

**MEETING OF
THE FLORIDA BOARD OF AUCTIONEERS**
Department of Business and Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399
Thursday, March 16, 2006, 10:00 a.m.

CALL TO ORDER

Mr. Moecker, Vice Chair; called the meeting to order at 10:05 a.m. There was a roll call and a quorum was established. Mr. Moecker requested that Mr. Accardo give the pledge of allegiance and Mr. Shearer give the invocation.

Mr. Spivey introduced Ms. Renese Jones as the new Government Analyst for the Auctioneers Board.

BOARD MEMBERS PRESENT

H. Fred Dietrich, III, Chair *(via Telephone Conference)*
Michael Moecker, Vice-Chair
Donald Shearer
Jo Ann C. Hill
Craig Accardo

STAFF PRESENT

Simone Marstillier, Secretary
Dennis Yecke, Deputy Secretary
Anthony Spivey, Executive Director
Renese Jones, Government Analyst
Monque Ewell, Administrative Assistant
Jessica Leigh, Prosecuting Attorney
Barbara Edwards, Asst. Attorney General
Winnifred Christian, Central Intake Unit
Anissa McDuffie-Henry, Regulation
Kela Timmons, Regulation
Mark Reddinger, Regulation

OTHERS PRESENT

Suzette Bragg Peterson, Court Reporter
American Court Reporting
Geoffrey Becker, Senior Policy Advisor
Metz, Husband & Daughton, P.A.
Joe Sullivan, ebay Inc.
Ron Doss

APPROVAL OF MINUTES FROM DECEMEBER 14, 2005

There were no corrections.

Motion: Ms. Hill moved to approve the minutes as presented.

Second: Mr. Dietrich seconded the motion and it passed unanimously.

APPLICATIONS

Mr. Spivey presented the application list for ratification as follows:

AUCTIONEER BY EXAMINATION

DUNCAN, KAY	AU 3401	HOLDEN, BRYAN W	AU 3421
DEMENT, LARRY T	AU 3402	GIAIMO, JOSEPH A	AU 3422
PAYTON, JAMES T	AU 3404	REMMEN, KRIS K	AU 3423
CLEMENTS, THOMAS W	AU 3405	ROGERS, CHARLES T	AU 3424
SICH, JOHN S	AU 3410	BONNETTE, BARBARA J	AU 3425
BARD, LAURENCE R	AU 3411	BOSHANE, DAVID L.	AU 3426
PATTON, JOHN T	AU 3412	INDA, GARY K	AU 3427
D'ALLAIRD, THOMAS L	AU 3413	LENTINE, SANTINO A	AU 3428
WELCH, FRANKLIN R	AU 3414	LITTLE, PHILLIP L	AU 3430
JARVIS, ALVIN R	AU 3415	BARNETT, JOHN C	AU 3431
RIAMONDE, RAUL	AU 3417	DEE, JAMES	AU 3432
CATE, BILLY J	AU 3418	WILLIAMSON, CHAD A	AU 3435
BEVILLE, HOWARD B	AU 3420	ROUSSOS, PETER J	AU 3436

AUCTIONEER BY ENDORSEMENT

VANN, BLAKE	AU 3406	GEORGIA
SMITH, DOUGLES G	AU 3407	INDIANIA
MCNEISH JR., CLYDE F	AU 3408	OHIO
JENNINGS, TIMOTHY N	AU 3409	WEST VIRGINIA
MCABEE JR., MARSHALL OLIN	AU 3416	SOUTH CAROLINA
CALL, JERALD D	AU 3429	INDIANA
BONE, THOMAS J	AU 3433	ALABAMA
BONE, ANDREW J	AU3434	ALABAMA

AUCTION BUSINESS

ASSET AUCTION SERVICES	AB 2476
SCOTT'S AUCTION SERVICES	AB 2477
TRADERBUTCH.COM	AB 2478
MID SOUTH INVESTMENTS, INC dba BIG BUY	AB 2479
5 POINTS FURNATURE & AUCTION LLC	AB 2480
STAR LOCATIONS/STAR AUCTIONS	AB 2481
NORTH FLORIDA AUCTIONS	AB 2482
TIMOTHY J HUGHES DBA K MICHAEL'S	AB 2483
TRANSWORLD TRADE, INC	AB 2484
YODER AND FREY AUCTIONEERS, INC	AB 2485
INTERCONTINENTAL SPORT HORSE SALES	AB 2486

ROGER & CRAWFORD REAL ESTATE AUCTIONS, LLC	AB 2487
ALEXANDER TURCHAK	AB 2488
ROUND UP AUCTION BARN	AB 2489
PATRICIA M SHARTRAN DBA PS SALES	AB 2490
GOODING & COMPANY, INC	AB 2491
AUCTIONS BY PEACOCK	AB 2492
TOM D'ALLAIRD	AB 2493
LAWYERS REALTY & AUCTIONS, INC.	AB 2494
CRUZ & CROSS	AB 2495
WILKINSON, INC	AB 2496
JPB AUCTION GROUP	AB 2497
REMMEN AUCTION GROUP	AB 2498
RM CLASSIC CAR PRODUCTIONS FLORIDA	AB 2499
GLOBAL IMPORTING, INC	AB 2500
ROUSSOS ANTIQUES & AUCTION	AB 2501
BLACKHAWK PRODUCTIONS	AB 2502
A-2-Z AUCTION	AB 2503

AUCTIONEER APPRENTICE

BERNER, MARY-CAROL Y	AE 341
SLAVINSKY, DAVID J	AE 342
BURCHARD, TODD A	AE 343
ERWIN, COLE T	AE 344
ROSS, CHARLES G	AE 345

Motion: Mr. Accardo moved to approve the application list as presented.

