

**MEETING OF  
THE FLORIDA BOARD OF AUCTIONEERS**  
Regal Sun Resort  
1850 Hotel Plaza Boulevard  
Lake Bunea Vista, Florida 32830-2202  
**Wednesday, September 19, 2007 @ 9:00 am est.**

**CALL TO ORDER**

Mr. Moecker, Chair, called the meeting to order at 9:00 a.m. Mr. Dietrich asked everyone to stand and recite the pledge of allegiance and Mr. Shearer gave the invocation. There was a roll call and a quorum was established.

**BOARD MEMBERS PRESENT**

Michael Moecker, Chair  
Craig Accardo  
H. Fred Dietrich, III  
Donald "Don" Shearer

**STAFF PRESENT**

Anthony Spivey, Executive Director  
Renese Jones, Government Analyst  
Eric Hurst, Prosecuting Attorney  
Barbara Edwards, Assistant Attorney General

**OTHERS PRESENT**

John R. Tolbert  
Richard Hansworth  
Howard Hechman, Attorney  
John C. Williams, Auction Co.

Mr. Moecker welcomed Mr. Shearer and Mr. Dietrich as newly reappointed auctioneer board members.

**APPROVAL OF MINUTES FROM JUNE 4, 2007**

The minutes were approved with no noted corrections.

Motion: Mr. Moecker moved to approve the minutes.  
Second: Mr. Accardo seconded the motion and it passed unanimously.

**PUBLIC COMMENTS**

No comments

**APPLICATIONS**

Mr. Spivey presented the application list for ratification as follows:

**AUCTIONEERS LIST**

## **AUCTIONEER BY EXAMINATION**

MALCOM-SMITH, MICHAEL	AU 3672	DAVIS, DAVID L	AU 3701
HUNT, HERBERT A	AU 3673	HARGUS, COYT	AU 3702
KELLY, PAUL	AU 3674	HEY, CHRISTY T	AU 3705
HANSEN, DAVID D	AU 3675	PARDUS, DAN J	AU 3706
SITTER, JORDAN	AU 3676	CHIPPS, LORI L	AU 3707
BRISCOE, DOMINIC A	AU 3677	STOCKLEY, DENNIS R	AU 3708
ELMORE, ALBERT D	AU 3678	OLIVER, FRED C	AU 3709
SMITH, GLENN G	AU 3679	HABER, RICHARD D	AU 3710
MOYNIHAN, TREVOR S	AU 3680	PRATT, BRANDON T	AU 3711
GRASSO, CRAIG M	AU 3681	SKIDMORE, JOSHUA A	AU 3712
STOUGHTON, CARLTON P	AU 3682	HALL, ANGELA R	AU 3713
LAMANQUE, AARON C	AU 3683	HALL, JESSE E	AU 3714
RICHARDSON, GREGORY R	AU 3684	CHIPPS, JON C	AU 3715
SMIT, JOHN O	AU 3685	O'MALLEY, BROOKE C	AU 3716
BRANDWEIN, RICHARD	AU 3686	GREER, WAYNE D	AU 3717
BROWN, JAMES S	AU 3687	CAIN, ANDREW M	AU 3718
SMIT, JOHN O	AU 3688	ENGLERT, MELANIE H	AU 3719
PERIN, WILLIAM E	AU 3690	RAJA, CASEY P	AU 3720
ADAMS, STEPHANIE M	AU 3691	SCHAETZEL, NICHOLAS C	AU 3722
PADGETT, JOHN B	AU 3692	FLEISNER, JEREMIAH S	AU 3723
FITZGERALD, JOE K	AU 3694	NEAL, BRADLEY T	AU 3724
COE-FITZGERALD, VALORI	AU 3695	THOMPSON, JOHN A	AU 3725
ALEXANDER, ERIC D	AU 3696	PARKER, WESLEY C	AU 3726
HODGES, SUEYAMA M	AU 3697	HAMILTON, JANICE A	AU 3727
DORN, CHRISTINA S	AU 3698	BUSH, JAMES R	AU 3728
CARDENAL, JAVIER E	AU 3699	PHELPS, TIMOTHY E JR	AU 3729
NEAL, TYLER N	AU 3700		

