CALL TO ORDER
Mr. Moecker, Chair, called the meeting to order at 9:00a.m. Mr. Moecker 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
Jessica Leigh, Prosecuting Attorney
Barbara Edwards, Assistant Attorney General

OTHERS PRESENT
Jena Baker, Great Expectations Auction Co.
Gayle Dietrich, Spouse

APPROVAL OF MINUTES FROM SEPTEMBER 19, 2007
The minutes were approved with no noted corrections.

Motion: Mr. Shearer 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:

AUCTIONEER BY EXAMINATION

MITCHELL, TRAVIS W       AU 3730
ROOKS, DOUGLAS W          AU 3731
TAMIR, SAMMY              AU 3732
JONES, MARIBETH A         AU 3733
SHADDUCK, CHARLES         AU 3734
SWAILES, GARY S          AU 3735
CONVERSE, ROBERT E         AU 3736
WATTS, JAY K               AU 3737
COMMINS, WILLIAM M         AU 3738
DRAYTON, CHRIS S           AU 3739
ROMETT, DILARA             AU 3740
WILSON, JAMES A            AU 3741
MOCKE, PETER               AU 3742
MAYNARD, RONALD V          AU 3743
PERERA, ARMANDO            AU 3744
FARNSWORTH, JAMES M        AU 3745
UNTCH, MARTIN A            AU 3746
PETE RSON, STEVEN S        AU 3747
HART, RICHARD              AU 3750
KIMBALL, JEFF S            AU 3751
LAMPMA N, FREDERICK M      AU 3752
AYERS, KATHLEEN A          AU 3753

AUCTIONEER BY ENDORSEMENT

WILLIAMS, JOHN C          AL     AU 3748
JONES, JENNIFER D        MS LA  AU 3749

AUCTION BUSINESS

BARN FURNITURE GALLERY    AB 2668
DADE CITY AUCTION HOUSE INC AB 2669
KING AUCTION INC          AB 2670
ALEXANDER CHRISTIE AUCTIONS LLC AB 2671
ART WORLD AUCTIONS        AB 2672
LUCKY BIDDER AUCTION      AB 2673
SALVAGE 1ST               AB 2674
95 AUCTION INC            AB 2675
ST.PETERSBURG AUCTIONS    AB 2676
ASSET REAL ESTATE SOLUTIONS INC AB 2677
CENTURY MAX REALTY INC    AB 2678
AES AUCTION CO & ESTATE LIQUIDATIONS LLC AB 2679
MY AUCTION HOUSE          AB 2680
DOROTHEUMS                AB 2681
VOCON AUCTIONS LLC        AB 2682
TRAVIS MITCHELL AUCTIONS  AB 2683
EXPORT MIAMI INC          AB 2685
HALL AUCTION SERVICES LLC AB 2687
BARLOW AUCTIONS INC       AB 2688
CENTRAL FLORIDA AUCTIONS  AB 2689
B & B ENTERPRISES         AB 2690
FARNSWORTH AUCTION & ESTATE SVC AB 2691
BEST BUY AUTO OF TAMPA  AB 2692
CROWDER'S AUCTION SVC INC  AB 2693
AWE AUCTIONS & APPRAISALS, LLC  AB 2694
ONSITE AUCTION LIQUIDATORS  AB 2695
FITZGERALD AUCTIONS  AB 2697

AUCTIONEER APPRENTICE

BARTVS, WILLIAMS III  AE 380
COLLINS, RICHARD R  AE 381
THORTON, LORI K  AE 382
STRAUSS, ROBERT  AE 383
HAMBURG, DOLORES FR  AE 384

Motion:  Mr. Shearer moved to approve the application list as presented.
Second:  Mr. Accardo seconded the motion and it passed unanimously.

CASE LOAD STATUS
Ms. Leigh’s report dated November 27, 2007 reflected five cases in legal, one case set for expert review, five cases set for administrative complaint, one case was set for default, one case was set for settlement negotiations and six cases set for board review. There were a total of thirteen cases in legal.

