The Board meeting was called to order by Chairman Michael Moecker at 9:04 a.m. Mr. Fred Dietrich gave an invocation. Mr. Donald Shearer led the Pledge of Allegiance.

ROLL CALL
Members Present
Michael Moecker, Chairman
H. Fred Dietrich, III
Don Shearer

Others Present
Dan Biggins, Executive Director
Donald Shaw, Government Analyst
Robert Milne, Board Counsel
Danijela Janjic, Assistant General Counsel
Court Reporter

Approval of the Meeting Minutes from December 3, 2013
MOTION: Mr. Shearer made a motion to approve the minutes
SECOND: Mr. Dietrich seconded the motion.

Motion passed unanimously.

Ratification List
Mr. Biggins presented the ratification list for November 19, 2013 to February 19, 2014.

AUCTIONEER LICENSED BY EXAM

4556 GUINTA, JAMES NORTH PORT FL

MOTION: Mr. Dietrich made a motion to approve auctioneer license on the ratification list as submitted.
SECOND: Mr. Shearer seconded the motion.

Motion passed unanimously.
### AUCTIONEER LICENSED BY ENDORSEMENT

<table>
<thead>
<tr>
<th>License No.</th>
<th>Name</th>
<th>License Type</th>
<th>Address</th>
<th>State</th>
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<td>CATES, STEVEN ANTHONY</td>
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**MOTION:** Mr. Dietrich made a motion to approve auctioneer license on the ratification list as submitted.

**SECOND:** Mr. Shearer seconded the motion.

Motion passed unanimously.

### LICENSED AUCTIONEER BUSINESS

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<td>3394</td>
<td>PMC LIQUIDATORS</td>
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</table>
MOTION: Mr. Dietrich made a motion to approve auctioneer license on the ratification list as submitted.
SECOND: Mr. Shearer seconded the motion.

Motion passed unanimously.

AUCTIONEER APPLICATION REVIEW

1. TAREK ELJABALY – 6 MONTH PROBATION REVIEW

Mr. Eljabaly was present.

Mr. Biggins advised the Board that Mr. Eljabaly’s license was issued with two years of probation at the September 2013 board meeting, under the condition that Mr. Eljabaly appear in front of the board every 6 months, and for the first 6 months of his probation, he present monthly letters of reference to the board office from the owner of the auction company in which he is employed. Mr. Biggins also advised the board that the option was given to terminate Mr. Eljabaly’s probation early.

After discussion, Mr. Eljabaly’s was granted a satisfactory probation appearance. After further discussion, Mr. Eljabaly requested the board grant him an early termination of probation.

MOTION: Mr. Dietrich made a motion to terminate the remainder of Mr. Eljabaly’s probation.
SECOND: Mr. Shearer seconded the motion.

Motion passed unanimously.

2. RECOVERY FUND CLAIM – KARBORANI VS. SATZ

Anton and Laura Karborani was present.

Kim Satz was present with Counsel, David Russell.

Mr. Milne presented this case stating that the Karborani’s had filed a Recovery Fund claim against Kim Satz and Kim Satz Auction Company. Mr. Milne solicited testimony from both the Karborani’s and Mr. Satz regarding the claim.
Testimony given by the Karborani’s indicated that they had previously filed a complaint against Kim Satz with the Department in which a final order was entered imposing discipline against Mr. Satz. That order did not include restitution. Ms. Karborani indicated that the Board instructed them to file a civil suit against Mr. Satz, which they did. Ms. Karborani indicated that both parties agreed to a settlement and a couple of payments were made, but that eventually Mr. Satz defaulted on those payments. Ms. Karborani said that they then attempted to convert that settlement into a full judgment at which time Mr. Satz filed bankruptcy. Ms. Karborani indicated that the bankruptcy is still ongoing.

Mr. Milne then questioned the respondent, Mr. Satz, who was represented by David Russell, Esq. Mr. Russell indicated that the relationship between the two parties was not that of a contractual auction relationship. Mr. Russell indicated that the business relationship between the two parties was for Mr. Satz to sell the Karborani’s merchandise via retail, not via auction. Mr. Russell indicated that the only reason this issue is being brought before the Board of Auctioneers is because Mr. Satz is in possession of an auctioneer’s license. Mr. Russell indicates that Mr. Satz does dispute the validity of the Karborani’s claim as it relates to the Board of Auctioneers Recovery Fund. Mr. Russell indicated that there is not a final order or a judgment awarding the Karborani’s restitution, and because of that, the claim cannot be considered valid.

Mr. Moecker reminded the Board and interested parties that the Bankruptcy that Mr. Satz is in the process of completing is a Chapter 13, meaning a restructuring of existing debt. Mr. Moecker stated it is not a Chapter 7 and Mr. Satz is not attempting to “walk away” from the debt, or have it discharged.