## **AUCTIONEER BY ENDORSEMENT**

BRANDWEIN, RICHARD	AU 3686	NH
BROWN, JAMES S	AU 3687	MS
VILSMEIER, FREDERICK R	AU 3689	PA
ATLAS, ROBERT A	AU 3693	PA
LUDLUM, ADRIS E	AU 3703	AL
ARTHUR, JAN C	AU 3704	AL
MC CONNELL, COLBY R	AU 3721	AL

## **AUCTION BUSINESS**

GREAT EXPECTATION AUCTION CO, LLC	AB 2597
RED BARN AUCTIONS	AB 2622
ACTION AUCTION INC	AB 2623
HANSEN AUCTION COMPANY	AB 2624
GREATER GULF COAST AUTO AUCTIONS, INC	AB 2625
COL MARY ANN STRENAD	AB 2626
SEWANNE AUCTION CO	AB 2627
AUCTION KING	AB 2628
BEST AUCTIONS	AB 2629
TALENT REALTY, INC	AB 2630
SYMONE REY INC	AB 2631
JACK ROBILLARD AUCTIONEERS	AB 2632
LITTLE ITALIA INT'L	AB 2633
SOUTHEAST REALTY & AUCTION LLC	AB 2634

COODY AUCTION & REALTY SVC LLC	AB 2635
AUCTION GALLERY OF VERO BEACH	AB 2636
NICK A CONDON JR	AB 2637
THE ORLANDO AUCTION GALLERY	AB 2638
JAVIER E CARDENAL	AB 2639
REALTY AUCTIONS INT'L	AB 2640
R&T LIVESTOCK AUCTIONS	AB 2641
KIND WORDS AND COOL WATER INC	AB 2642
TRINITY AUCTIONS LLC	AB 2643
DILARA ROMETT	AB 2644
AAFS ASSOCIATES INC	AB 2645
REAL ESTATE AUCTIONS, LLC	AB 2646
BONAPARTE AUCTIONS INC	AB 2647
ALEXANDER AUCTIONEERS, LLC	AB 2648
PRIORITY AUCTION LLC	AB 2649
FRITZ REAL ESTATE & AUCTION CO	AB 2650
GREATBIKEDEALS, LLC	AB 2651
JA-BEK.COM	AB 2652
DAN PARDUS LLC	AB 2653
DAVE DAVIS ENTERPRISES LLC	AB 2654
UNLIMITED RESOURCES OF SARASOTA, INC	AB 2655
BURNS WHITE GALLERIES INC	AB 2656
AUCTION ALIVE!	AB 2657
BUY AUCTION LLC	AB 2658
ANJE AUCTIONS	AB 2659
AUCTION TIME	AB 2660
FINE ART CONSIGNMENT INC	AB 2661
KERSEY AUCTION HOUSE	AB 2662
FROM ME TO YOU AUCTION	AB 2663
FRED OLIVER	AB 2664
JUNKTIQUES AUCTIONS LLC	AB 2665
EXCLUSIVELY AUCTIONS LLC	AB 2666
PERRY AUCTION SERVICE	AB 2667

#### **AUCTIONEER APPRENTICE**

PAUL, JUSTIN L	AE 376
MC COY, JAMES R	AE 377
ESPINOSA, JOSE A	AE 378
GARDNER, JAMES	AE 379

Motion: Mr. Dietrich moved to approve the application list as presented.

Second: Mr. Shearer seconded the motion and it passed unanimously.

It was noted by the board that there were two names that appeared on the ratification list John O. Smit, #3685 and John O. Smit, #3688. Mr. Spivey discovered that one was Jr. and the other was Sr.

#### **CASE LOAD STATUS**

The report dated August 28, 2007 reflected nine cases in legal, one case set for expert review, six cases set for administrative complaint, one case was set for settlement negotiations, and eight set for board review. There were a total of twenty-five cases in legal.

The report dated September 17, 2007 reflected nine cases in legal, five administrative complaints filed, one case set for expert review, three cases set for default, one case was set for settlement negotiations, and eight set for board review. There were a total of twenty-seven cases in legal.

