MINUTES FROM THE MEETING OF THE
FLORIDA BOARD OF AUCTIONEERS
The Westin Lake Mary, Orlando North
2974 International Pkwy
Lake Mary, FL 32746
407.531.3555
Tuesday, June 10, 2014 @ 10:00 a.m.

Approved September 12th, 2014

The Board meeting was called to order by Donald Shearer at 10:04 a.m.

Mr. Dietrich gave an invocation. Mr. Hartman led the Pledge of Allegiance.

ROLL CALL
Members Present
H. Fred Dietrich, III
Don Shearer
Ransom “Reed” Hartman

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

ELECTIONS
MOTION: Mr. Dietrich made a motion nominating Don Shearer as Chair.
SECOND: Mr. Hartman seconded the motion.

Motion passed unanimously.

MOTION: Mr. Shearer made a motion nominating Mr. Dietrich as Vice-Chair
SECOND: Mr. Hartman seconded the motion.

Motion passed unanimously.

Mr. Moecker was recognized by the Board for his service and dedication to the Board of Auctioneers.

Mr. Shearer also introduced the newest board member, Mr. Ransom Reed Hartman, and welcomed him to the Board.
REVIEW AND APPROVAL

Approval of the Meeting Minutes from March 7th, 2014

MOTION: Mr. Dietrich made a motion to approve the minutes
SECOND: Mr. Shearer seconded the motion.

Motion passed unanimously.

Ratification List

Mr. Biggins presented the ratification list for February 20th, 2014 to May 9th, 2014.

Auctioneer Apprentice

<table>
<thead>
<tr>
<th>License No.</th>
<th>Name</th>
<th>City</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>463</td>
<td>KUMAR, SHYAM</td>
<td>ORLANDO</td>
<td>FL</td>
</tr>
<tr>
<td>462</td>
<td>TOOMEY, KEVIN J</td>
<td>CAPE CORAL</td>
<td>FL</td>
</tr>
</tbody>
</table>

MOTION: Mr. Shearer made a motion to approve the auctioneer apprentice licenses on the ratification list as submitted.
SECOND: Mr. Hartman seconded the motion.

Motion passed unanimously.

Auctioneer Licensed By Exam

<table>
<thead>
<tr>
<th>License No.</th>
<th>Name</th>
<th>City</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>4593</td>
<td>CROUCH, HOWARD JAY</td>
<td>LIVE OAK</td>
<td>FL</td>
</tr>
<tr>
<td>4596</td>
<td>PARKES, CADE TANNER</td>
<td>ST. CLOUD</td>
<td>FL</td>
</tr>
</tbody>
</table>

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

Motion passed unanimously.

Auctioneer Licensed By Endorsement

<table>
<thead>
<tr>
<th>License No.</th>
<th>Name</th>
<th>City</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>4571</td>
<td>BACKES, RODNEY A</td>
<td>JESUP</td>
<td>IA</td>
</tr>
<tr>
<td>4577</td>
<td>BEARROWS, JOHN B</td>
<td>ROCHELLE</td>
<td>IL</td>
</tr>
<tr>
<td>4588</td>
<td>BRITTON, ROBERT J</td>
<td>FRUITLAND PARK</td>
<td>FL</td>
</tr>
<tr>
<td>4582</td>
<td>COCCOLUTO, PETER JAMES</td>
<td>GEORGETOWN</td>
<td>MA</td>
</tr>
<tr>
<td>4594</td>
<td>CYTACKI, RICHARD RONALD</td>
<td>OSSEO</td>
<td>MI</td>
</tr>
<tr>
<td>4570</td>
<td>HANSON, WENDELL LYNN</td>
<td>TULLAHOMA</td>
<td>TN</td>
</tr>
<tr>
<td>4587</td>
<td>HOLBROOK, STUART RUSSELL</td>
<td>ANNAPO</td>
<td>MD</td>
</tr>
<tr>
<td>4591</td>
<td>ISON, WILLIAM JASON</td>
<td>SANDY HOOK</td>
<td>KY</td>
</tr>
<tr>
<td>4595</td>
<td>LOWDERMAN, CODY CHANE</td>
<td>MACOMB</td>
<td>IL</td>
</tr>
<tr>
<td>4585</td>
<td>MENISH, WILLIAM G JR</td>
<td>LOUISVILLE</td>
<td>KY</td>
</tr>
</tbody>
</table>
MOTION: Mr. Shearer made a motion to approve the auctioneer endorsement licenses on the ratification list as submitted.
SECOND: Mr. Hartman seconded the motion.

