

**EXECUTIVE SUMMARY**  
**Florida Board of Auctioneers Meeting**  
**September 28, 2004**  
**10:00 a.m.**

**Meeting Type:** General Business Meeting

**Meeting Date:** September 29, 2004

**Meeting Location:** Telephone Conference Call

**Board Members Present:** Fred Dietrich, Chair; Michael Moecker, Vice Chair; Craig Accardo

**Excused Absences:** Annette Elms; JoAnn Hill

**Staff Present:** Julie Malone Garofalo, Executive Director  
Donna Salters, Government Analyst  
Mary Ellen Clark, Asst. Attny General  
Daniel Biggins, Asst. Attny General  
Brian Higgins, Asst. General Counsel

**Others Present:** Eric Gifford, Attorney for Mr. & Mrs. Martinez  
Sue Hill, Attorney for Thomas Heller  
James Giannuzzi, Applicant  
Matthew Lorentz, Applicant  
Jeffrey Howard, Applicant

**Major Issues:**

- The minutes from the April 5, 2004 meeting were approved
  
- There were three applications reviewed
  1. The board accepted James Giannuzzi's, application # 3316 from null and void.
  2. Jeffrey Carlos Howard, application #3178 was postponed. Ms. Clark stated that he was required to provide documentation concerning revocation of his real estate license in Georgia. Mr. Howard waived his 90 days right and will submit the information.
  3. Matthew J. Lorentz, application # 158 for apprentice was approved by the board
  
- There were three cases presented for discipline
  1. Wanted Dead or Alive Antiques, case # 2003-072263, was charged with violations of Sections 468.389(1) (c), F.S. The case was set for a motion of waiver. The board revoked AB 2116 because the business already had a significant fine and that it has never been paid.
  2. Lake Worth Antique Mall license AB 2154 case # 2002-014015. This case was set for a motion for waiver. The board issued cost in the amount of \$416.70, a fine in the amount of \$3000 and revocation of license AB 2154.
  3. Thomas B. Heller AU 1131, case # 2004-009799, was presented for settlement stipulation for a violation against Chapter 468 F.S. Mr. Heller signed a stipulation requiring him to pay an administrative fine of \$1000; costs of \$76.06 and probation for two years.

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- 59 Applications were presented for ratification
  1. 20 licenses issued for auctioneers by examination.
  2. 12 applications by endorsement approved.
  3. 24 applications for auction business approved
  4. 1 application presented from null & void status
  5. 2 applications were approved for auctioneer apprentice
- Gilligan, King and Gooding Law Offices on behalf of Mr. & Mrs. Martinez submitted an auctioneer recovery fund application. A discussion ensued concerning whether or not the claim was submitted in a timely manner. It was found that the auction was an absolute sell and the complainants should have known this. The application was denied having found that there was a violation of section 468.389 (1)(e) but there was no actual loss demonstrated and that the claim was not made within two years.
- Draft legislation was presented in regards to sections 489.522, F.S. Board Counsel reviewed North Carolina law; sections of 489.522, F.S. for electrical contractors licensing board was provided for example legislation. The draft was accepted with a recommendation that under (d) add the word insolvency with bankruptcy.
- There was a discussion on fingerprint card legislation for auction business application. The board would need to expand sections 468.385 F.S. to include auction business and all other auction licenses for this change. Board Counsel explained that once the language is approved, it could be taken to the associations and other individuals to lobby legislators. The proposed language was approved.
- Ms. Clark introduced the new board attorney, Mr. Daniel Biggins.
- The Florida Auctioneers Association (FAA) will be asked to provide some recommended language for the unlicensed activity brochure. The sample brochure should be available by the next meeting.
- A letter from Stan Crook (FAA) was submitted endorsing the proposed legislation in regards to fingerprint requirements for auctioneers.
- Marc Drexler, DBPR Collections Attorney provided a memo indicating that A & E Auctions was submitted as a write-off as the respondent's corporation had been administratively dissolved.
- Mrs. Malone Garofalo provided an update on the auctioneer newsletter. It was decided that all licensees should receive the newsletter. She also presented the financial report for June 30, 2004. The board inquired about decreasing fees and she will have a report at the December meeting.
- Complaints and investigations statistics as of July 2004 are 7 complaints added, 3 complaints found legally sufficient; 1 unlicensed complaint found legally sufficient; 1 investigation assigned; 6 investigations completed; and 2 informal recoveries.
- Complaints and Investigative statistics between July 2003 – June 2004 are 127 complaints added; 86 complaints found legally sufficient; 14 unlicensed activity complaints found legally sufficient; 81 investigations assigned; 48 investigations completed and 31 informal recoveries.

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- The next scheduled board meeting is on Tuesday, December 7, 2004 at 9:00 a.m. in Tallahassee.
- The meeting was adjourned at 1:15 p.m.

Submitted by:

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Donna Salters

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(date)