## PROSECUTING ATTORNEY REPORT

### 2005 - MOTION FOR WAIVER

#### **#2005-053308, United States Liquidators II, Inc.**

Mr. Hurst presented case #2005-053308, AB 2390. The respondent was not present and was not sworn in via the court reporter. The department filed an administrative complaint against respondent on February 13, 2007. The respondent failed to file an election of rights form or otherwise establish the disputing issues and material facts of the administrative complaint pursuant to Rule 28-106.111, F.A.C. By failing to request a hearing within 21 days of receipt of agency pleading, the respondent has waived his right to request a hearing where there is a disputed issue of material facts. The respondent has been charged with violating Section 468.389 (1)(c), F.S. Failure to account for or to pay or return, within a reasonable time not to exceed 30 days, money or property belonging to another which has come into the control of an auctioneer or auction business through an auction shall be grounds for the disciplinary activities provided in sub-section (2) and (3). The department believes that it is appropriate at this time for the chair to entertain a motion finding that the respondent waived his right to a hearing.

Motion: Mr. Accardo moved to approve that the respondent waived his rights to a hearing.

Second: Mr. Shearer seconded the motion and it passed unanimously.

Mr. Hurst stated that *“the department believed that it is appropriate for the Chair to entertain a motion adopting the allegations and facts and conclusion of law contained in the administrative complaint of those of the board after which the department will request that the board impose penalties within their guidelines.”*

Motion: Mr. Shearer moved to approve the findings of facts and conclusions of law.

Second: Mr. Dietrich seconded the motion and it passed unanimously.

Mr. Hurst stated that *“the department’s recommendation in this case is that United States Liquidators II, Inc. case #2005-053308, AB 2390, pay a fine in the amount of \$500, and costs of \$420.85 and restitution \$3920.”*

Motion: Mr. Accardo made a motion for United States Liquidators II, Inc. to pay a \$500 fine, \$420.85 costs and restitution \$3920.

Second: Mr. Dietrich seconded the motion and it passed unanimously.

**#2006-027435, Salvatore Joseph Valenziano**

Mr. Hurst presented case # 2006-027435, AU 1615. The respondent was not present and was not sworn in via the court reporter. The department filed an administrative complaint against respondent on March 7, 2007. The respondent failed to file an election of rights form or otherwise establish the disputing issues and material facts of the administrative complaint pursuant to Rule 28-106.111, F.A.C. By failing to request a hearing within 21 days of receipt of agency pleading, the respondent has waived his right to request a hearing where there is a disputed issue of material facts. The respondent has been charged with violating Section 468.389 (1)(c), F.S. Failure to account for or to pay or return, within a reasonable time not to exceed 30 days, money or property belonging to another which has come into the control of an auctioneer or auction business through an auction shall be grounds for the disciplinary activities provided in sub-section (2) and (3). The department believes that it is appropriate at this time for the chair to entertain a motion finding that the respondent waived his right to a hearing.

Motion: Mr. Accardo moved to approve that the respondent waived his rights to a hearing.

Second: Mr. Moecker seconded the motion and it passed unanimously.

Mr. Hurst stated that *“the department believed that it is appropriate for the Chair to entertain a motion adopting the allegations and facts and conclusion of law contained in the administrative complaint of those of the board after which the department will request that the board impose penalties within their guidelines.”*

Motion: Mr. Shearer moved to approve the findings of facts and conclusions of law.

Second: Mr. Moecker seconded the motion and it passed unanimously.

Mr. Hurst stated that *“the department’s recommendation in this case is that Salvatore Joseph Valenziano, 2006-027435, AU 2615, pay a fine in the amount of \$1000, and costs of \$420.85.”*

Motion: Mr. Accardo made a motion for Salavorte Joseph Valenziano to pay a \$1000 fine and \$420.85 costs.

Second: Mr. Shearer seconded the motion and it passed unanimously.

**#2006-029017, Boca Auction Gallery**

Mr. Hurst presented case # 2006-029017, AB 1603. The respondent was not present and was not sworn in via the court reporter. The department filed an administrative complaint against respondent on June 14, 2007. The respondent failed to file an election of rights form or otherwise establish the disputing issues and material facts of the administrative complaint pursuant to Rule 28-106.111, F.A.C. By failing to request a hearing within 21 days of receipt of agency pleading, the respondent has waived his right to request a hearing where there is a disputed issue of material facts. The respondent has been charged with violating Section 468.389 (1)(c), F.S. Failure to

account for or to pay or return, within a reasonable time not to exceed 30 days, money or property belonging to another which has come into the control of an auctioneer or auction business through an auction shall be grounds for the disciplinary activities provided in sub-section (2) and (3). The department believes that it is appropriate at this time for the chair to entertain a motion finding that the respondent waived his right to a hearing.

