The Board of Auctioneers meeting was called to order by Chairman Donald Shearer at 9:00 a.m.

ROLL CALL

Members Present
Donald Shearer, Chair
Ransom “Reed” Hartman

Members Excused
H. Fred Dietrich III, Vice-Chair

Staff Present:
Thomas Campbell, Executive Director
Anne Ahrendt, Government Analyst
Rebecca Hays, Prosecuting Attorney
Dillon Jess, Prosecuting Attorney
Robert Milne, Board Attorney
Liz Nieves, Court Reporter, Integra Reporting group, LLC

Other Attendees:
Craig A. Fleming, Florida Auctioneers Association
Robert Kallmann, Lien Tag and Title
Myers Jackson, Florida Auctioneers Association
Patrick Johnson, Navitas Financial Group
David Magilligan, attorney
Manny Pesco

Mr. Shearer led the attendees in the Pledge of Allegiance and gave the invocation.

REVIEW AND APPROVAL

Approval of the Minutes -March 7, 2016
Mr. Hartman made a motion that the March 7, 2016 minutes be approved as submitted. Mr. Shearer seconded the motion and motion carried.
Ratification List

Mr. Thomas Campbell presented the ratification list from February 23, 2016 through April 19, 2016.

Auctioneer Apprentice

<table>
<thead>
<tr>
<th>No.</th>
<th>Type</th>
<th>License No.</th>
<th>Name</th>
<th>City</th>
<th>State</th>
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<tr>
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Mr. Campbell presented the candidates for licensure. Mr. Hartman made a motion that the licenses be ratified. The motion was seconded by Mr. Shearer and the motion carried.

Auctioneer Licensed by Exam

<table>
<thead>
<tr>
<th>No.</th>
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<td>SURA, ANTHONY M</td>
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Mr. Campbell presented the candidates for licensure. Mr. Hartman made a motion that the licenses be ratified. The motion was seconded by Mr. Shearer and the motion carried.

Auctioneer Licensed by Endorsement

<table>
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<tr>
<th>No.</th>
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</table>

Mr. Campbell presented the candidates for licensure. Mr. Hartman made a motion that the licenses be ratified. The motion was seconded by Mr. Shearer and the motion carried.

Licensed Auctioneer Business

<table>
<thead>
<tr>
<th>No.</th>
<th>Type</th>
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<th>Name</th>
<th>City</th>
<th>State</th>
</tr>
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<td>4803</td>
<td>AB</td>
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<td>BIG TIME AUCTIONS, PLLC</td>
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<td>FL</td>
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<td>BLACKWELL AUCTIONS LLC</td>
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<td>AB</td>
<td>3568</td>
<td>EDWARD JOHNSON AUCTIONEERS INC</td>
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<td>FUNKIE JUNKIES, LLC</td>
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<td>AB</td>
<td>3564</td>
<td>GABLES FINE ART AUCTIONS LLC</td>
<td>MIAMI</td>
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</tbody>
</table>
Mr. Campbell presented the candidates for licensure. Mr. Hartman made a motion that the licenses be ratified. The motion was seconded by Mr. Shearer and the motion carried.

**RECOVERY FUND CLAIMS –**

**Estate of Robert Wright v Jerry Kowal. (Related disciplinary cases 2014-038687 and 2015-005088)** Mr. Milne addressed the Board stating that Mr. Kowal originally owed the Estate of Robert Wright restitution in the amount $18,257.30. DPBR Final Order 2016-0004 ordered that Mr. Kowal be placed on probation for two years, during which time Mr. Kowal would make complete restitution to Mr. Wright’s estate. Failure to abide by the Final Order would result in Mr. Kowal’s license being suspended. Mr Kowal has ceased making payments and currently owes the estate $12,757.30. Mr. Milne recommended that the Board make restitution of $12,757.30 to Mr. Wright’s estate and that Mr. Kowal’s license be suspended. Mr. Hartman made a motion to accept Mr. Milne’s recommendation. Mr. Shearer seconded the motion and the motion carried.

**Patrick Johnson (Navitas Financial Group d/b/a Pompano Pat’s) v. Furniture Showroom LLC/Robert Detore (Related disciplinary cases 2015-000694).** Mr. Patrick Johnson appeared before the Board and sworn in. Mr. Milne presented information about the case. Mr. Johnson has a judgment against the respondent but has been unable to recover. The amount owed to Mr. Johnson $15,402.77. Mr. Milne recommended that the Board approve payment to Mr. Johnson from the Recovery Fund in the amount of $15,402.77. Mr. Hartman made a motion to accept Mr. Milne’s recommendation. Mr. Shearer seconded the motion and the motion carried.

