

**MEETING OF  
THE FLORIDA BOARD OF AUCTIONEERS**  
The Plaza Resort and Spa  
Daytona Beach, Florida 32118  
**Monday, June 4, 2007 @ 9:00 am est.**

**CALL TO ORDER**

Mr. Moecker, Chair, called the meeting to order at 9:00 a.m. Mr. Moecker asked everyone to stand and recite the pledge of allegiance and asked Mr. Shearer to give the invocation. There was a roll call and a quorum was established.

**BOARD MEMBERS PRESENT**

Michael Moecker, Chair  
Craig Accardo

**STAFF PRESENT**

Anthony Spivey, Executive Director  
Renese Jones, Government Analyst  
Drew Winters, Prosecuting Attorney  
Barbara Edwards, Assistant Attorney General

**OTHERS PRESENT**

Scott Grasso, J. Sugarman Auction Corp.  
Don Shearer, Auction Services  
H. Fred Dietrich, III, Dietrich & Associates  
Chris Fisher, Fisher Auction  
Speedy Barnette, E. Barnette Auction  
Rose White, Moecker Auctions  
Debbie Shuler, Shuler & Shuler RE Auctioneer  
Cliff Shuler, Cliff Shuler Auction  
Deana McClendon, Auctions & Realty of America, Inc.  
Kindra McGehee, Auction & Realty of America, Inc.  
Manny & Lyn Pesco, Pesco Auction  
Frank Land, Land Auction Service  
Ray J. Bruner, CAI, Bruner Auction Services  
S. Kincard, Sandry Kincard & Auction  
Cherl Johnson, Cricker Auctions  
Blake Kennedy, Kennedy Brothers  
Gayle A. Dietrich  
June Wild  
Neal VanReeRee  
Richard L. Hanworth

Mr. Spivey presented former board member and chair Mr. Dietrich with a plaque for his years of dedicated service to the auctioneer board. History was made in Daytona Beach as Mr. Dietrich received his historical plaque for being the longest member to

serve as Chairman for the state of Florida Auctioneer Board. This meeting was held in conjunction with the Florida Auctioneer Association meeting and there were more than fifty individuals that witnessed this event.

### **APPROVAL OF MINUTES FROM MARCH 14, 2007**

The minutes were approved with no noted corrections.

Motion: Mr. Accardo moved to approve the minutes.

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

### **PUBLIC COMMENTS**

No comments

### **APPLICATIONS**

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

#### **AUCTIONEER LIST**

##### **AUCTIONEER BY EXAMINATION**

ROYE, LADONNA S	AU 3627	LAFFERTY, DINA	AU 3649
STANTON, PETER	AU 3629	BALL, ELISA K	AU 3650
BAKER, JENA	AU 3630	ATANASIO, JON P	AU 3651
CAVELL, BRUCE G	AU 3631	DEBITETTO, CRAIG T	AU 3654
BARLOW, RAYMOND C	AU 3632	HAIGHT, MARLE H	AU 3655
RICHARDSON, RAYMOND W	AU 3633	ROGERS, CURTIS R	AU 3656
RICHARDSON, LOUISE M	AU 3634	KRAVIS, DALE A	AU 3657
SEDWICK, DANIEL F	AU 3635	HUGHES, TIMOTHY W	AU 3658
CRISCITELLI, SHAWN	AU 3636	MASON, BARBARA H	AU 3659
BONTEN, CARLA E	AU 3638	WARD, GWENDOLINE G	AU 3361
HARE, TIFFANY L	AU 3639	MC PHILLIPS, RICKY D	AU 3362
LACY, RYAN R	AU 3640	COODY, WILLIAM F	AU 3664
MCNAMARA, RAY J	AU 3641	WILKINSON, H D	AU 3665
ROBB, PAUL E	AU 3642	ROLPH, DENZEL D	AU 3666
BALOGH, PETER	AU 3643	SCHBERT, JERRY	AU 3667
LINDSAY, CHRISTOPHER	AU 3644	DOUGLAS, AMOS T	AU 3668
WEBB, JOE C	AU 3646	GRADY MICHAEL S	AU 3669
HOYT, TERRI	AU 3647	HESTER, JEREMY M	AU 3670
KRIEBEL, TIMOTHY L	AU 3648	MORRISSETTE, PAUL D	AU 3671