Motion: Mr. Shearer moved to approve that the respondent waived his rights to a hearing.

Second: Mr. Dietrich seconded the motion and it passed unanimously.

Mr. Hurst stated that *“the department believed that it is appropriate for the Chair to entertain a motion adopting the allegations and facts and conclusion of law contained in the administrative complaint of those of the board after which the department will request that the board impose penalties within their guidelines.”*

Motion: Mr. Accardo moved to approve the findings of facts and conclusions of law.

Second: Mr. Dietrich seconded the motion and it passed unanimously.

Mr. Hurst stated that *“the department’s recommendation in this case is that Boca Raton Gallery, case #2006-029017, AB 1603, pay a fine in the amount of \$1,000 and costs of \$305.29.*

Motion: Mr. Accardo made a motion for Boca Raton Gallery to pay a \$1000 fine, \$305.29 costs.

Second: Mr. Dietrich seconded the motion and it passed unanimously.

### **#2006-061131, Wanted Antiques, Inc.**

Mr. Hurst presented case # 2006-061131, AB 2453. The respondent was not present and was not sworn in via the court reporter. The department filed an administrative complaint against respondent on July 3, 2007. The respondent failed to file an election of rights form or otherwise establish the disputing issues and material facts of the administrative complaint pursuant to Rule 28-106.111, F.A.C. By failing to request a hearing within 21 days of receipt of agency pleading, the respondent has waived his right to request a hearing where there is a disputed issue of material facts. The respondent has been charged with violating Section 468.389 (1)(c), F.S. Failure to account for or to pay or return, within a reasonable time not to exceed 30 days, money or property belonging to another which has come into the control of an auctioneer or auction business through an auction shall be grounds for the disciplinary activities provided in sub-section (2) and (3). The department believes that it is appropriate at this time for the chair to entertain a motion finding that the respondent waived his right to a hearing.

Motion: Mr. Shearer moved to approve that the respondent waived his rights to a hearing.

Second: Mr. Accardo seconded the motion and it passed unanimously.

Mr. Hurst stated that *“the department believed that it is appropriate for the Chair to entertain a motion adopting the allegations and facts and conclusion of law contained in the administrative complaint of those of the board after which the department will request that the board impose penalties within their guidelines.”*

Motion: Mr. Accardo moved to approve the findings of facts and conclusions of law.

Second: Mr. Dietrich seconded the motion and it passed unanimously.

Mr. Hurst stated that *“the department’s recommendation in this case is that Wanted Antiques, Inc., case #2006-06113, AB 2453, pay a fine in the amount of \$1000 and costs of \$93.52.”*

Motion: Mr. Accardo made a motion for Boca Raton Gallery to pay a \$1000 fine, \$93.52 costs.

Second: Mr. Dietrich seconded the motion and it passed unanimously.

#### **#2007-001376, Michael Cobosco**

Mr. Hurst presented case # 2007-001376, AU 2100. The respondent was not present and was not sworn in via the court reporter. The department filed an administrative complaint against respondent on June 25, 2007. The respondent failed to file an election of rights form or otherwise establish the disputing issues and material facts of the administrative complaint pursuant to Rule 28-106.111, F.A.C. By failing to request a hearing within 21 days of receipt of agency pleading, the respondent has waived his right to request a hearing where there is a disputed issue of material facts. The respondent has been charged with violating Section 468.389 (1)(c), F.S. Failure to account for or to pay or return, within a reasonable time not to exceed 30 days, money or property belonging to another which has come into the control of an auctioneer or auction business through an auction shall be grounds for the disciplinary activities provided in sub-section (2) and (3). The department believes that it is appropriate at this time for the chair to entertain a motion finding that the respondent waived his right to a hearing.

Motion: Mr. Accardo moved to approve that the respondent waived his rights to a hearing.

Second: Mr. Dietrich seconded the motion and it passed unanimously.

Mr. Hurst stated that *“the department believed that it is appropriate for the Chair to entertain a motion adopting the allegations and facts and conclusion of law contained in the administrative complaint of those of the board after which the department will request that the board impose penalties within their guidelines.”*

Motion: Mr. Accardo moved to approve the findings of facts and conclusions of law.

