

EXECUTIVE SUMMARY

Board of Auctioneers Meeting

Meeting Type: General Board Meeting, Northwood Centre Boardroom,
Department of Business & Professional Regulation,
Tallahassee, FL

Meeting Date: March 14, 2007

Board Members: Fred Dietrich, Chair
Michael Moecker, Vice Chair
Craig Accardo
Jody Hill
Donald Shearer

Other Attendees: Tim Vaccaro, Division Director
Anthony B. Spivey, Executive Director
Renese Jones, Government Analyst I
Barbara Edwards, Assistant Attorney General
Jessica Leigh, Prosecuting Attorney
David Spingler, Legal Assistant
Jerry Wilson, Division of Regulation

Major Issues/Actions

- Mr. Vaccaro met with the board and provided a legislative update informing them that the department backs the effort of current legislation to aid in requiring auctioneer applicants to be fingerprinted before licensure.
- Mr. Wilson presented statistical information to the board regarding pending complaints and explained how his office responds to complaints. The board gave favorable comments on Mr. Wilson's presentation.
- Ms. Leigh provided a report to the board regarding the case load in the department. Currently there is a total of twenty-seven cases in the legal section of the department.
- The board received a financial report of its balances as of the end of the reporting period for December 31, 2006. The operating account has a balance of \$132,705; the unlicensed activity account has a balance of \$29,011; and the recovery fund operating account has a balance of \$798,862.

- The Executive Director briefed the board on House Bill 711 that is currently being discussed in the legislature. This bill requires auctioneer applicants to submit to a fingerprint and background check before licensure as an auctioneer. House Bill 711 was introduced by Senator Posey. The bill's progress is being tracked by the department's Office of Legislative Affairs. A companion bill in the Senate (SB 1786) with identical language is also being reviewed.
- In reviewing a case during the meeting, counsel advised the board there was little action that could be taken because of the constraints in the current statutes. In the particular case, the licensee pled "nolo contendere" to a charge instead of pleading guilty. The current auctioneer statutes do not have language relative to an auctioneer pleading nolo contendere that would allow the board to take discipline. Ms. Edwards suggested future legislative changes to have the language in the statute changed to include admissions of no contest in order to affect discipline on an auctioneer when there is no finding of guilt.
- Board counsel discussed the null and void form with the board members. Counsel was advised to prepare draft rules for review at the next meeting which provide guidelines for reviewing requests from auctioneers whom licenses have gone null and void. Counsel indicated she would have draft language at the next meeting.
- The Chair raised discussions regarding a national examination for licensure. Mr. Dietrich indicated if there was a national exam accepted by each state auctioneering licensing agency, this would eliminate the need for reciprocal licenses. As a suggestion, Mr. Dietrich requested staff to check with Board of Nursing to determine how it utilizes its national exam process. Staff indicated the nursing board would be contacted.

Anthony B. Spivey
Executive Director