

EXECUTIVE SUMMARY

Auctioneers Board

Meeting Type: General
Meeting Date: June 26, 2003
Meeting Location: Telephone Conference Call

ATTENDEES

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| Fred Dietrich, Chair | Douglas Brackett, Applicant |
| Joann Hill, Board | John Madeline, Applicant |
| Annette Elms, Board | Gary Caufield, Auctioneer |
| Craig Accardo, Board | Richard Phillips, Applicant |
| Michael Moecker, Board | Richard Guild, Applicant |
| Julie Malone, Executive Director | Johnny Garrett Isitt, Applicant |
| Donna Salters-Thomas, Government Analyst | Linda Gaustad, Attorney |
| Andrea Beacroft, DBPR Regulations | Darlene Isitt, Witness |
| Mark Whitten, Deputy Director | Jerry Feldman, Applicant |
| Krista Woodard, Government Analyst | Jim Skeen, Florida Auctioneers Academy |
| Eric Glover, Board Attorney | Mark Supnick, Auctioneer |
| Charlie Pelligreni, Prosecuting Attorney | Salvatore Valaenziano, Auctioneer |
| Robert Orren South, Auctioneer | |

Major Issues

- Minutes of last meeting were approved
- Division of Regulation report reviewed
- Mark Whitten, Deputy Director of Regulations commented that he has directed unlicensed activity Coordinator, John Knapp to have an unlicensed activity month.

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Informal Hearings:

- Mark Elliott Supnick; case # 2002-00265, was charged with nine (9) violations of Section 468.389, F.S. whereas he did not fully pay proceeds. The settlement stipulation was administrative fines of \$1000, investigative costs of \$494.46, respondent was placed on probation for 12 months.
- Ritchie Brothers case # 2002-001176. Respondent charged with violation of Section 468.389 (1)(a), by having been adjudged in breach of contract in a civil action and Section 468.389 (1). He was assessed cost of \$199.28.
- Certified Auction Company, case # 2002-005399. Respondent was charge with violation of Section 468.389. The department imposed an administrative fine of \$300, investigative costs of \$723.68 and reprimand.
- James W. Umsted, Jr. case # 2002-0262. Respondent entered into an agreement with the department for discipline, a settlement stipulation was imposed and administrative fine of \$750; investigative costs \$336.30, and was placed on probation for six months.
- Robert Orren South, case # 2002-010877. He was charged with violation of sections 468.388 (4), (5), F.S. As discipline, the settlement stipulation imposed an administrative fine of \$500; and investigative costs \$322.11.

Motion of Default

- John H. Geers/Rainbow Auction Services; case # 2002-012613; and case # 2003-001367. The respondent failed to file election of rights or to otherwise establish a dispute of material facts within a 21-day period. The board issued a final order, imposing no administrative fine, assessed investigative and prosecuting costs of \$198.63.
- Case # 2003-001367, Rainbow Auction Services, an administrative fine of \$100 was imposed; investigative and prosecuting costs \$116.26; and reprimand respondent's AB.
- Case # 2002-012613. The department's recommendation of no fine with a cost of \$198.63.
- Case # 2003-001367, Rainbow Auction Service. The department recommended a \$100 fine, cost of \$116.26 and a reprimand on the license.

CONSIDERATION OF APPLICATIONS

- Ratification lists was passed unanimously.
- License by Reciprocity was passed unanimously.
- License by Null & Void was passed unanimously.

Reconsideration

- Johnny Garrett Isitt was formerly denied due to criminal history, he submitted a signed affidavit regarding his character. The reconsideration passed unanimously.
- John Maddeline's application for reconsideration was presented. It was explained that there was no charge or record for domestic violence, the vote resumed and the motion was carried unanimously.
- Jerry Feldman, exam application was passed unanimously.
- Richard Lloyd Phillips, exam application was reconsidered due to disclosed criminal history of DUI. The application was approved and passed unanimously.
- Mark Cleatious Thomas, Reciprocity Application with disciplinary history. Mr. Thomas was not on the call, however, the application was considered incomplete with a request for additional information. The application was tabled for the next meeting.
- Douglas Brackett's application was considered for reinstatement. He paid a fine of \$1090.62. Mr. Brackett addressed the board indicating that someone used his license without permission in 1998 and was late paying the consignment. The motion passed unanimously.
- Ms. Glover provided the board a statute regarding licensure as it pertains to denying and approving licenses. She explained that just because there is criminal history that is not enough to deny a license.
- Mr. Moecker asked, "Does that mean that the board would have to go back to the legislature to get an amendment to the statute and attain the authority to intervene in civil suites?"
- Ms. Malone introduced the idea of expanding mediation.
- There are no claims on the Recovery Fund.
- The NALLOA meeting will be held in San Antonio, Texas
- A motion was approved for one night lodging, and registration, no airfare/no travel no mileage for Chair to attend NALLOA meeting.
- Ms. Malone reported that there was incorrect information on the NAA website. The board's communication office has been in contact with them to correct the problem.
- Ms. Malone provided and update on the computer based testing contract dispute and mass mailing.

Date & Location of Next Meeting

- The next meeting is scheduled for Thursday, September 25, 2003, face-to-face per budget. F. Dietrich suggests a September 25th meeting at 10:00 a.m.
- A face-to-face meeting is planned in conjunction with the Florida Auctioneers Convention December 5th.
- Mr. Dietrich was approved as Chair.
- Mr. Moecker was approved as Vice Chair.
- Meeting was adjourned 1:16 p.m.

Actions Items:

- Ms. Malone will write a letter to Cheryl McDonum to commend her work on an unlicensed activity case.
- Mr. Pellegrini will include a prior draft of statutory change that would impose stringent qualifications on licensure for an auction business.
- Ms. Malone will give the board an update on computer-based testing.