Second: Mr. Dietrich seconded the motion and it passed unanimously.

Mr. Hurst stated that *“the department’s recommendation in this case is that Michael Cobosco, case #2007-001376, AU2100, pay a fine in the amount of \$500 and costs of \$123.57.*

Motion: Mr. Shearer made a motion for Boca Raton Gallery to pay a \$500 fine, \$123.57 costs.

Second: Mr. Accardo seconded the motion and it passed unanimously.

**#2007-061131, Wanted Antiques, Inc.**

Mr. Hurst presented case # 2007-001785, AB 2453. The respondent was not present and was not sworn in via the court reporter. The department filed an administrative complaint against respondent on June 14, 2007. The respondent failed to file an election of rights form or otherwise establish the disputing issues and material facts of the administrative complaint pursuant to Rule 28-106.111, F.A.C. By failing to request a hearing within 21 days of receipt of agency pleading, the respondent has waived his right to request a hearing where there is a disputed issue of material facts. The respondent has been charged with violating Section 468.389 (1)(d), F.S. False, deceptive, misleading, or untruthful advertising shall be grounds for the disciplinary activities provided in subsections (2) and (3) and Section 468.388 (11)(a) All advertising by an auctioneer or auction business shall include the name and Florida license number of such auctioneer and auction business. The term “advertising” Shall not include articles of Clothing, directional signs or other promotional novelty items. The department believes that it is appropriate at this time for the chair to entertain a motion finding that the respondent waived his right to a hearing.

Motion: Mr. Dietrich moved to approve that the respondent waived his rights to a hearing.

Second: Mr. Shearer seconded the motion and it passed unanimously.

Mr. Hurst stated that *“the department believed that it is appropriate for the Chair to entertain a motion adopting the allegations and facts and conclusion of law contained in the administrative complaint of those of the board after which the department will request that the board impose penalties within their guidelines.”*

Motion: Mr. Accardo moved to approve the findings of facts and conclusions of law.

Second: Mr. Dietrich seconded the motion and it passed unanimously.

Mr. Hurst stated that *“the department’s recommendation in this case is that Wanted Antiques, Inc., case #2007-001785, AB 2453, pay a fine in the amount of \$1000, costs of \$70.46 and probation 1 year.*

Motion: Mr. Accardo made a motion for Wanted Antiques, Inc. to pay a \$1000 fine, \$70.46 cost and probation 1 year.

Second: Mr. Shearer seconded the motion and it passed unanimously.

### **#2007- 004730, Auction Depot**

Mr. Hurst presented case # 2007-004730, AB 2325. The respondent was not present and was not sworn in via the court reporter. The department filed an administrative complaint against respondent on June 14, 2007. The respondent failed to file an election of rights form or otherwise establish the disputing issues and material facts of the administrative complaint pursuant to Rule 28-106.111, F.A.C. By failing to request a hearing within 21 days of receipt of agency pleading, the respondent has waived his right to request a hearing where there is a disputed issue of material facts. The respondent has been charged with violating Section 468.389 (1)(c), F.S. Failure to account for or to pay or return, within a reasonable time not to exceed 30 days, money or property belonging to another which has come into the control of an auctioneer or auction business through an auction shall be grounds for the disciplinary activities provided in sub-section (2) and (3). The department believes that it is appropriate at this time for the chair to entertain a motion finding that the respondent waived his right to a hearing.

Motion: Mr. Shearer moved to approve that the respondent waived his rights to a hearing.

Second: Mr. Accardo seconded the motion and it passed unanimously.

Mr. Hurst stated that *“the department believed that it is appropriate for the Chair to entertain a motion adopting the allegations and facts and conclusion of law contained in the administrative complaint of those of the board after which the department will request that the board impose penalties within their guidelines.”*

Motion: Mr. Accardo moved to approve the findings of facts and conclusions of law.

Second: Mr. Shearer seconded the motion and it passed unanimously.

Mr. Hurst stated that *“the department’s recommendation in this case is that Auction Depot, case #2007-0004730, AB 2325, pay a fine in the amount of \$500 and costs of \$201.68.*

Motion: Mr. Accardo made a motion for Auction Depot to pay a \$500 fine, \$201.68 costs.

Second: Mr. Shearer seconded the motion and it passed unanimously.