**Solomon Frankel v. Scott Steinfeld (Related disciplinary cases 2014-027993).** Mr. Milne stated that Mr. Frankel had received a judgment of $925.00 against Mr. Steinfeld in Polk County court and that Mr. Frankel had met the requirements to be reimbursed from the Recovery fund. Mr. Hartman made a motion to pay Mr. Frankel $925.00. Mr. Shearer seconded the motion and the motion carried.
Kennard Warfield v. Pat Vitilio and Naples Auction House (Related disciplinary cases 2010-005152 and 2010-025165) Mr. Milne stated that Mr. Vitilio had not made restitution to Mr. Warfield in the amount of $8,201.11. Mr. Milne recommended that payment be made to Mr. Warfield in the amount of $8,201.11. Mr. Hartman made a motion to accept Mr. Milne’s recommendation. Mr. Shearer seconded the motion and the motion carried.

DECLARATORY STATEMENT: Declaratory Statement 2016-028 – Craig Grodman
Mr. Grodman had petitioned the board to make a ruling on whether an auction owner or member of an auction owner’s family can bid on items at an auction and whether it was unethical to allow online auction. Because Petitioner Grodman does not state which Florida Statute or Rule he is seeking the Board to interpret, Mr. Milne advised that the request for a declaratory statement did not meet requirements. Mr. Hartman made a motion to accept Mr. Milne’s recommendation. Mr. Shearer seconded the motion and the motion carried.

RECESS

DISCIPLINARY CASES

Informal Hearing (2015-032836 & 2015-032894) - DBPR vs. Robert Kallman (OR 1182); DBPR vs. The Lien Tag and Title Team, Inc., d/b/a/ XEL (AB 3009)-Dillon Jess, Prosecuting Attorney
Mr. Kallman was represented by David Magilligan. Both appeared before the Board and presented additional testimony. Prosecuting attorney recommended that Mr. Kallman pay a fine of $1,000.00 and costs of investigation of $268.10.

MOTION: Mr. Hartman made a motion to adopt the findings of fact.
SECOND: Mr. Shearer seconded the motion. Motion carried.

MOTION: Mr. Shearer made a motion to adopt the conclusions of law contained in the Administrative Complaint.
SECOND: Mr. Hartman seconded the motion. Motion carried.

For the penalty phase of the hearing the following motion was made:
MOTION: Mr. Hartman made a motion that the Respondent pay a fine of $1,000.00, and costs of $268.10.
SECOND: Mr. Shearer seconded the motion. Motion carried.

Motion for Waiver & Entry of Final Order (2014-052117 & 2014-052109) DBPR vs. Pesco Auctions (AB 2164); DBPR vs. Manny N. Pesco (AU 2959)-Dillon Jess, Prosecuting Attorney
Respondent Pesco was present and not represented by counsel. Mr. Jess represented the Department. After hearing testimony from Respondent Pesco and on the recommendation of counsel, Mr. Hartman made a motion to dismiss the case. Motion was seconded by Mr. Shearer. Motion carried.

Action taken: Case dismissed.
Informal Hearing (2014-027993) - DBPR vs. Scott M. Steinfeld (AU 3212). Dillon Jess, Prosecuting Attorney

Respondent was not present; Respondent was not represented by counsel. Mr. Jess represented the Department and presented the case to the Board. The Board granted the informal hearing and entered into discussion. Commissioner Shearer moved; seconded by Commissioner Hartman; motion passed to find the Respondent guilty as charged in the Administrative complaint. Commissioner Hartman moved.; seconded by Commissioner Shearer; motion passed without descent to impose the following sanctions:

**Penalty:** Fine of $1,000.00 and investigative costs of $455.66.

Informal Hearing (2014-032094) - DBPR vs. Manatee Galleries, Inc. (AB 3200)

Dillon Jess, Prosecuting Attorney

Respondent was not present: Respondent was not represented by counsel. Mr. Jess represented the Department and presented the case to the Board. The Board granted the informal hearing and entered into discussion. Commissioner Shearer moved; seconded by Commissioner Hartman; motion passed to find the Respondent guilty as charged in the Administrative complaint. Commissioner Hartman moved, seconded by Commissioner Shearer; motion passed without descent to impose the following sanctions:

**Action taken:** Fine of $2,000.00; investigative costs of $193.12; restitution to Mr. David Kwong and an accounting of the unreturned property.

Ms. Hays informed the Board that the Department did not have a number to recommend due to fact that there is not an accounting provided by the licensee and the Board would need to discuss.

A motion was made by Mr. Shearer that the order of restitution be made subject to the Board being provided with an accounting by the complainant accompanied by an affidavit and item list of the missing property at a future meeting. Motion was seconded by Mr. Hartman and motion passed without descent.