Second: Mr. Shearer seconded the motion and it passed unanimously.

PROSECUTING ATTORNEY REPORT

MOTION FOR WAIVER

#2005-003621, Auction Warehouse of Boca Raton

Ms. Leigh presented case # 2005-003621, Auction Warehouse of Boca Raton, AB 2239, the department filed an administrative complaint against respondent on October 17, 2005. The respondent was served with an administrative complaint on November 5, 2005. The administrative complaint charged respondent 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; and one count of Section 468.389 (1) (h) F.S. for commingling money or property of another with his or her own and not having an escrow account in an insured bank or savings and loan association. The respondent failed to file an election of right form or other wise 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 waived his right to request a hearing.

Motion: Mr. Shearer moved to approve that the respondent waived his right to a hearing.
Second: Ms. Hill 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: Ms. Hill moved to approve the findings of facts in conclusion of the law.
Second: Mr. Shearer seconded the motion and it passed unanimously.

Ms. Edwards stated that a motion was needed to proceed with the hearing.

Ms. Leigh stated that the department move to proceed with the hearing.

Motion: Mr. Shearer moved to approve the department to proceed with the hearing.
Second: Mr. Accardo seconded the motion and it passed unanimously.

Ms. Leigh stated that *“the department’s recommendation in this case is that Auction Warehouse of Boca Raton license be revoked, a fine in the amount of \$2000.00 is imposed, cost of \$187.14, and that the board issued restitution what seems fair between the respondent and the complainant.”*

Motion: Mr. Shearer moved to approve counsel recommendation.
Second: Ms. Hill seconded the motion and it passed unanimously.

#2005-003804, Auction Warehouse of Boca Raton

Ms. Leigh presented case #2005-003804, Auction Warehouse of Boca Raton, AB 2239, the department filed an administrative complaint against respondent on October 28, 2005. The respondent was served with an administrative complaint on November 3, 2005. The administrative complaint charged respondent 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; and one count of Section 468.389 (1) (h) F.S. for commingling money or property of another with his or her own and not having an escrow account in an insured bank or savings and loan association. 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 to an agency pleading the respondent waived his right to request a hearing.

Motion: Ms. Hill moved to approve that the respondent waived his right to a hearing.
Second: Mr. Accardo seconded the motion and it passed unanimously.

Ms. Leigh stated that the department move to proceed with the hearing.

Motion: Mr. Shearer moved to approve the department to proceed with the hearing.
Second: Mr. Accardo 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: Ms. Hill moved to approve the findings of facts in conclusion of the law.
Second: Mr. Accardo seconded the motion and it passed unanimously.

Ms. Leigh stated that *“the department’s recommendation in this case is that Auction Warehouse of Boca Raton license be revoked, a fine in the amount of \$2000.00 is imposed, cost of \$151.97, and that the board issue restitution what seems fair between the respondent and the complainant.”*

Motion: Ms. Hill moved to approve the counsel recommendation.
Second: Mr. Dietrich seconded the motion and it passed unanimously.

#2005-003894, Auction Warehouse of Boca Raton

Ms. Leigh presented case #2005-003894, Auction Warehouse of Boca Raton, AB 2239, the department filed an administrative complaint against respondent on September 19, 2005. The respondent was served with an administrative complaint on September 30, 2005. The administrative complaint charged respondent 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; and one count of Section 468.389 (1) (h), F.S. for commingling money or property of another with his or her own and not having an escrow account in an insured bank or savings and loan association. The respondent failed to file an election of right form or other wise 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 to an agency pleading the respondent waived his right to request a hearing.

Motion: Mr. Shearer moved to approve that the respondent waived his right to a hearing.
Second: Mr. Accardo seconded the motion and it passed unanimously.

Ms. Leigh stated that the department move to proceed with the hearing.

Motion: Ms. Hill moved to approve the department to proceed with the hearing.
Second: Mr. Accardo 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. Dietrich moved to approve the findings of facts in conclusion of the law.
Second: Mr. Accardo seconded the motion and it passed unanimously.

Ms. Leigh stated that *“the department’s recommendation in this is case that Auction Warehouse of Boca Raton license be revoked; a fine in the amount of \$2000.00 is imposed, cost of \$155.50, restitution to be determined later.”*

Motion: Ms. Hill moved to approve the counsel recommendation.
Second: Mr. Dietrich seconded the motion and it passed unanimously.

