

Georgia Auctioneers Commission
Board Meeting Minutes – March 27, 2023
Professional Licensing Boards Division of the Secretary of State
237 Coliseum Drive, Macon, Georgia 31217

Members Present:

- Kim Hagen, Chair *
- Perry Walden *
- Larry “Bo” Benton *
- Stephen Burton *
- Al Lawson *

Others Present:

- Brad Coman, Executive Director *
- Melanie Foster, Licensing Supervisor *
- Kristin Mitchell, Board Support Specialist *
- Mary Brannen, Senior Assistant Attorney General *

* *via teleconference*

Members Absent:

- Patty Brown

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

OPEN SESSION:

Bo Benton, Chair, noted a quorum was present, called the meeting to order at 10:02 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, Al Lawson seconded, and the Commission voted to approve the March 27, 2023 agenda.

Minutes:

Kim Hagen moved, Perry Walden seconded, and the Commission voted to approve the January 30, 2022 Open Meeting minutes and Executive Session minutes.

Ratification List:

Licenses Issued: 1/27/23 – 3/23/23 - (Total 10): Kim Hagen moved, Al Lawson seconded, and the Commission voted to ratify the licenses issued between meetings in accordance with Commission Rules and Policies.

License #	Licensee
AU-C003210	Cottle & Gunn Auction Company
AU-C003211	Vintage 41 LLC
AU-C003212	Atlanta Furniture Auction, LLC
AU004589	Jason E Walker
AU004590	Charles Jeffery Morgan

License #	Licensee
AU004591	Erin Elizabeth Trammell
AU004592	David Wright
AU004593	Scott Paul Corcoran
AU004594	Erick P Cogburn
AU004595	Shawn Daniel Clayborn

Rules Adoption Hearing:

Bo Benton, Chair, called the rule adoption hearing to order at 10:04 a.m. and noted that the hearing was being recorded. Executive Director, Brad Coman noted that no written comments regarding the proposed rule had been received and there were no visitors present who wished to offer comments.

COMMISSION RULE CHAPTER 55-3 APPLICATION FOR LICENSURE

The Commission believes it is necessary to adopt Rule 55-3-.04 to clarify the requirements for reinstatement of an Auctioneer license in an effort to treat reinstatement applicants consistently, but not penalize applicants who have maintained a license in another state, especially with respect to examination requirements. The Commission has considered multiple variations of this rule and has determined this to

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be the most succinct wording while adhering to requirements in the statute and ensuring competent practitioners.

Kim Hagen moved that the formulation and adoption of these rules 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. Perry Walden seconded the motion and it carried unanimously.

Kim Hagen moved to adopt Rule 55-3-.04. Perry Walden seconded the motion and it carried unanimously.

Rule 55-3-.04 Reinstatement – Auctioneer

- (1) Failure to renew an Auctioneer license prior to March 31st of each even numbered year shall have the same effect as revocation. Any consideration for license reinstatement shall be at the discretion of the Commission and shall require submission of a reinstatement application and reinstatement fee.
- (2) The Commission in its discretion may reinstate an Auctioneer license upon receipt of an application, evidence of completion of at least eight (8) hours of Commission-approved Continuing Education within the previous 24 months and appropriate fees as noted on the Fee Schedule.
- (3) Licenses that have been lapsed for over two (2) years may be reinstated at the discretion of the Commission when the applicant has met the following criteria:
 - (a) Retaken and passed the Commission-approved examination; or
 - (b) submitted a verified license in good standing issued by another country, or by any state, territory, or possession of the United States which has requirements for licensure substantially similar to the Commission.

Authority: O.C.G.A. §§ 43-6-7, 43-6-8, 43-6-10, 43-6-11, 43-6-11.2, 43-6-12, and 43-6-13.

The rule adoption hearing was adjourned at 10:08 a.m.

EXECUTIVE SESSION:

Kim Hagen moved, Al Lawson seconded, and the Commission voted to enter into Executive Session at 10:08 a.m. in accordance with O.C.G.A. §§ 43-1-2 (k); 43-1-19 (h); and 43-6 for the purpose of reviewing and discussing applications, complaints, and to hear the Attorney General’s report.

At the conclusion of Executive Session, Bo Benton, 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 11:32 a.m. No votes were taken during Executive Session.

OPEN SESSION:

Perry Walden moved, Al Lawson seconded, and the Commission voted to accept the following recommendations made during Executive Session:

Applications:

Application # 3071469 – Approved.

Application # 3080587 – Approved.

Application # 3081824 – Approved.

Complaints:

AUCT230001 – Close – Matter resolved.

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AUCT230010 – Close – Refer to Investigations to obtain a statement from the respondent and other additional information.

AUCT230009 – Table – Refer to Inspections to perform a routine inspection and to obtain additional information from respondent.

AUCT230011 – Close – Matter resolved.

AUCT230012 – Table – Refer to Inspections to obtain a statement from respondents any other supporting documents.

AUCT230007 – Table – Refer to Investigations to obtain statement from respondent.

AUCT230008 – Close - Refer to Georgia State Board for the Registration of Used Motor Vehicle Dealers.

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 a memo from the Attorney’s General ‘s Office regarding proposed rule amendments to Rules 55-3-.01, 55-4-.01, 55-4-.02, 55-4-.05, 55-4-.06, 55-5-.01, and 55-5-.02. The Commission recommended to table the discussion until the September 25, 2023, meeting.

The Commission made the recommendation to release the Attorney General’s Memorandum of Authority for Amendments to Rule 55-3-.04.

Other Business

Correspondence:

The Commission reviewed and discussed correspondence requesting the Commission's input on whether or not an individual would need to be a licensed Auctioneer to sell items on WhatNot. Perry Walden moved that while the Commission cannot provide business or legal advice or interpret the laws or rules for the questioner, an Auctioneers license should not be required as long as the items are personally owned by individual auctioning the items. If the items are not personally owned by the individual auctioning the items and they are looking to conduct online auctions, the Commission's interpretation is that if they perform any of the acts of an Auctioneer or engage in the business of auctioneering in Georgia (for example, if they have an auction storefront in Georgia, if they take consignments for auction in Georgia, if they write a contract to sell goods at auction in Georgia, if they receive funds following an auction on behalf of the seller or pay a seller in Georgia, and/or if there is a physical presence of personal property offered to be auctioned in Georgia), they must be licensed as an Auctioneer in Georgia and/or the company must be registered as an Auction Company in Georgia. Kim Hagen seconded, and the motion passed unanimously. The Commission encourages the questioner to read the Commission’s laws and rules, specifically the definitions provided in O.C.G.A. § 43-6-1.

Legislative Discussion:

The Commission discussed needed changes to the current Commission Law and Rules to address online auctions and company exemptions more clearly. The Commission also reviewed and discussed any bills or proposed statutory changes which would impact the Auction industry or the Commission, including HB 155, SB 157, and SB 195.

The next meeting of the Georgia Auctioneer Commission will be held Monday, May 22, 2023, at 10:00 a.m.

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There being no further business, Bo Benton, Chair, declared the meeting adjourned at 11:48 a.m.

Minutes recorded by: Kristin Mitchell, Board Support Specialist

Minutes reviewed and edited by: Brad Coman, Executive Director

Minutes were approved on: May 22, 2023.


Bo Benton, Chair


Brad Coman, Executive Director