Mr. Moecker asked Mr. Satz if there was ever a written contract for the sale of the Karborani’s merchandise. Mr. Satz answered that there was not a written contract. Mr. Moecker stated that Mr. Satz failed to comply with statutory requirements by not having a written contract. Mr. Russell indicated that, since the goods were not being sold via auction, a written contract was not required. Mr. Milne reminded Mr. Russell that Mr. Satz is bound by a settlement stipulation entered into by the Court, and the Board cannot go behind that record, and the fact that money is owed under that stipulation is not up for debate. Mr. Milne indicated that approximately $6,000 has been satisfied by Mr. Satz, leaving a remaining balance of approximately $28,000 owed by Mr. Satz to the Karborani’s. Mr. Moecker asked if the money owed the Karborani’s is being included in the Chapter 13 filing, and Mr. Satz confirmed it is. Mr. Moecker requested that Mr. Satz obtain a schedule of creditors for the bankruptcy and provide it to Mr. Milne as soon as possible. Mr. Russell indicated to the Board that the Chapter 13 filing will probably result in the Karborani’s receiving significantly less than the remaining $28,000 which is owed.

Mr. Moecker indicated that board counsel would need to conduct research to see if the Recovery Fund could compensate the Karborani’s and then receive an assignment of the money owed to the Karborani’s to repay the Recovery Fund. Mr. Russell indicated that based on his interpretation of the Statutes, should the Recovery Fund compensate the Karborani’s, Mr. Satz’ license would then be suspended. Mr. Russell indicated that this would greatly prohibit Mr. Satz’ ability to make a living and repay the Recovery Fund. Mr. Moecker asked if there was
any pending discipline or pending lawsuits against Mr. Satz or his company, to which Mr. Satz replied that there are none.

Mr. Dietrich requested the standing of both Mr. Satz’ auctioneer license and the auction business license associated with Mr. Satz. Staff indicated that both licenses are in a current, active status. Mr. Dietrich then asked if the amount outstanding on the settlement stipulation, $28,750, is the current amount still owed. The Karborani’s confirmed that amount is the amount currently owed.

Ms. Karborani clarified the record on the type of agreement they and Mr. Satz had. Ms. Karborani indicated that the agreement was for the auctioning of their merchandise, not for sale under consignment.

Mr. Biggins indicated a claimant must have a final order or a judgment awarding restitution in order for a claim to be eligible. Mr. Biggins indicated that he is of the opinion that if an individual is frustrated from obtaining a final judgment as a direct result of bankruptcy actions, the individual ought to be able to seek relief from the fund. Mr. Biggins also indicated that the Board should not make a determination while there is still pending action by the bankruptcy court. Mr. Biggins indicated that it might be better for both parties to negotiate an agreement and then inform the Board of that agreement. Mr. Milne agreed with Mr. Biggins and stated that the Board cannot make a decision on this matter until the bankruptcy is finalized.

Mr. Moecker stated that it is his opinion that the total amount of money owed, $35,000, and the amount now owed after payments, $28,750, are both indisputable. Mr. Moecker suggested that both parties may wish to agree on a settled amount so that the Karborani’s can receive some money from the recovery fund, and so that Mr. Satz can list under his bankruptcy an amount which he will be able to pay back through the bankruptcy.

Mr. Shearer asked if there was some way that the Recovery Fund could pay the Karborani’s claim and then perhaps have Mr. Satz’ bankruptcy list the Recovery Fund as a creditor, so that the Karborani’s could receive their money quicker. Mr. Biggins stated that the claimant needs a either a final judgment or they need relief from the bankruptcy court or that matter to be concluded before proceeding. Mr. Biggins stated that, at this point in time, the claimant has neither. Mr. Biggins stated that Mr. Satz, in the bankruptcy is probably going to have a reduced amount to pay back to the Karborani’s under the bankruptcy. Mr. Biggins suggested that it might be in the best interest of all the parties for the Recovery Fund to compensate the Karborani’s the full amount, and Mr. Satz’ bankruptcy would dictate a reduced amount owed to the Recovery Fund. Mr. Biggins stated he wasn’t sure if this was going to be possible, but that it might be in the best interest of all parties.

Mr. Dietrich expressed concern over the fact that Mr. Satz still had a license despite the fact that over $28,000 remains owed to the Karborani’s and that this situation has been going on since at least 2009. Mr. Dietrich stated it is the Board’s responsibility to protect the public.

**Motion:** Mr. Dietrich made a motion to award the Karborani’s $28,750.00
Second: The motion dies for lack of a second

Mr. Moecker stated it is his opinion that the Board should follow the advice of Counsel and wait at least 90 days until the next board meeting to see the result of the bankruptcy proceedings.