#2005-003910, Auction Warehouse of Boca Raton

Ms. Leigh presented case #2005-003910, Auction Warehouse of Boca Raton, AB 2239, the department filed an administrative complaint against respondent on November 2, 2005. The respondent was served with an administrative complaint on November 7, 2005. The administrative complaint charged respondent 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; and one count of Section 468.389 (1) (h), F.S. for commingling money or property of another with his or her own and not having an escrow account in an insured bank or savings and loan association. The respondent failed to file an election of right form or other wise 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 to an agency pleading the respondent waived his right to request a hearing.

Motion: Mr. Shearer moved to approve that the respondent waived his right to a hearing.
Second: Ms. Hill seconded the motion and it passed unanimously.

Ms. Leigh stated that the department move to proceed with the hearing.

Motion: Ms. Hill moved to approve the department to proceed with the hearing.
Second: Mr. Accardo 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. Dietrich moved to approve the findings of facts in conclusion of the law.
Second: Mr. Accardo seconded the motion and it passed unanimously.

Ms. Leigh stated that *“the department’s recommendation in this case is that Auction Warehouse of Boca Raton license be revoked; a fine in the amount of \$2000.00 is imposed, cost of \$169.56, and restitution to be determined later.”*

Motion: Ms. Hill moved to approve the counsel recommendation.
Second: Mr. Dietrich seconded the motion and it passed unanimously.

#2005-004246, Auction Warehouse of Boca Raton

Ms. Leigh presented case #2005-004246, Auction Warehouse of Boca Raton, AB 2239, the department filed administrative complaint against respondent on November 1, 2005. The

respondent was served with an administrative complaint on September 5, 2005. The administrative complaint charged respondent 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; and one count of Section 468.389 (1) (h), F.S. for commingling money or property of another with his or her own and not having an escrow account in an insured bank or savings and loan association. The respondent failed to file an election of right form or other wise 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 to an agency pleading the respondent waived his right to request a hearing.

Motion: Mr. Shearer moved to approve that the respondent waived his right to a hearing.
Second: Mr. Accardo seconded the motion and it passed unanimously.

Ms. Leigh stated that the department move to proceed with the hearing.

Motion: Ms. Hill moved to approve the department to proceed with the hearing.
Second: Mr. Accardo 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 in conclusion of the law.
Second: Mr. Shearer seconded the motion and it passed unanimously.

Ms. Leigh stated that *“the department’s recommendation in this case is that Auction Warehouse of Boca Raton license be revoked, a fine in the amount of \$2000.00 is imposed, cost of \$169.56, and that restitution is determined later.”*

Motion: Ms. Hill moved to approve the counsel recommendation.
Second: Mr. Dietrich seconded the motion and it passed unanimously.

#2005-004450, Auction Warehouse of Boca Raton

Ms. Leigh presented case #2005-004450, Auction Warehouse of Boca Raton, AB 2239, the department filed an administrative complaint against respondent on October 28, 2005. The respondent was served with an administrative complaint on November 30, 2005. The administrative complaint charged respondent 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; and one count of Section 468.389 (1) (h), F.S. for commingling money or property of another with his or her own and not having an escrow account in an insured bank or savings and loan association. The respondent failed to file an election of right form or other wise 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 to an agency pleading the respondent waived his right to request a hearing.

Motion: Mr. Shearer moved to approve that the respondent waived his right to a hearing.
Second: Mr. Dietrich seconded the motion and it passed unanimously.

Ms. Leigh stated that the department move to proceed with the hearing.

Motion: Mr. Shearer moved to approve the department to proceed with the hearing.
Second: Ms. Hill 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 in conclusion of the law.
Second: Mr. Dietrich seconded the motion and it passed unanimously.

Ms. Leigh stated that *“the department’s recommendation in this case is that Auction Warehouse of Boca Raton license be revoked; a fine in the amount of \$2000.00 is imposed, cost of \$169.56, and that restitution to be determined later.”*

Motion: Ms. Hill moved to approve the counsel recommendation.
Second: Mr. Dietrich seconded the motion and it passed unanimously.

#2005-007531, Auction Warehouse of Boca Raton

Ms. Leigh presented case #2005-007531, Auction Warehouse of Boca Raton, AB 2239 the department filed an administrative complaint against respondent on October 28, 2005. The respondent was served with an administrative complaint on November 3, 2005. The administrative complaint charged respondent 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; and one count of Section 468.389 (1) (h), F.S. for commingling money or property of another with his or her own and not having an escrow account in an insured bank or savings and loan association. The respondent failed to file an election of right form or other wise 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 to an agency pleading the respondent waived his right to request a hearing.

Motion: Mr. Shearer moved to approve that the respondent waived his right to a hearing.
Second: Ms. Hill seconded the motion and it passed unanimously.

Ms. Leigh stated that the department move to proceed with the hearing.