##### **AUCTIONEER BY ENDORSEMENT**

DENARD, TERRY J	AU 3628	AL MS
SHARIFIAN, SAEED	AU 3637	TX
DINARDO, TOM	AU 3645	WA IL
HURD, CHARLES	AU 3652	NH MA
YODER, JOHN	AU 3653	OH
MANNING, JUSTIN J	AU 3660	MA
FLOWER, ELIZABETH	AU 3663	SC

##### **AUCTION BUSINESS**

BLAIR REALTY & AUCTION	AB 2594
JOE WEBB AUCTIONEER	AB 2595
MONIKER ONLINE SVC LLC	AB 2596
JENA'S ANTIQUES & ART	AB 2597
REAL T BID AUCTION COMPANY	AB 2598

GODSPEED AUCTION	AB 2599
COLLINS AUCTION SERVICE	AB 2600
ATLANTIS AUCTIONS, INC	AB 2601
PARADISE AUCTIONS	AB 2602
BRANIFF ENTERPRISES, LLC	AB 2603
TIMOTHY W HUGHES	AB 2604
WESTGATE ART AUCTION	AB 2605
ACTIVE AUCTION INC	AB 2606
POWERHOUSE AUCTIONS	AB 2607
FIRST COAST APPLIANCES	AB 2608
SILVER STAR AUCTIONS INC	AB 2609
BALOGH AUCTIONEERS	AB 2610
ALL STAR AUCTIONS INC	AB 2611
AFFINITY AUCTIONS	AB 2612
SEIZED ASSET AUCTION, INC	AB 2613
TJK RESTAURANTS INC	AB 2614
JR'S AUCTIONS UMLIMITED	AB 2615
AUCTIONEERS BY CARLA BONTON INC	AB 2616
RONNIE COX AUCTIONS DBA RONALD COX	AB 2617
FLORIDA AUCTIONEERS & REALTY, LLC	AB 2618
ALL PALMS REALTY LLC	AB 2619
GALA GAL INC	AB 2620
THE AUCTION HOUSE OF SOUTH FLORIDA	AB 2621

#### **AUCTIONEER APPRENTICE**

HARRIS, JOHN K	AE 370
ROOT, RALPH C	AE 371
SCHUER, MICHAEL K	AE 372
KIRK, RICHARD A	AE 373
MELTON, RICHARD	AE 374
ROENIGK, FREDERICK A	AE 375

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

#### **REGULATION REPORT**

No Report.

#### **PROSECUTING ATTORNEY REPORT**

#### **2005 - MOTION FOR WAIVER**

##### **#2005-024317, All Out Auctions and Delivery**

Mr. Winters presented case # 2005-024317, AB 2463. The respondent was not present and was not sworn in via the court reporter. The department filed an administrative complaint against respondent on December 14, 2006. 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

respondent has been charged with violating Section 468.388 (11)(b)(5), F.S. no licensed auctioneer, apprentice, or auction business may disseminate or cause to be disseminated any advertisement or advertising shall be deemed to be false, deceptive, misleading, or untruthful if it fails to include the name and license number of the principal auctioneer and the auction business; and 468.385 (1) (j), F.S. for violating a statute or administrative rule regulating practice under this part or a lawful disciplinary order of the board or the department shall be grounds for the disciplinary activities provided in subsections (2) and (3). 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. Moecker seconded the motion and it passed unanimously.

Mr. Winters 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.

Mr. Winters stated that *“the department’s recommendation in this case is that All Out Auctions and Delivery, case #2005-024317, AB 2463, pay a fine in the amount of \$2,000, and costs of \$260.29 and 1 year probation.”*

Motion: Mr. Accardo made a motion for All Out Auction to pay a \$2000 fine, \$260.29 costs and 1 year probation.

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

### **#2005-024337, Nathan Burch**

Mr. Winters presented case # 2005-024337, AU 3366. The respondent was not present and was not sworn in via the court reporter. The department filed an administrative complaint against respondent on December 14, 2006. 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 respondent has been charged with violating Section 468.388 (11)(b)(5), F.S. no licensed auctioneer, apprentice, or auction business may disseminate or cause to be disseminated any advertisement or advertising shall be deemed to be false, deceptive, misleading, or untruthful if it fails to include the name and license number of the principal auctioneer and the auction business; and 468.385 (1) (j), F.S. for violating a statute or administrative rule regulating practice under this part or a lawful disciplinary

order of the board or the department shall be ground for the disciplinary activities provided in sub-sections (2) and (3). 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. Moecker seconded the motion and it passed unanimously.

