The Board of Auctioneers meeting was called to order by Chairman Donald Shearer at 10:10 a.m.

ROLL CALL

Members Present:
Donald Shearer, Chair
H. Fred Dietrich III, Vice-Chair
Ransom “Reed” Hartman
Pamela Kiser-Burch

Staff Present:
Krista Woodard, Executive Director
Anne Ahrendt, Government Analyst
Crystal Stephens, Chief Attorney, Professions
Ellen Carlos, Prosecuting Attorney
Rob Milne, Board Counsel
Matthew Varble
Tracy Brown, Court Reporter, Accurate Stenotype Reporters Inc.

REVIEW AND APPROVAL

Minutes from November 14, 2017

Ms. Kiser-Burch made a correction to the approval of the penalties on Case # 2017-009804 in the Discipline portion of the meeting (name the same for motion and second) Mr. Hartman made a motion to approve the minutes as corrected. Ms. Kiser-Burch seconded the motion. Motion carried.

Ratification List of Licensees (October 25, 2017 through April 30, 2018)

Mrs. Woodard presented the Ratification List from October 26, 2017 through April 30, 2018.

Licensed Auctioneer Apprentice

<table>
<thead>
<tr>
<th>Name</th>
<th>City</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>FRANKLIN, RICHARD PAUL</td>
<td>PINELLAS PARK</td>
<td>FL</td>
</tr>
<tr>
<td>MCDONALD, MARLEE ANNE</td>
<td>SHALIMAR</td>
<td>FL</td>
</tr>
<tr>
<td>MULLINS, JASON</td>
<td>NAVARRE</td>
<td>FL</td>
</tr>
<tr>
<td>SILVIUS, DEBORAH KATHRYN</td>
<td>FORT LAUDERDALE</td>
<td>FL</td>
</tr>
</tbody>
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Mrs. Woodard presented the candidates for licensure. Mr. Hartman made a motion that the licenses be ratified. The motion was seconded by Mr. Dietrich and the motion carried.
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Mr. Shearer asked to discuss J. Sugarman Realty LLC (AB 3693). Mr. Hartman moved to amend his motion to remove J. Sugarman Realty LLC (AB 3693) from the list of Auction Business Licenses to be ratified. Mr. Dietrich seconded the amended motion. The motion carried.

Mr. Hartman made a motion to table the ratification of the J. Sugarman Realty LLC until the Board has an opportunity to review the application for licensure. Mr. Dietrich seconded the motion to table the ratification.

The J. Sugarman Realty LLC application will be reviewed at the next Board of Auctioneers meeting.
**DISCIPLINARY CASES** - Crystal Stephens, Chief Attorney, Professions and Ellen Carlos, Prosecuting Attorney

**Petitioner’s Motion to Recognize Ellen Carlos as Qualified Representative**
The motion to recognize Ellen Carlos as the Qualified Representative for the Department was made by Mr. Hartman and seconded by Mr. Dietrich. Motion carried.

**DBPR v. Apollo Fine Art & Antique Auction (AB 3449) 2017-007889**
A motion was made by Mr. Hartman and seconded by Mr. Dietrich to grant petitioners motion for a waiver and to conduct a waiver hearing. Motion carried.

A motion was made by Mr. Hartman to adopt the material facts and the conclusions of law and that the Respondent pay a fine in the amount of $500.00 and $272.44 for costs of investigation. Motion was seconded by Mr. Dietrich. Motion carried.

**REPORTS**

**Prosecuting Attorney Case Load Report** – Crystal Stephens, Chief Attorney, Professions
There are a total of nine (9) private cases and fifteen (15) public cases in legal at this time.

**Board Counsel Report** – Robert Milne

**Draft Rule 61G2-3.001, Florida Administrative Code-fees.**

61G2-3.001 Fees
(1) through (10) No change.
(11) Delinquent fee. A delinquent status licensee shall pay a delinquency fee of $25.00$100.00, when the licensee applies for active or inactive status.
(12) No change.

Rulemaking Authority 455.2281, 455.271, 468.384(2), 468.386(1), 468.393(1) FS Law Implemented 455.217(2), 455.2171, 455.219(6), 455.2281, 455.271, 468.385(2), (4), (6), (7), 468.3851, 468.386(1), 468.387, 468.393(1) FS. History – New 9-18-07, Amended 4-17-08, 12-23-12, 9-7-16.

Board counsel asked the Board if the proposed rule amendment will have an adverse impact on small business or will the proposed rule amendment directly or indirectly increase regulatory costs to any entity, including government, in excess of $200,000 in the aggregate in Florida within one year after the implementation of the rule. Mr. Hartman made the motion that there would be no impact and the motion was seconded by Mr. Dietrich. Motion carried

Board counsel asked the Board should a violation of the rule, or any part of this rule be designated a minor violation? Mr. Dietrich made a motion that the violation be classified as a minor violation and the motion was seconded by Ms. Kiser-Burch. Motion carried.