Motion: Mr. Shearer moved to approve the department to proceed with the hearing.
Second: Ms. Hill 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 in conclusions of the law.

Second: Mr. Accardo seconded the motion and it passed unanimously.

Ms. Leigh stated that *“the department’s recommendation in this case is that Auction Warehouse of Boca Raton license be revoked; a fine in the amount of \$2000.00 is imposed, cost of \$170.30, and restitution to be determined later.”*

Motion: Ms. Hill moved to approve the counsel recommendation.

Second: Mr. Dietrich seconded the motion and it passed unanimously.

#2005-014029, Auction Warehouse of Boca Raton

Ms. Leigh presented case #2005-014029, Auction Warehouse of Boca Raton, AB 2239, the department filed an administrative complaint against respondent on October 17, 2005. The respondent was served with an administrative complaint on November 30, 2005. The administrative complaint charged respondent 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; and one count of Section 468.389 (1) (h), F.S. for commingling money or property of another with his or her own and not having an escrow account in an insured bank or savings and loan association. The respondent failed to file an election of right form or other wise 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 to an agency pleading the respondent waived his right to request 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 move to proceed with the hearing.

Motion: Ms. Hill moved to approve the department to proceed with the hearing.

Second: Mr. Accardo 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 in conclusions of the law.

Second: Ms. Hill seconded the motion and it passed unanimously.

Ms. Leigh stated that *“the department’s recommendation in this case is that Auction Warehouse of Boca Raton license be revoked; a fine in the amount of \$2000.00 is imposed, cost of \$166.78, and restitution to be determined later.”*

Motion: Mr. Moecker moved to approve the counsel recommendation.

Second: Ms. Hill seconded the motion and it passed unanimously.

#2005-018863, Auction Warehouse of Boca Raton

Ms. Leigh presented case #2005-018863, Auction Warehouse of Boca Raton, AB 2239, the department filed an administrative complaint against respondent on October 28, 2005. The respondent was served with an administrative complaint on November 30, 2005. The administrative complaint charged respondent 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; and one count of Section 468.389 (1) (h), F.S. for commingling money or property of another with his or her own and not having an escrow account in an insured bank or savings and loan association. The respondent failed to file an election of right form or other wise 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 to an agency pleading the respondent waived his right to request a hearing.

Motion: Mr. Shearer moved to approve that the respondent waived his right to a hearing.
Second: Ms. Hill seconded the motion and it passed unanimously.

Ms. Leigh stated that the department move to proceed with the hearing.

Motion: Mr. Shearer moved to approve the department to proceed with the hearing.
Second: Ms. Hill 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 in conclusions of the law.
Second: Mr. Moecker seconded the motion and it passed unanimously.

Ms. Leigh stated that *“the department’s recommendation in this case is that Auction Warehouse of Boca Raton license be revoked; a fine in the amount of \$2000.00 is imposed, cost of \$157.90, restitution to be determined later.”*

Motion: Ms. Hill moved to approve the counsel recommendation.
Second: Mr. Shearer seconded the motion and it passed unanimously.

#2005-019316, Auction Warehouse of Boca Raton

Ms. Leigh presented case #2005-019316, Auction Warehouse of Boca Raton, AB 2239, the department filed administrative complaint against respondent on October 28, 2005. The respondent was served with an administrative complaint on November 3, 2005. The administrative complaint charged respondent 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; and one count of Section 468.389 (1) (h), F.S. for commingling money or property of another with his or her own and not having an escrow account in an insured bank or savings and loan association. The respondent failed to file an election of right form or other wise 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 to an agency pleading the respondent waived his right to request a hearing.

Motion: Ms. Hill 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 move to proceed with the hearing.

Motion: Mr. Shearer moved to approve the department to proceed with the hearing.
Second: Ms. Hill 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 in conclusions of the law.
Second: Mr. Moecker seconded the motion and it passed unanimously.

Ms. Leigh stated that *“the department’s recommendation in this case is that Auction Warehouse of Boca Raton license be revoked; a fine in the amount of \$2000.00 is imposed, cost of \$159.75, and restitution to be determined later.”*

Motion: Shearer moved to approve the counsel recommendation.
Second: Ms. Hill seconded the motion and it passed unanimously.

#2005-024046, Auction Warehouse of Boca Raton

Ms. Leigh presented case #2005-0240046, Auction Warehouse of Boca Raton, AB 223, the department filed an administrative complaint against respondent on November 1, 2005. The respondent was served with an administrative complaint on November 5, 2005. The administrative complaint charged respondent 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; and one count of Section 468.389 (1) (h), F.S. for commingling money or property of another with his or her own and not having an escrow account in an insured bank or savings and loan association. The respondent failed to file an election of right form or other wise 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 to an agency pleading the respondent waived his right to request a hearing.

Motion: Mr. Dietrich moved to approve that the respondent waived his right to a hearing.
Second: Ms. Hill seconded the motion and it passed unanimously.

Ms. Leigh stated that the department move to proceed with the hearing.