Motion passed unanimously.

Licensed Auctioneer Business

<table>
<thead>
<tr>
<th>License No.</th>
<th>Name</th>
<th>Company Name</th>
<th>City, State</th>
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<tbody>
<tr>
<td>3407</td>
<td>AMERICA’S AUCTION</td>
<td>WINTER HAVEN</td>
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<tr>
<td>3398</td>
<td>AUCTION HORIZON LLC</td>
<td>HOSCHTON</td>
<td>GA</td>
</tr>
<tr>
<td>3411</td>
<td>BUDDY'S AUCTION HOUSE LLC</td>
<td>CLEARWATER</td>
<td>FL</td>
</tr>
<tr>
<td>3401</td>
<td>C &amp; B FINANCIAL SERVICES CORP</td>
<td>PEBMIROKE PINES</td>
<td>FL</td>
</tr>
<tr>
<td>3400</td>
<td>DAVIS GROUP AUCTION &amp; ESTATE SERVICES, L</td>
<td>FORT MYERS</td>
<td>FL</td>
</tr>
<tr>
<td>3410</td>
<td>DISNDAT LIQUIDATION AND AUCTION SERVICES</td>
<td>HUDSON</td>
<td>FL</td>
</tr>
<tr>
<td>3409</td>
<td>FINN INC</td>
<td>DUNEDIN</td>
<td>FL</td>
</tr>
<tr>
<td>3397</td>
<td>FLORIDA ESTATE AUCTIONS, LLC</td>
<td>ENGLEWOOD</td>
<td>FL</td>
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<tr>
<td>3408</td>
<td>FURNITURE SHOWROOM LLC</td>
<td>TAMPA</td>
<td>FL</td>
</tr>
<tr>
<td>3406</td>
<td>INDIAN RIVER AUCTIONS</td>
<td>COCOA</td>
<td>FL</td>
</tr>
<tr>
<td>3413</td>
<td>LETS GET IT MOBILE DETAILING</td>
<td>OCALA</td>
<td>FL</td>
</tr>
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<td>3412</td>
<td>P.G. FAMILY AUCTIONS</td>
<td>PUNTA GORDA</td>
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<td>3402</td>
<td>ROBERT CONVERSE</td>
<td>NEW PORT RICHEY</td>
<td>FL</td>
</tr>
<tr>
<td>3404</td>
<td>RONAN AUCTIONS</td>
<td>PONTE VEDRA</td>
<td>FL</td>
</tr>
<tr>
<td>3399</td>
<td>SUNBID LLC</td>
<td>SARSOTA</td>
<td>FL</td>
</tr>
<tr>
<td>3405</td>
<td>WILHITE THRIFT STORE AUCTIONS</td>
<td>PORT CHARLOTTE</td>
<td>FL</td>
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<tr>
<td>3403</td>
<td>WILLIAM DOYLE GALLERIES, INC.</td>
<td>NEW YORK</td>
<td>NY</td>
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<tr>
<td>1740</td>
<td>ANGLE, RUTH A</td>
<td>DUNEDIN</td>
<td>FL</td>
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<td>1751</td>
<td>BURGESS, ALVIN</td>
<td>OCALA</td>
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<td>1735</td>
<td>CONVERSE, ROBERT E</td>
<td>NEW PORT RICHEY</td>
<td>FL</td>
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<td>1747</td>
<td>CROUCH, JAY</td>
<td>LIVE OAK</td>
<td>FL</td>
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<td>1731</td>
<td>DAVIS, ADAM LEE</td>
<td>FORT MYERS</td>
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<td>1732</td>
<td>DAVIS, ANDREW M</td>
<td>FORT MYERS</td>
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<td>1733</td>
<td>DAVIS, CHELSEA H</td>
<td>FORT MYERS</td>
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<td>1730</td>
<td>DAVIS, VAN D</td>
<td>FORT MYERS</td>
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<td>1743</td>
<td>DETORE, ROBERT</td>
<td>ODESSA</td>
<td>FL</td>
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<td>1726</td>
<td>DOYLE, KATHLEEN</td>
<td>NEW YORK</td>
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<td>1727</td>
<td>DOYLE, LAURA</td>
<td>NEW YORK</td>
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<td>1741</td>
<td>DURNER, AUBREY E</td>
<td>DUNEDIN</td>
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<td>1725</td>
<td>GARDING, JEFF</td>
<td>BRADENTON</td>
<td>FL</td>
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<td>1750</td>
<td>HOFFMAN, TAMMY</td>
<td>PORT CHARLOTTE</td>
<td>FL</td>
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<td>1734</td>
<td>KENADY, MARK EDWARD</td>
<td>ENGLEWOOD</td>
<td>FL</td>
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<td>1745</td>
<td>LEVERENZ, MICHELLE M</td>
<td>HUDSON</td>
<td>FL</td>
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<tr>
<td>1744</td>
<td>MARRAN, RUSSELL</td>
<td>ST. PETERSBURG</td>
<td>FL</td>
</tr>
</tbody>
</table>
MOTION: Mr. Shearer made a motion to approve auctioneer business licenses on the ratification list as submitted.
SECOND: Mr. Hartman seconded the motion.