Mr. Dietrich withdrew his motion.

Mr. Milne requested that the Board and staff be provided with a copy of the bankruptcy schedule. Mr. Milne informed the Karborani’s that it is their duty to find out whether or not their included on the bankruptcy schedule. Mr. Russell indicated that it is his understanding that the Karborani’s are included on the schedule, but that he can’t confirm that information. Mr. Moecker reminded Mr. Russell that if Mr. Satz wanted relief from the Board, it would be in his best interest to ensure that the Karborani’s were made as whole as possible.

After discussion the Board agreed to continue the matter to the next meeting to allow more time for the bankruptcy proceedings to conclude.

3. PETITION FOR DECLARATORY STATEMENT – ONE2GLOBAL CORP.

A representative from One2Global Corp., Mr. Carlos Chomut, was present.

Mr. Milne indicated that One2Global Corp. filed a petition for a declaratory statement on January 31, 2014. The petition was noticed in the Florida Administrative Register on February 14, 2014. Mr. Milne stated the petitioner seeks the Board to interpret Rule 61G2-8.010, Chapters 468.382(1), (8), 468.383(8), 463.384(2), and 463.385(2), Florida Statutes, and whether providing services by the Petitioner, both together or separate, for the remarketing of a Canadian technological company’s proprietary software and technology for the Franchised motor vehicle dealers, that is run in Canada, only through the internet and with servers in Canada, where the franchised dealer will execute a direct selling contract with the buyer, receive payment from the buyer and deliver the vehicle to the buyer, classified as an auction for the Petitioner both together or separate, for these services. Mr. Milne asked the Board to consider the petition.

After discussion the board agreed that it would be best to table the matter until the next meeting. Mr. Chomut agreed to waive the deemer clause so the Board could consider this matter at a later meeting.

Motion: Mr. Dietrich made a motion to continue this matter to the June meeting.
Second: Mr. Moecker seconded the motion.

Motion passed unanimously.

REPORTS
Prosecuting Attorney – Danijela Janjic
Ms. Janjic reviewed the prosecuting attorney’s report with the board, indicating that there are a total of 13 cases currently in legal, 9 of which are private and 4 of which are public.

Board Counsel – Robert Milne
Mr. Milne indicated that no rules are currently under development.

Mr. Milne indicated that the Board had requested at the previous meeting that he do some research to see if the Board can obtain criminal results on applicants via fingerprinting. Mr. Milne indicated that his research of the statutes indicated that the Board does not have the statutory authority to do so. Mr. Milne indicated that Mr. Biggins will provide proposed legislation for 2015 at the next meeting.

Board Chair – Chairman Michael Moecker
Mr. Moecker recognized and mourned the loss of Barbara Fisher, who was a very influential person in the auction industry, and wished a speedy recovery to Mr. Fisher.

Executive Director’s Report – Daniel Biggins
Mr. Biggins reviewed the financial report for the period ending December 31, 2013 for the Operating account, the Recovery Fund account, and the Unlicensed Activity account.

Mr. Moecker requested that staff bring more unlicensed activity material at the next meeting, since that meeting will take place in conjunction with the Auctioneer’s Association meeting. Mr. Moecker also asked if any of the money for the renewal of licenses goes to the Recovery Fund account. Mr. Biggins clarified that the Recovery Fund surcharge only applies to initial licensure and not renewals.

Mr. Biggins reviewed the Quarterly Complaint Report with the Board.

Mr. Biggins reviewed the Florida Auctioneers Exam pass rates with the Board, and compared the pass rates to the rest of the Professions.

Mr. Biggins reviewed the licensing rates for auctioneers for the last 3 renewal cycles.

Mr. Shearer stated that he is of the understanding that the Board can move some of the money from the Recovery Fund Account and/or Operating Account for other purposes. Mr. Biggins confirmed that, per Section 489.399, Florida Statutes, the Board may expend excess funds in the Recovery Fund to fund certain publications relating to the Board activities.

OLD BUSINESS

Mr. Dietrich asked Ms. Debbie Shuler to introduce herself. Ms. Shuler introduced herself, stating that the Auctioneer’s Association has been in contact with the Unlicensed Activity unit of
the Department, and that a speaker will be present at the association meeting in June. Ms. Shuler indicated that the association will begin on June 8th and will conclude on the 10th.

NEW BUSINESS

Future Meeting Dates
June 10th, 2014 – Lake Mary
September 12th, 2014 – Tampa (tentative)
December 12th, 2014 – Tallahassee (tentative)

ADJOURNMENT
MOTION: Mr. Dietrich made the motion to adjourn.
SECOND: Mr. Shearer seconded the motion.

The meeting adjourned at 11:05 a.m.