Motion: Mr. Shearer moved to approve the department to proceed with the hearing.
Second: Ms. Hill 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 in conclusions of the law.
Second: Ms. Hill seconded the motion and it passed unanimously.

Ms. Leigh stated that *“the department’s recommendation in this case is that Auction Warehouse of Boca Raton license be revoked; a fine in the amount of \$2000.00 is imposed, cost of \$195.71, and restitution to be determined later.”*

Motion: Mr. Shearer moved to approve the counsel recommendation.
Second: Ms. Hill seconded the motion and it passed unanimously.

#2005-024188, Auction Warehouse of Boca Raton

Ms. Leigh presented case #2005-024188, Auction Warehouse of Boca Raton, AB 2239, the department filed an administrative complaint against respondent on November 1, 2005. The respondent was served with an administrative complaint on November 5, 2005. The administrative complaint charged respondent 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; and one count of Section 468.389 (1) (h), F.S. for commingling money or property of another with his or her own and not have an escrow account in an insured bank or savings and loan association. The respondent failed to file an election of right form or other wise 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 to an agency pleading the respondent waived his right to request a hearing.

Motion: Mr. Shearer moved to approve that the respondent waived his right to a hearing.
Second: Ms. Hill seconded the motion and it passed unanimously.

Ms. Leigh stated that the department move to proceed with the hearing.

Motion: Mr. Shearer moved to approve the department to proceed with the hearing.
Second: Ms. Hill 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 finding of facts in conclusions of the law.
Second: Ms. Hill seconded the motion and it passed unanimously.

Ms. Leigh stated that *“the department’s recommendation in this case is that Auction Warehouse of Boca Raton license be revoked; a fine in the amount of \$2000.00 is imposed, cost of \$185.16, and restitution to be determined later.”*

Motion: Mr. Shearer moved to approve the counsel recommendation.
Second: Ms. Hill seconded the motion and it passed unanimously.

#2005-029676, Auction Warehouse of Boca Raton

Ms. Leigh presented case #2005-029676, Auction Warehouse of Boca Raton, AB 2239, the department filed an administrative complaint against respondent on November 7, 2005. The respondent was served with an administrative complaint on November 12, 2005. The administrative complaint charged respondent 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; and one count of Section 468.389 (1) (h), F.S. for commingling money or property of another with his or her own and not having an escrow account in an insured bank or savings and loan association. The respondent failed to file an election of right form or other wise 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 to an agency pleading the respondent waived his right to request 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 move to proceed with the hearing.

Motion: Mr. Shearer moved to approve the department to proceed with the hearing.
Second: Ms. Hill 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 in conclusions of the law.
Second: Ms. Hill seconded the motion and it passed unanimously.

Ms. Leigh stated that *“the department’s recommendation in this case is that Auction Warehouse of Boca Raton license be revoked; a fine in the amount of \$2000.00 is imposed, cost of \$290.76, and restitution to be determined later.”*

Motion: Ms. Hill moved to approve the counsel recommendation.
Second: Mr. Shearer seconded the motion and it passed unanimously.

#2005-030378, Auction Warehouse of Boca Raton

Ms. Leigh presented case #2005-030378, Auction Warehouse of Boca Raton, AB 2239, the department filed an administrative complaint against respondent on November 7, 2005. The respondent was served with an administrative complaint on November 12, 2005. The administrative complaint charged respondent 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; and one count of Section 468.389 (1) (h), F.S. for commingling money or property of another with his or her own and not having an escrow account in an insured bank or savings and loan association. The respondent failed to file an election of right form or other wise 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 to an agency pleading the respondent waived his right to request 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 move to proceed with the hearing.

Motion: Mr. Shearer moved to approve the department to proceed with the hearing.
Second: Ms. Hill 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 in conclusions of the law.
Second: Ms. Hill seconded the motion and it passed unanimously.

Ms. Leigh stated that *“the department’s recommendation in this case is that Auction Warehouse of Boca Raton license be revoked; a fine in the amount of \$2000.00 is imposed, cost of \$356.34, and restitution to be determined later.”*

Motion: Mr. Shearer moved to approve the counsel recommendation.
Second: Mr. Dietrich seconded the motion and it passed unanimously.

#2005-0031669, Auction Warehouse of Boca Raton

Ms. Leigh presented case #2005-0311669, Auction Warehouse of Boca Raton AB 2239, the department filed an administrative complaint against respondent on November 7, 2005. The respondent was served with an administrative complaint on November 12, 2005. The administrative complaint charged respondent 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; and one count of Section 468.389 (1) (h), F.S. for commingling money or property of another with his or her own and not having an escrow account in an insured bank or savings and loan association. The respondent failed to file an election of right form or other wise 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 to an agency pleading the respondent waived his right to request a hearing.

Motion: Mr. Dietrich 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 move to proceed with the hearing.

Motion: Mr. Shearer moved to approve the department to proceed with the hearing.
Second: Ms. Hill 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 finding of facts in conclusions of the law.
Second: Ms. Hill seconded the motion and it passed unanimously.