Motion passed unanimously.

Auctioneer Application Review

- Live Oak Auction Barn, LLC

A representative from Live Oak Auction Barn, LLC was not present.

Mr. Shaw advised the Board that the application was sent for Board Review based on the previous criminal history of the owner/operator of the auction business.

MOTION: Mr. Dietrich made a motion to deny the application.
SECOND: Mr. Shearer seconded the motion.

Motion passed unanimously.

Recovery Fund Claim – Karborani vs. Satz

Anton and Laura Karborani was present.

Kim Satz was not present.

Testimony was provided by the claimants, Mr. & Mrs. Karborani, regarding their claim. Mr. Milne advised the board that the claim could probably be paid at this meeting, but that any disciplinary action against Kim Satz.

MOTION: Mr. Dietrich made a motion to approve the claim of Anton & Laura Karborani in the amount of $28,750.00 and to stay any disciplinary action against Kim Satz.
SECOND: Mr. Hartman seconded the motion.
Motion passed unanimously.

**Petition for Declaratory Statement – One2Global Corp.**

A representative from One2Global Corp., Mr. Carlos Chomut, was not 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.

**Motion:** Mr. Dietrich made a motion to adopt the recommended order indicating that the services performed by the petitioner do not require licensure under Chapter 468, Part VI. **Second:** Mr. Hartman seconded the motion.

Motion passed unanimously.

**Petition for Variance and Waiver – Richard Slajchert**

Mr. Slajchert was not present.

Mr. Milne indicated that Mr. Slajchert filed a petition for variance and waiver on March 27th, 2014. The petition was noticed in the Florida Administrative Register on May 23rd, 2014. Mr. Milne stated the petition does not state which Rule the Petitioner is requesting a variance or waiver, however, it appears that Petitioner is requesting a variance or waiver of paragraph 61G2-2.0031(3)(b), Florida Administrative Code, which requires the licensee to pay a delinquent status license fee. Mr. Milne asked the Board to consider the petition.

**MOTION:** Mr. Hartman made a motion to deny the petition. **SECOND:** Mr. Shearer seconded the motion.

Motion passes unanimously.

**DISCIPLINARY CASES**

Neither Manny Pesco nor a representative from Pesco Auctions were present.

Ms. Janjic presented this case stating that Mr. Pesco and Pesco Auctions were charged with a violation of §468.389 (1)(c), Florida Statutes, by failing 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.

