Western College of Auctioneering regarding whether or not distance learning is currently allowed for prelicensure education. The Commission noted that Western College of Auctioneering should first apply for approval as an Auctioneer School, and that the Commission will be voting to adopt an Emergency Rule to address this issue during the Georgia State of Emergency, with plans to revisit their rules to look at the possibility of making permanent changes to address distance learning for prelicensure education. Kim Hagen moved, Bo Benton seconded, and the motion carried.

Proposed Emergency Rule Changes

Upon finding that the coronavirus pandemic is of imminent peril to the public health, safety, or welfare; and, upon Governor Kemp's executive order declaring a public health emergency in the state of Georgia; and based upon the fact that in-person prelicensure education has been cancelled, making applicants unable to complete the necessary training for licensure, Kim Hagen motioned, Bo Benton seconded, and the Commission voted unanimously to adopt Emergency Commission Rule 55-8-0.1-.01. The formulation

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and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as required by O.C.G.A. § 50-13-4.

Rule 55-8-.01 Emergency Rule on Schools

Due to the State of Emergency regarding COVID-19, in addition to the traditional classroom setting, prelicensure education may also be taught via webinar. For prelicensure education taught via webinar at least 75% must be taught via live webinar that is instructor led with student interaction, and student participation must be monitored by a required webcam feed. No more than 25% of prelicensure education may be obtained via pre-recorded lectures or webinars. Other than the teaching method, all rules regarding schools remain in effect, including the requirement that prelicensure education consist of a minimum of 80 credit hours earned in not less than ten (10) days. This rule shall be in effect for the duration of the Georgia State of Emergency and for a period of not more than one-hundred twenty (120) days thereafter.

- (1) Schools of auctioneering seeking approval must provide the Commission with the following information:
 - (a) Completed application on a form approved by the Commission and required fee. (See fee schedule.)
 - (b) Submit evidence that all instructors in the school have a minimum of five years of experience in the auction profession, or in a profession directly related to the instruction material;
 - (c) Submit evidence of a policy requiring students to spend at least 80 credit hours in class and 10 days in attendance, and to be completed within an 80-day calendar period for certification of graduation from the school;
 - (d) Submit a copy of the written examination required for certification of graduation from the school, the testing policy, and the passing score for the test; and
 - (e) Submit a curriculum which contains a minimum of 80 credit hours earned in not less than ten (10) days which must include the following subjects:
 1. Bid calling;
 2. Georgia law, rules and regulations governing the profession of auctioneering;
 3. Ethics;
 4. Laws relating to bulk sales and the uniform commercial code as it relates to auctioneering;
 5. Advertising;
 6. Contracts; and
 7. Accounting and bookkeeping procedures, and final settlements. Other subjects that may be included in the curriculum are: antiques and furniture, art, automobiles, bankruptcy, estates, business liquidations, farm equipment, heavy machinery, jewelry, livestock, real estate, tobacco, set-up, conducting, personnel, and personal hygiene.
- (2) An approved school shall notify the Commission within 30 days of any change(s) in the curriculum plan that was submitted with the application as required by paragraph (1) during the time the school is approved.

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- (3) An approved school which fails to comply with any requirement provided by the laws or rules, or which fails to meet the requirements provided in paragraph (1) of this rule may lose its approval by the Commission after written notice by mail to the last address on file with the Commission. The school has ten (10) days to respond to the notice. If the notice is returned "undeliverable," "unclaimed," "address unknown," or "moved, left no forwarding address," or if the school fails to respond within the ten (10) days, the school shall be deemed to waive its right to respond.
- (4) All approved schools must renew Commission-approval and pay a renewal fee as prescribed by the Commission on or before February 28, of even years beginning in 2006.
- (5) Any school during the time it is approved by the Commission may use only the following language indicating its approval status in all materials or advertisements published and/or distributed on behalf of the school: "This school was approved by the Georgia Auctioneers Commission on (date) and its approval expires February 28, (year)."

Authority: O.C.G.A. Secs. 43-1-19, 43-1-24, 43-1-25, 43-6-7, 43-6-11.

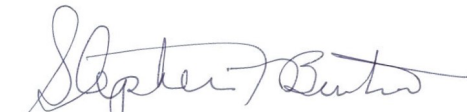
The next meeting of the Georgia Auctioneer Commission will be held Monday, July 27, 2020 at 10:00 a.m. at 237 Coliseum Drive, Macon, Georgia.


There being no further business, Stephen Burton, Chair, declared the meeting adjourned at 11:57 a.m.

Minutes prepared by: Alexis Hardy, Board Support Specialist

Minutes reviewed and edited by: Brad Coman, Executive Director

Minutes were approved on: July 27, 2020


Stephen Burton, Chair


Brad Coman, Executive Director