### **2007- 001456, J. Sugarman Auction Corp**

Mr. Winters presented cases #2007-001456, J. Sugarman Auction Corp., AB 1971 on June 4, 2007 for violating Section 468.365,(7)(b), no business shall auction or offer to auction any property in this state unless it is licensed as an auction business by the board or is exempt from licensure under this act. Each application for licensure shall include the names of the owner and the business, the business mailing address and location, and any other information which the board may require. The owner of an auction business shall report to the board within 30 days any change in this required information; and 468.389 (1) (d) F.S., false, deceptive, misleading, or untruthful advertising; and Rule 61G2-5004(2)(e), F.A.C., an advertisement shall be deemed to

be false, deceptive, misleading, or untruthful, if it fails to include the name and license number of the principal auctioneer and the auction business. The board accepted the Department recommendation and charged J. Sugarman Auction, Inc. to pay a \$2000 fine, costs in the amount of \$111.12, 2 years probation and he should appear before the board and provide a status of his company.

On September 19, 2007 Mr. Grasso's attorney Mr. Howard Hechman attended the board meeting on behalf of Mr. Grasso and submitted a settlement agreement for reconsideration of this case. Mr. Hechman's settlement agreement gave the board the options to vacate the final order of June 19, 2007 and approve the terms of his revised Settlement Stipulation.

Mr. Grasso is required to pay a fine in the amount of \$1000, each party shall bear their own costs and attorney fees, Mr. Grasso should make himself available for an interview with a department investigator in the Miami-Dade County area and the interview should be related to the two counts contained in the original administrative complaint. This interview should not be no-longer than an hour and should not extend longer than two hours.

Mr. Hurst advised the board to accept Mr. Hechman's revised settlement agreement because the penalty given earlier was outside of the guidelines.

**Motion:** Mr. Accardo made a motion to vacate the present final order and reenter into a new final order outlining the settlement of Mr. Grasso' attorney.

**Second:** Mr. Shearer seconded the motion and it passed unanimously.

1 – Opposed Mr. Dietrich and 3 in favor Mr. Moecker, Mr. Accardo and Mr. Shearer.

### **BOARD ATTORNEY**

Ms. Edwards drafted a rule for the reinstatement of a null and void license. She indicated to Mr. Spivey that she needed a form number before this rule can be submitted.

#### Rule 61G2-2.006 Reinstate Null & Void Licenses

1. Void auctioneer or auction business licenses resulting from a failure to timely renew are not reactivated; however the Board has discretion to reinstate such licenses if it determines that the provisions of section 455.271(6)(b), Florida Statutes, were met.

2. In order to request that the Board exercise its discretion, the holder of a void license may file a properly completed Application for Reinstatement of a Null and Void License, DBPR Form # \_\_\_\_\_, dated\_\_\_\_\_.

3. The applicant shall provide his or her previous license

number, a list of all renewal dates missed, the circumstances surrounding each failure to comply with timely renewal, and the steps taken by the applicant to comply with each renewal deadline. Documentation verifying the applicant's illness or other unusual hardship which prevented timely renewal must be presented. The documentation should indicate the date of onset of the unusual circumstance or illness and the end of it.

4. The application must be accompanied by a non-refundable Application fee of \$150.00 (The sum of **Rule 3.002 Application Fee, and Rule 3.012 Delinquent Fee**); a renewal fee of \$150.00 (as provided in **Rule 3.005**) for each renewal period when the applicant failed to renew his or her auctioneer or auctioneer Business License; an unlicensed activity fee plus a recovery fund fee for a total of \$105.00 for each renewal period missed (as provided in **Rules 3.041 and 3.010**) as well as the fee for a change in licensure status of \$100.00 (as provided for in **Rule 61G16-3.001(5)(c)**). If a special Recovery Fund surcharge calculated pursuant to section 468.393(3), Florida Statutes has been assessed in any of the renewal periods in which the applicant failed to renew, that surcharge(s) shall be added to the application fee. If the annual Recovery Fund surcharge has been tolled pursuant to section 468.393(2), Florida Statutes, in any of the renewal periods in which the applicant failed to renew, the tolled amount shall be deducted from the application fee. If the application is denied, the change in status fee shall be refunded.