**RECESS**

Motion for Waiver & Entry of Final Order (2014-044895) - DPBR vs. Stanford Auctions, Inc. (AB 2785) Rebecca Hays, Prosecuting Attorney

Respondent was not present. Respondent was not represented by counsel. Ms. Hays represented the Department and presented the case to the Board. The Board granted the waiver hearing and entered into discussion. Commissioner Hartman moved; seconded by Commissioner Shearer; motion passed to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hartman moved, seconded by Commissioner Shearer; motion passed without descent to impose the following sanctions:

**Action Taken:** Fine of $1,000.00; investigative costs of $333.79 and restitution to Mrs. Harriet Beth Weinstein.

The order of restitution is to be made subject to the Board being provided with an accounting by the complainant accompanied by an affidavit and itemized list of the missing property at a future meeting.
Stipulation (2014-047920 & 2014-047928) - DBPR vs. Harry P. Stampler (AU 295);
DPBR vs. Harry P. Stampler, Inc. (AB 196) Rebecca Hays, Prosecuting Attorney
Respondent was not present. Respondent was not represented by counsel. Ms. Hays
represented the Department and presented the case to the Board. Commissioner Hartman
moved; seconded by Commissioner Shearer; to accept the Stipulated Settlement. Motion
passed without decent.
**Action Taken:** Pay investigative cost of $430.04 and provide Michael Goldstein with a
complete accounting of any property sold within 30 days of the effective date and
complete accounting of any unsold property with 30 days and make said property
available for pickup.

Stipulation (2014-048795) - DBPR vs. Springboard Promotions, LLC d/b/a The
Miami Auction Center (unlicensed) Rebecca Hays, Prosecuting Attorney
Respondent was not present. Respondent was not represented by counsel. Ms. Hays
represented the Department and presented the case to the Board. Commissioner Hartman
moved; seconded by Commissioner Shearer; to accept the Stipulated Settlement. Motion
passed without decent.
**Action taken:** Pay investigative costs of $266.06.

Motion for Waiver & Entry of Final Order (2015-000694) - DPBR vs. Furniture
Showroom, LLC (AB 3408) Rebecca Hays, Prosecuting Attorney
Respondent was not present. Respondent was not represented by counsel. Ms. Hays
represented the Department and presented the case to the Board. The Board granted the
waiver hearing and entered into discussion. Commissioner Hartman moved; seconded by
Commissioner Shearer; motion passed to find the Respondent guilty as charged in the
Administrative Complaint. Commissioner Hartman moved; seconded by Commissioner
Shearer; motion passed without descent to impose the following sanctions:
**Action taken:** Pay a fine of $6,000.00 and investigative costs of $500.37.

Stipulation (2015-008679) - DBPR vs. Steven A. Nadel (AU 653)-WITHDRAWN

Motion of Waiver & Entry of Final Order (2015-023267 & 2015-023291) – DBPR vs.
Douglas Carl Tanuis, Sr. (AU 3135); American Auctioneers & Associations d/b/a
Dougs’ Auction Center (AB 2319) Dillon Jess, Prosecuting Attorney
Respondent was not present. Respondent was not represented by counsel. Mr. Jess
represented the Department and presented the case to the Board. The Board granted the
waiver hearing and entered into discussion. Commissioner Shearer moved; seconded by
Commissioner Hartman; motion passed to find the Respondent guilty as charged in the
Administrative complaint. Commissioner Hartman moved; seconded by Commissioner
Shearer; motion passed without descent to impose the following sanctions:
**Action taken:** Pay $2,500.00 Fine, investigative costs of $455.36, restitution subject to a
property accounting and license is suspended for one year.

REPORTS
Prosecuting Attorney Case Load Report – Rebecca Hays
There are 25 Private cases and 19 Public cases.

Florida Board of Auctioneers
May 10, 2016
Rules Report
The following rules changes that had language approved by the Board on July 22, 2015 were adopted April 6, 2-16 and became effective on April 26, 2016.
Rule # 61G2-2.0031 Delinquent Status
Rule # 61G2-2.004 Licensure by Endorsement or Reoprocity
Rule # 61G2-2.005 Notice of Address or Electronic Mail Address Change
Rule # 61G2-4.003 Change of Sponsor

Executive Director’s Report
Mr. Campbell reviewed the Quarterly Financial Statements for the period ending December 31, 2015 for the Operating Account, the Recovery Fund Account and the Unlicensed Activity Account.

Quarterly Complaint Report (as of March 31, 2016)
2015 Pass Rates for Auctioneer Examinations
2016 Pass Rates as of March 31, 2016

PUBLIC COMMENT

Old Business-

New Business-

Next on site meeting will be held in November in conjunction with the Florida Auctioneers Association.

Anti-Trust Presentation – Presented by Mr. Milne.

ADJOURNMENT AT 11:13 A.M

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