PROSECUTING ATTORNEY REPORT

#2006-069842, Alan David Loeser
The respondent was not present and was not sworn in via the court reporter. Mr. Loeser’s attorney faxed a letter on his behalf requesting his client be granted a continuance until the next meeting.

Motion:  Mr. Dietrich moved to deny Mr. Loeser’s attorney request for a continuance until the next meeting based on legal problems in several other states and the well being of others in the state of Florida.
Second:  Mr. Moecker seconded the motion and it passed unanimously.

Ms. Leigh presented case #2006-069842, Alan David Loeser, AU2711. The department filed an administrative complaint against the respondent on July 24, 2007. The administrative complaint charged the respondent with violating Section 468.389, (1) (k) F.S., having a license to practice a comparable profession revoked, suspended, or otherwise acted against by another state, territory, or country. The respondent responded to the election of rights form and decided not to dispute the charges.

Ms. Leigh 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. Moecker seconded the motion and it passed unanimously.

Ms. Leigh stated that “the department’s recommendation in this case is that Alan David Loeser pay a fine of $1000, costs in the amount of $139.99 and revoke his license.”

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

#2007-012768, Joseph Shaia
Ms. Leigh presented case #2007-012768, AU717. The respondent was not present and was not sworn in via the court reporter. The department filed an administrative complaint against respondent on August 7, 2007. The administrative complaint charged that the respondent with violating Chapter 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); Section 468.388 (11)(a) F.S, 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; Section 468.389 (1)(j) F.S. Violating a statute or administrative rule regulating practice under this part or a lawful disciplinary order of the board or the department; and Section 468.385 (7)(b) F.S., 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 of any change in this required information. The respondent has requested through his election of rights form to have an informal hearing not disputing issues and material facts of the administrative complaint pursuant to Rule 28-106.111, F.A.C.

Ms. Leigh 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.

Ms. Leigh stated that “the department’s recommendation in this case is that Joseph Shaia, case #2007-012768, AU717, pay a fine in the amount of $2000, costs of $146.31 and revoke his license.

Motion: Mr. Dietrich made a motion for Joseph Shaia to pay a $2000 fine, $146.31 costs and revoke his license.
Second: Mr. Shearer seconded the motion and it passed unanimously.

#2005-058399, Joseph Burr Fine, Jr.
Ms. Leigh presented case # 2005-058399, AU1760. 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 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); and Section 468.389 (1)(e), any conduct in connection with a sales transaction which demonstrates bad faith or dishonesty. 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 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. Moecker moved to approve that the respondent waived his right to a hearing.
Second: Mr. Shearer seconded the motion and it passed unanimously.

Ms. Leigh 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. Moecker moved to approve the findings of facts and conclusions of law.
Second: Mr. Dietrich seconded the motion and it passed unanimously.

Ms. Leigh stated that “the department’s recommendation in this case is that Joseph Burr Fine, Jr., case 2005-058399, A 1760, pay a fine in the amount of $2000, costs of $440.91 and revoke his license.

Motion: Mr. Moecker made a motion to revoke Joseph Burr Fine, Jr. license based on 468. ____ (2) (b, h and p), pay a fine of $2000 and costs $440.91.
Second: Mr. Dietrich seconded the motion and it passed unanimously.

#2005-058401, Fine Estate Liquidators, Inc.
Ms. Leigh presented case #2005-058401, AB1380. 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 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); and Section 468.389 (1)(e), any conduct in connection with a sales transaction which demonstrates bad faith or dishonesty. 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 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 right to a hearing.
Second: Mr. Shearer seconded the motion and it passed unanimously.

Ms. Leigh 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. Accardo seconded the motion and it passed unanimously.

Ms. Leigh stated that “the department’s recommendation in this case is that Fine’s Estates Liquidators, Inc., case #2005-058401, AB1380, pay a fine in the amount of $2,000, costs of $645.58 and revoke company license.

Motion: Mr. Accardo made a motion for Fine’s Estates Liquidators, Inc. to pay a $2000 fine, $645.58 costs and revoke the company license.
Second: Mr. Dietrich seconded the motion and it passed unanimously.