Ms. Janjic requested the board make a motion for waiver and to adopt the allegations of fact and conclusions of law contained in the Administrative Complaint.

**MOTION:** Mr. Hartman made a motion for waiver.

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

Motion passes unanimously.

**MOTION:** Mr. Dietrich made a motion to adopt the allegations of fact and conclusions of law contained in the Administrative Complaint.

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

Motion passes unanimously.

Ms. Janjic stated that pursuant to the disciplinary guidelines, she recommends that a fine of $500.00 and costs of $642.09 be imposed against the respondent.

**MOTION:** Mr. Dietrich made a motion to adopt the prosecutor’s recommendation.

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

Motion passes unanimously.

**Waiver Case (2013-010659) – DBPR vs. Robert Boyleston**

Robert Boyleston was not present.

Mr. Shaw stated that the respondent, through staff, had requested a 90 day continuance so that case could be heard at a later meeting.

**MOTION:** Mr. Hartman made a motion to deny the continuance request.

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

Motion passes unanimously.

Ms. Janjic presented this case stating that Mr. Boyleston was charged with a violation of §455.227 (1)(t), Florida Statutes, by failing to report in writing to the board…within 30 days after
the licensee is convicted or found guilty or, or entered a plea of nolo contendre or guilty to, regardless of adjudication, a crime in any jurisdiction.

Ms. Janjic requested the board make a motion for waiver and to adopt the allegations of fact and conclusions of law contained in the Administrative Complaint.

**MOTION:** Mr. Dietrich made a motion for waiver.
**SECOND:** Mr. Hartman seconded the motion.

Motion passes unanimously.

**MOTION:** Mr. Dietrich made a motion to adopt the allegations of fact and conclusions of law contained in the Administrative Complaint.
**SECOND:** Mr. Hartman seconded the motion.

Motion passes unanimously.

Ms. Janjic stated that pursuant to the disciplinary guidelines, she recommends that a fine of $1,000.00 and costs of $772.00 be imposed against the respondent’s license. Ms. Janjic also requested suspension of Mr. Boyleston’s license until such time as he provides the Board with a complete statement of all convictions, findings of guilt, pleas, or adjudications that have been entered against him by any court of competent jurisdiction.

**MOTION:** Mr. Dietrich made a motion to adopt the prosecutor’s recommendation.
**SECOND:** Mr. Hartman seconded the motion.

Motion passes unanimously.

**REPORTS**

**Prosecuting Attorney – Danijela Janjic**

Ms. Janjic reviewed the prosecuting attorney’s report with the board, indicating that there are a total of 12 cases currently in legal, 9 of which are private and 3 of which are public.

**Board Counsel – Robert Milne**

Mr. Milne indicated that no rules are currently under development.

Mr. Milne had nothing further to report.

**Executive Director’s Report – Daniel Biggins**

Mr. Biggins reviewed the financial report for the period ending March 31, 2014 for the Operating account, the Recovery Fund account, and the Unlicensed Activity account.
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 presented proposed legislation to the Board which would require all applicants to submit an electronic set of fingerprints through a Florida Department of Law Enforcement approved Livescan vendor for a background check to determine if the applicant has a criminal history record. Mr. Biggins stated that the Board would need to approve the proposed language.

MOTION: Mr. Dietrich made a motion to approve the language and to include it in the Department’s legislative package.
SECOND: Mr. Hartman seconded the motion.

Motion passes unanimously.

Mr. Biggins had nothing further to report.

OLD BUSINESS

Mr. Joseph Kitka and Mr. Jim Payton addressed the board regarding the financial information provided by Mr. Biggins.

NEW BUSINESS

Future Meeting Dates
September 12th, 2014 – Palm Beach
December 12th, 2014 – Tampa (tentative)

Mr. Shearer asked if it would be possible to have an owner/operator of a licensed auction business to sit for the same examination that a licensed auctioneer is required to take. Mr. Milne stated he would look into the issue.

ADJOURNMENT

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

The meeting adjourned at 11:31 a.m.