A motion was made by Mr. Dietrich to approve the final language, adopt and promulgate the rule. Motion was seconded by Mr. Hartman. Motion carried
Rules 61G2-2.002 and 61G2-2.0035, Florida Administrative Code

61G2-2.002 and 61G2-2.002(1) Mr. Hartman made a motion for Mr. Milne to bring back to the board at the next meeting remediated language for rules 61G2-2.002 & 2.002(1), F.A.C. reflecting the current statutory language dealing with the auctioneer examination. Motion was seconded by Ms. Kiser-Burch. Motion carried.

61G2.2002 (1)(b), 2.002(1)(c) and 2.002(4) Mr. Hartman made a motion for Mr. Milne to bring back to the board remediated and update rule language reflecting the repeal of certain examination requirements from Section 468.385(4), F.S. and in rules 61G2-3.002 and 3.003, F.A.C. Motion was seconded by Mr. Dietrich. Motion carried.

61G2-2.002(5) The Board asked for clarification of the language in the rule. Executive Director Woodard and Mr. Milne will bring this back to the Board at the next meeting.

61G2-2.0035(1) Mr. Hartman moved and Mr. Dietrich seconded a motion to bring back remediated and updated language for the rule to eliminate the reference to rule 61G2-3.005, F.A.C. which was repealed in 2007. Motion carried.

Rule 61G2-4.001, Florida Administrative Code

6G1G2-4.001 The rule was presented as a technical change and no vote was necessary.

61G2-4.001(2)(a) Mr. Dietrich made a motion and Mr. Hartman seconded the motion that Mr. Milne update the language in the rule to reflect current law and bring the language back to the board for review. Motion carried.

Rules 61G2-5.001 and 61G2-5.002, Florida Administrative Code

61G2-5.002 The rule was presented as a technical change and no vote was necessary.

61G2-5.001(3)(c) Mr. Hartman made a motion and Mr. Dietrich seconded the motion that Mr. Milne update the rule to reflect the repeal of Rule 61G2-5.004 which is now referenced in the rule and bring the language back to the board for review. Motion carried.


Rule 61G2-7.030 The rule was presented as a technical change and no vote was necessary.

Rule 61G2-7.030(1)(c),(d),(g),(i) and (j) These sections of the rule currently reference a bond which is no longer required. Mr. Hartman made a motion, seconded by Mr. Dietrich, that Mr. Milne update the rule language to reflect the removal of the bond requirement and to bring back the revised language to the board for review. Motion carried.

61G2-7.040(1), 61G2-7.040(3), 61G2-7.040(4) and 61G2-7.050(4) The rule sections referenced need a correction to the citation in the statutes or the rules must be amended. Mr. Hartman made a motion, seconded by Mr. Dietrich, that Mr. Milne make the required corrections and bring the rules back to the board for review.
Rule 61G2-1.010, Florida Administrative Code

Rule 61G2-1.010 The rule was presented as a technical change and no vote was necessary.

Rule 61G2-6.001, Florida Administrative Code

Rule 61G2-6.001 The rule was presented as a technical change and no vote was necessary.

Mr. Milne advised that he would like to include language regarding online instruction in the rule. Mr. Hartman made a motion for Mr. Milne to include language regarding online instruction to the rule and bring it back to the board for review. Ms. Kiser-Burch seconded. The motion carried.

Rule 61G2-8.030, Florida Administrative Code

Rule 61G2-8.030 The rule was presented as a technical change and no vote was necessary.

Executive Director’s Report – Krista Woodard

Quarterly Financial Statements (ending December 31, 2017)

Mrs. Woodard stated that the threshold for the minimum amount for the Auctioneer Recovery Fund had been reached. The accounting department will have to determine the Recovery Fund Surcharge assessment for initial and renewal applicants. The surcharge will be assessed after the beginning of the fiscal year on July 1, 2018. The exact date for implementation of the surcharge will be determined after the assessment amount has been calculated.

The Quarterly Complaint Report (as of March 31, 2018) was presented.

Public Comment – none.

Old Business – none.

New Business

Letter from Louisiana Auctioneers Licensing Board

Mrs. Woodard asked the board to table discussion of the letter until she is able to review the Reciprocal Agreement between Louisiana and Florida. Mr. Hartman made a motion to table discussion of the letter. Motion was seconded by Mr. Dietrich. The motion carried and the discussion was tabled.

Mrs. Woodard announced the appointment of Mr. Matthew Varble to the Board as the new consumer member.

Adjournment: A motion to adjourn was made by Mr. Dietrich and seconded by Mr. Hartman. Motion carried. The meeting was adjourned at 11:18 a.m.