#2007-001652, Michael Cobosco
Ms. Leigh presented case # 2007-001652, AU2100. The respondent was not present and was not sworn in via the court reporter. The department filed an administrative complaint against respondent on August 1, 2007. 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 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 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.

Ms. Leigh 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.

Ms. Leigh stated that “the department’s recommendation in this case is that Michael Cobosco, case #2007-001652, AU2100, pay a fine in the amount of $1000 and costs of $228.33.

Motion: Mr. Shearer made a motion to revoke Michael Andres Cobosco license based on Section 468. ___ (2)(b-e, h, j), pay a fine in the amount $1000 and costs $228.33.
Second: Mr. Accardo seconded the motion and it passed unanimously.

#2007-001653, Boca Auction Gallery
Ms. Leigh presented case # 2007-001653, AB1603. The respondent was not present and was not sworn in via the court reporter. The department filed an administrative complaint against respondent on August 30, 2007. 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. 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 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.

Ms. Leigh 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. Accardo seconded the motion and it passed unanimously.

Ms. Leigh stated that “the department’s recommendation in this case is that Boca Auction Gallery, case #2007-001653, AB1603, pay a fine in the amount of $1000, costs of $191.69 and revoke the company license.

Motion: Mr. Shearer made a motion for Boca Auction Gallery license based on Section 468. ___(2)(b-e, h, j, l), pay a fine in the amount $1000, cost $191.69 and revoke company license.
Second: Mr. Dietrich seconded the motion and it passed unanimously.

BOARD ATTORNEY
Ms. Edwards submitted the final draft of the null and void fee rule to the board for approval. See below.

61G2-3.001 Fees.

(1)-(11) No Change

(12) Fees for Reinstatement of a Void License:
(a) Non refundable Application fee of $150.00.
(b) Non Refundable Renewal fee of $150.00 - $300.00 for each biennium when timely renewal was missed, as set forth in Rule 61G2-2.006, and
(c) Fee for unlicensed activity and recovery fund of $105.00 - $210.00 for each biennium when timely renewal was missed, as set forth in Rule 61G2-2.006.

Specific Authority: add 455.271(6)(b), (9)
Law Implemented: add 455.271(6)(b), (9)
History: new______________, Amended ________________.

Motion: Mr. Shearer made a motion to give Ms. Edwards permission to move forward with the fee rule.
Second: Mr. Accardo seconded the motion and it passed unanimously.

BOARD CHAIR REPORT
Mr. Moecker praised staff for an outstanding job and wishes everyone a Merry Christmas.

EXECUTIVE DIRECTOR’S REPORT
(Operating, Recovery, Unlicensed)
Mr. Spivey reviewed the financial reports ending June 30, 2007. He indicated that the “operation account shows a balance of $68,499. The operating account for the recovery fund shows a balance of $816,278. In the unlicensed activity account there’s a balance of $27,518.”

Ms. Cheri Melchione
Ms. Cheri Melchione recovery claim against A&E Auctions, AB1122, Case #2002-000601 was approved. The board granted her $50,000 to be released via the Department by January 15, 2008.

Motion: Mr. Accardo made a motion to pay Ms. Cheri Melchione $50,000 from the recovery funds by January 15, 2008.
Second: Mr. Shearer seconded the motion and it passed unanimously.

State of Michigan
Mr. Spivey presented a letter from the State of Michigan showing interest in a reciprocity agreement with the state of Florida. The State of Michigan is willing to compile the material and provide them to the state of Florida for their investigation.

Motion: Mr. Shearer made a motion for the Department to work with the State of Michigan on the reciprocity agreement.
Second: Mr. Dietrich seconded the motion and it passed unanimously.

The Board was provided a list of the present reciprocal states in the state of Florida.

The regulation report was provided to the board for information proposes only.

Mr. Spivey wished everyone a happy holiday and he enjoyed working with the members of the Auctioneer board.

NEW BUSINESS
Proposed Meeting Dates for 2007 – 2008
March 12, 2008 – Tallahassee, Orlando or Tampa
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 11:15pm.