5. The application will be set for a hearing before the Board at its next regularly scheduled Board meeting, if the agenda for that Board meeting has not been sent to the printer. If the agenda has already been sent to the printer, the application will be set for the following regularly scheduled Board meeting. The applicant will be required to attend the hearing in person and present any evidence or witnesses in support of his/her application for reinstatement. Failure to appear may result in a denial of the petition.

6. One and only one continuance shall be granted upon written request for good cause shown. All rights attendant to Chapter 120.542, Florida Statutes, attach.

7. Applicants may be represented by counsel when the Board considers the application. Such representation shall be at the applicant's expense and in addition to the applicant's personal appearance.

8. Determinations on the application shall be Final Orders, with appellate rights to the appropriate District Court of Appeal.

*Specific Authority 455.271(6)(b), 468.384, 468.386*

*Law Implemented 455.271(6)(b), 468.393*

*History: New*

Presented to Board of Auctioneers: September 19, 2007

Approved Y N As Changed

**Motion:** Mr. Shearer made a motion to discuss the rules.

**Second:** Mr. Accardo seconded the motion and it passed unanimously.

The board caps the null and void reinstatement fee at \$660. This fee consisted of \$150 application fee, \$150 for the first biennial renewal and \$300 for the second biennial renewal, \$210 for unlicensed activity and the person cannot exceed two renewals before they reinstate their null and void license. The board member indicated to Ms. Edwards that they wanted the rules publish with the noted corrections.

**Motion:** Mr. Accardo made a motion to approve the null and void fee of \$660.

**Second:** Mr. Shearer seconded the motion and it passed unanimously.

Ms. Edwards state that all of the other rules has been adopted and there are no outstanding rules.

## **BOARD CHAIR REPORT**

No report.

## **EXECUTIVE DIRECTOR'S REPORT**

Mr. John Robert Tolbert application for the auctioneer examination was denied for lack of good character (racketeering) in the state of Florida. Mr. Tolbert has not had this civil rights resorted.

**MOTION:** Mr. Moecker made a motion to deny Mr. Tolbert application for licensure because he failed to restore his civil rights in the state of Florida.

**SECOND:** Mr. Shearer seconded the motion and it passed unanimously.

1 – Opposed Mr. Dietrich and 3 in favor Mr. Moecker, Mr. Accardo and Mr. Shearer.

Mr. John Carroll Williams submitted his application to be considered for endorsement from the State of Alabama. It was discovered that the state of Florida presently has endorsement with the state of Alabama.

**MOTION:** Mr. Shearer made a motion to approve Mr. Williams endorsement application for licensure in the state of Florida.

**SECOND:** Mr. Dietrich seconded the motion and it passed unanimously.

Mr. Spivey presented an e-mail from the central intake application unit for clarification of the reciprocity license. The board advised Mr. Spivey if a person is applying for reciprocity from an approved state and this state is listed on Florida's approved list staff should approve these applications by reciprocity.

Ms. Cheri Melchione recovery claim against A&E Auctions, AB 1122, Case #2002-000601 was denied. She failed to submit the information on the procedure she used to collect on the final judgment. Ms. Edwards and/or Ms. Leigh will work with Ms. Melchione to obtain the necessary information she needs for her recovery claim.

## **FINANCE REPORTS**

### **(Operating, Recovery, Unlicensed)**

Mr. Spivey reviewed the financial reports ending March 31, 2007. He indicated that the *“operation account shows a balance of \$98,531. The operating account for the recovery fund shows a balance of \$808,063. In the unlicensed activity account there's a balance of \$29,520.”*

## **NEW BUSINESS**

The board members indicated that they will continue to work on the fingerprint Bill that did not pass during the last session. Mr. Dietrich indicated that Senator Posey will continue to work on the Bill. Mr. Moecker asked Mr. Spivey to provide him with a copy of the fingerprint bill.

**MOTION:** Mr. Shearer made a motion for the board to continue to work on the fingerprint bill.

**SECOND:** Mr. Dietrich seconded the motion and it passed unanimously.

## **NEXT MEETING**

Proposed Meeting Dates for 2007 – 2008  
November 12, 2007 – St. Augustine  
March 19, 2008  
June 12, 2008

## **ADJOURNMENT**

Motion: Mr. Accardo moved to adjourn.

Second: Mr. Shearer seconded the motion and it passed unanimously.

The meeting was adjourned at 1:35 pm.