Ms. Leigh stated that *“the department’s recommendation in this case is that Auction Warehouse of Boca Raton license be revoked; a fine in the amount of \$2000.00 is imposed, cost of \$273.03, and restitution to be determined later.”*

Motion: Mr. Shearer moved to approve the counsel recommendation.
Second: Ms. Hill seconded the motion and it passed unanimously.

#2004-032183, Auction Warehouse of Boca Raton

Ms. Leigh presented case #2005-029676, Auction Warehouse of Boca Raton AB 2239, the department filed an administrative complaint against respondent on March 28, 2005. The respondent was served with an administrative complaint on April 5, 2005. The administrative complaint charged respondent 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; and one count of Section 468.389 (1) (h), F.S. for commingling money or property of another with his or her own and not having an escrow account in an insured bank or savings and loan association. The respondent failed to file an election of right form or other wise 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 to an agency pleading the respondent waived his right to request a hearing.

Motion: Mr. Shearer moved to approve that the respondent waived his right to a hearing.
Second: Ms. Hill seconded the motion and it passed unanimously.

Ms. Leigh stated that the department move to proceed with the hearing.

Motion: Mr. Shearer moved to approve the department to proceed with the hearing.
Second: Ms. Hill 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 finding of facts in conclusions of the law.
Second: Ms. Hill seconded the motion and it passed unanimously.

Ms. Leigh stated that *“the department’s recommendation in this case is that Auction Warehouse of Boca Raton license be revoked; a fine in the amount of \$1000.00 is imposed, cost of \$439.48, and restitution to be determined later.”*

Motion: Ms. Hill moved to approve the counsel recommendation.

Second: Mr. Shearer seconded the motion and it passed unanimously.

Mr. Yecke gave a formal biography of himself and his vision for the department. He stated that *"I've been employed with the department since November 1 of last year. I moved here from Minnesota where I served for two and a half years as deputy commissioner of the Department of Employment and Economic Development. As deputy secretary I am pleased with the department and I feel that we are moving in the right direction and your board is fully staffed. Myself and Tony have this rivalry going on around the office about air force and marines but we get along pretty good most of the time. You have already had a chance this morning to meet Secretary Marstiller and she keeps enforcing the importance of customer service and we are taking a look at this. Thanks for giving me the opportunity to speak with you all and I am looking forward to working with the board."*

SETTLEMENT STIPULATION CASES

#2003-075669, Wanted Dead or Alive Antiques, Inc.

Ms. Leigh presented case #2003-075669, Wanted Dead or Alive Antiques, Inc., AB 2116, the department filed an administrative complaint against respondent on June 18, 2004. The administrative complaint charged respondent 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 and money or property belonging to another; the department and respondent executed a settlement stipulation of which provided for a fine in the amount of \$1000.00; and cost in the amount of \$383.15. Ms Leigh stated that the department believes that it is appropriate for the board to entertain a motion adopting the terms of the settlement stipulation.

Motion: Mr. Shearer moved to approve settlement stipulation.

Second: Ms. Hill seconded the motion and it passed unanimously.

Ms. Leigh stated that *"case #2003-072263 given today, earlier, for Wanted Dead or Alive is incorrect and the correct case number is 2003-075669."*

#2004-016470, Seymore Jacobson

Ms. Leigh presented case #2004-016470, Seymore Jacobson, AU 3047, the department filed administrative complaint against respondent on November 12, 2004. The administrative complaint charged respondent with violating of Section 468.389(1) (j), F.S. through a violation of Section 468.385 (7) (b), F.S. by auctioning or offering to auction property in this state without being licensed as an auctioneer business; the department and respondent executed a settlement stipulation of which provided for a fine in the amount of \$500.00; and cost in the amount of \$614.89. Ms Leigh stated that the department believes that it is appropriate for the board to entertain a motion adopting the terms of the settlement stipulation.

Motion: Ms. Hill moved to approve settlement stipulation.

Second: Mr. Shearer seconded the motion and it passed unanimously.

#2004-022563, D'Orsay & Auctioneers, Inc.

Ms. Leigh presented case #2004-022563, D'Orsay & Auctioneers, Inc., at the time of this complaint the individual was unlicensed. The department filed an administrative complaint against respondent on November 4, 2004. The administrative complaint charged respondent with violating Section 455.227 (1) through violation of Section 468.385 (7) (b), F.S. by auctioning or offering to auction property in this state without being licensed as an auctioneer business. The department and respondent executed a settlement stipulation of which provided for a fine in the amount of \$500.00; and investigation cost in the amount of \$300.30. Ms Leigh stated that the department believes that it is appropriate for the chair to entertain a motion to adopt the terms of the settlement stipulation and its final order in this case and also ask for a motion adopting the findings and conclusion of laws that are set forth in the settlement stipulation.

Motion: Mr. Shearer moved to approve settlement stipulation and the final order.
Second: Ms. Hill seconded the motion and it passed unanimously.

Motion: Mr. Shearer moved to approve the findings and conclusion of the law in the settlement stipulation.
Second: Ms. Hill seconded the motion and it passed unanimously.

#2004-047700, Jamie Craig Chesnut

Ms. Leigh presented case #2004-047700, Jamie Craig Chesnut AU 2837. The department filed administrative an complaint against respondent on November 21, 2005. The administrative complaint charged respondent 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. The department and respondent executed a settlement stipulation of which provided for a fine in the amount of \$100.00; and cost in the amount of \$311.87. Ms Leigh stated that the board adopts the conclusion of the law set forth in settlement stipulation.

Motion: Mr. Shearer moved to approve settlement stipulation.
Second: Ms. Hill seconded the motion and it passed unanimously.

Motion: Mr. Shearer moved to approve settlement stipulation accepting the final order.
Second: Ms. Hill seconded the motion and it passed unanimously.

Mr. Spivey informed the court reporter that the board was done with the cases and that she could be released from her duties for this meeting.

Mr. Spivey also introduced Ms. Monique Ewell as his new administrative assistant and Ms. Kela Timmons as the individual that takes care of the complaints for the board from Regulation.

EBAY PRESENTATION

Mr. Sullivan stated *that "I've been with ebay about four years, and with the department of Justice for eight years, as a prosecuting attorney for the U.S. Department of Justice. I went to*

the University of Miami Law School and I started out with the Department of Justice here in Florida and worked my way out to California and specialized in high tech crime. It seems like in the last couple of years questions have started arising in regards to action laws in particle. I believe it's because of some thing we just started to see, merging and drop-off stores where people would open up a store front and say you can bring your items in and we will sell them for you on ebay. Ebay is a website where people can list items and people around the world can bid on them. The way ebay works is that we try to build trust between people that have never met each other before. About seventy-five (75) percent of the transaction goes across the state lines and there's probably about 10 million items for sale on ebay at any given time. We also have live auctions and we only allow licensed auctioneers to use that way to list items for sale. I have a slide presentation to show you and you will have a better idea of what we do at ebay.

CASE LOAD STATUS

Ms. Leigh presented the prosecuting attorney's report dated February 3, 2006 and provided a supplemental handout dated March 9, 2006. The February 3, 2006 report reflected one (1) confidential case in the legal department, four (4) cases were set for the probable cause panel, four (4) administrative complaints had been filed, eleven (11) cases requested formal hearings, and two (2) cases in settlement negotiations, twenty-one (21) cases were set for board presentation. There were thirty-eight (38) public cases in legal and a total of forty-two (42) open auctioneer cases.

The March 3, 2005 report reflected three (3) confidential cases in the legal department, six (6) administrative complaints had been filed, one (1) case ready for default, ten (10) cases for formal hearing, one (1) case pending informal hearing, three (3) cases in settlement negotiations, and twenty-one (21) cases set for board presentation. There were forty-two (42) public cases in legal and a total of forty-five (45) open auctioneer cases.

BOARD CHAIR REPORT

Status of Finger Print/Background Legislative Bill

Mr. Dietrich updated the board of the status of the fingerprint bill he stated that *"there's a copy of the finger print bill in the book and this bill has been sponsored in the senate by Senator Bill Posey and perhaps Mr. Shearer can update you on the status of the bill in the house."*

Mr. Shearer stated that *"he had asked Frank Akins to speak for the bill in the house but he is tied up but he is looking for someone else to support the same language in the house. "*

Mr. Moecker asks *"so, this session will not see this bill pass through the house and the senate?"*

Mr. Shearer responded *"probably not both."*

Mr. Moecker stated *"so, if it passes through the senate then there's no companion bill in the house so it is dead in the water, right? Why are we wasting time to push this thing?"*

Mr. Shearer stated" oh well, we are thinking that Frank will get someone in time to do this."

Mr. Mocker asked" when does the legislative session end?"

Mr. Spivey, replied May 30, 2006.

Mr. Dietrich stated that "one thing, Frank Akins is the chairman of this committee that this bill would go to the house. My conversion was that he would make sure that it got through his committee and he will find someone to sponsor it for us. He's Dons' state representative but I've known Frank for probably thirty (30) years or so. My understanding is that there were a lot of freshman legislators that had room to sponsor bills that he would try and get one of them to be the official sponsor of this bill."

Mr. Moecker asked Mr. Spivey could he get the house bill number for the board whenever one is assigned.

COLLECTION PROCEDURES OF FINES

Marc Drexler informed the board of the process that they do in collections. He stated "we collect on unpaid fines and costs that the board informed him on. Whenever a fine becomes past due the board refers this case to my Section which is the collection Section. We review those cases to determine if they are collectable or not and based on our research and review if they are collectable we will go head and open a case and pursue. If we think that it is not collectable we will let the board office know by sending a memo with the final order and recommend that the debt be written off. Then we will send it over to department of financial services (DFS) and if they wish to send it to their collection agency they are free to do so. DFS presently contracts with OSI and I think that it is a state contract that they have out there". He also stated that "a lot of the cases that they deal with are defaults, where the people don't contest it or don't show up and they deal with a lot of cases where the license has been revoked. "With discussions with the credit bureau they will not accept the department sending them final orders for listing on an individual credit report. One of the things that happen is when we accept the case for collections we try to locate the people and determine where they are. If we are able to proceed under the administrative law in Florida we can file what is called an enforcement law suit in circuit court those cases we reduce the final order to a judgment and then we are able to make judgment against their person property and from what we have heard the credit bureau picks up those judgments from the courthouse and it gets on there credit report that way."

Mr. Reddinger stated that "under the new computer system a person is unable to get a license or renew his license until all previous fines are taken care of. There are pop-ups when you pull up the person's name. If he should try and renew, believe me, that money will first be converted to the fine that is outstanding in the department. Then he or she will be in default on his or her renewal because he would not have enough money in his account for renewal."

COMBATING UNLICENSED ACTIVITIES

Mr. Reddinger thanked the board for inviting him and he stated *“we have a toll free number now, and we are excited about it, it has been going very well. I brought a lot of cards; they are over at the table and anyone that you come in contact with please pass them out. Since the inception three months ago I think there has been three or four auctioneer calls that turned into complaints so we have already made a difference with the board on the toll free number. When calling and filling a complaint you can file them anonymous but when you call please have as much information as possible because you are not talking with an investigator, so, you will not be contacted regarding this case.”*

BOARD ATTORNEY

Ms. Edwards indicated that *“there are two Rules that have been discussed and they have to do with a new requirement in the law about null and void licenses. The statute said a board may reinstate a null and void license by Rule the department have taken the position that they want you to adopt a Rule. I don’t know if the department has taken a position whether or not they want you to reinstate a null and void license because the language used in the statute was permissible not mandatory. Because forms are Rules and the department is developing a form it will have to be adopted as a Rule if you are going to use the form. When the form is completed by the department it will then come to you and you will get a chance to look at it and adopt it as a Rule or not.”*

Mr. Shearer asked the question *“why would we want to reinstate?”*

Mr. Spivey indicated that *“the department is not taking the stand that you have to reinstate the language in 455 F.S. it gives the board the option to reinstate a null a void license. For example my electrical board said they are not reinstating any null and void licenses. The individual will have to reapply as if they never had a license. But the department is taking a stand since the language does say may reinstate the option have to be there and provided for the individual to actually make the application and then based on which board is addressing that issue they have the option to reinstate that license or not.”*

Mr. Accardo asked *“could we change the language to state you must apply?”*

Mr. Spivey stated that he had briefed the electrical board on it and they said no we don’t even want to address the subject so I brought that back to the department and was told no we need to bring this back and the board have to have some kind of a Rule put in place on how they are going to deal with the subject.

Ms. Edwards suggested that the board adopt a Rule that states we will not reinstate null and void licenses. Also she suggested that the board wait and see what the department comes up with and then we can make our Rule. Meanwhile we will be in this free form.

Executive Director’s Report

Finance Reports (Operating, Recovery, Unlicensed)

Mr. Spivey reviewed the financial reports ending December 31, 2005. He indicated that *"currently this board is in good standing. On your operation account you show a balance of \$241,959 cash balance and he hasn't heard of any cash sweeps. The recovery fund is down to \$767,495 and you are still in good standing in that account. Unlicensed activity account there's a balance of \$27,166 cash balance there. Financial wise this board is in good status."*

Mr. Spivey informed the board that the department had changed the look of its website and what they have done is made it a lot easier for individuals when they look at our website to find information a lot faster. He indicated that the headers are right at the top of the page and you can click on it and it will take you right to the board site. This information will be in the newsletters and on our website.

Mr. Spivey indicated that they were getting the newsletter ready to go out in March and it was in draft form and between now and the next couple of weeks and if you have any information that you would like to put in the newsletter send it to him or Ms. Jones.

NEW BUSINESS

Date & Location of Next Meeting

June 5, 2006 @ 9:00 - Orlando

Ms. Hill stated that for some reason she did not have this day on her calendar and she cannot attend and she asked for an excused absent.

Mr. Spivey presented a purposed calendar for the next fiscal year.

Mr. Dietrich stated that the next national meeting will be held in Florida and would like for Mr. Spivey to include this in his budget for next year.

Mr. Spivey indicated that since there are no travel expenses he would try and budget for two board members and two staff members to attend this conference.

Mr. Shearer indicated that if the board meeting is a success this year in conjunction with the national meeting and the people show up maybe we should try and schedule next year meeting around the national meeting.

Mr. Spivey indicated that he will not be doing board member training at this meeting but he will be doing it later on. Also, the department is working on a new board member training booklet.

Mr. Spivey informed the board that the June 5, 2006 meeting will be held at the Caribe Royal Hotel in Orlando.

Adjournment

Motion: Ms. Dietrich moved to adjourn.

Second: Ms. Hill seconded the motion and it passed unanimously.

The meeting was adjourned at 1:40 p.m.