Mr. Winters 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.

Mr. Winters stated that *“the department’s recommendation in this case is that All Out Auctions and Delivery, case #2005-024317, AU 3366, pay a fine in the amount of \$2,000, and costs of \$243.98 and 1 year probation.”*

Motion: Mr. Accardo made a motion for All Out Auction to pay a \$2000 fine, \$243.98 costs and 1 year probation.

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

#### **#2005-060447, Nicole Michelle Parker**

Mr. Winters presented case # 2005-060447, AU 3236. The respondent was not present and was not sworn in via the court reporter. The department filed an administrative complaint against respondent on October 19, 2006. The respondent’s administrative complaint, explanation of rights and election of rights forms were sent to respondent via U.S Certified Mail, return service requested on October 26, 2006, and returned on November 8, 2006 marked “not deliverable”; person service and affidavit of diligent search was filed on December 11, 2006, with the affiant stating she was unable to make service; notice of action was published in “the advocate star” on February 16, 23, and March 2, 9, 2007. On page 87 of the agenda the petitioner’s motion for waiver, there is a correction in section 5 and 6. It stated the respondent was given an “election of rights forms” and it should have read the respondent was served with a “notice of action”. 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 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 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. Moecker seconded the motion and it passed unanimously.

Mr. Winters 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.

Mr. Winters stated that *“the department’s recommendation in this case is that Nicole Michelle Parker, case #2005-60447, AU 3236, pay a fine in the amount of \$1,000, costs of \$401.54 and 1 year probation.”*

Motion: Mr. Accardo made a motion for Nicole Michelle Parker to pay a \$1000 fine, \$401.54 costs and 1 year probation.

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

## **SETTLEMENT STIPULATION – Formal Hearing**

### **#2006-002277, Jerry H. Feldman**

Mr. Winters presented case #2006-002277, Jerry H. Feldman, AU 3094. The respondent was not present and was not sworn in via the court reporter. In case 2006-002277, Jerry H. Feldman, the department filed an administrative complaint against respondent on April 17, 2007. The administrative complaint charged respondent with violating Section 468.389 (1)(c), F.S. for 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 respondent responded through his election of rights form to have an informal hearing not involving the issues of material facts.

Mr. Winters stated that *prior to the hearing the department and the respondent came to an agreement of the following recommendation in this case. The respondent agreed to pay restitution in the amount of \$298.50, fine \$1000 and costs \$226.22.*

Motion: Mr. Moecker moved to approve the findings in the agreement.

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

Recess 9:30 to 9:40 am

## INFORMAL HEARING

### **#2006-011166, Dave Newman Auctions, Inc.**

Mr. Winters presented cases #2006-0111667 (**correction case number should be 2006-011166**), Dave Newman Auctions, Inc., AU 13. 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 administrative complaint charged respondent with violating Section 468.388, (1) (j) F.S. prior to conducting an auction in this state, an auctioneer or auction business shall execute a written agreement with the owner, or the agent of the owner, of any property to be offered for sale, stating: (a) The name and address of the owner of the property; (b) The name and address of the person employing the auctioneer or auction business, if different from the owner; and (c) The terms or conditions upon which the auctioneer or auction business will receive the property for sale and remit the sales proceeds to the owner. The respondent responded to the election of rights form and decided not to dispute the charges.

Mr. Winters 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.

Mr. Winters' recommendation in this case is that Dave Newman Auctions, Inc. pay a fine of \$1000, costs in the amount of \$291.01 and 1 year probation.

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

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

### **#2007-001456, J. Sugarman Auction Corp.**

Mr. Winters presented cases #2007-001456, J. Sugarman Auction Corp., AB 1971. The respondent was present, Mr. Scott Grasso, and was sworn in via the court reporter. The department filed an administrative complaint against respondent on March 19, 2007. The administrative complaint charged respondent with violating Section 468.365,(7)(b), 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 any change in this required information; and 468.389 (1) (d) F.S., false, deceptive, misleading, or untruthful advertising; and Rule 61G2-5004(2)(e), F.A.C., an advertisement shall be deemed to be false, deceptive, misleading, or untruthful, if it fails to include the name and license number of the principal auctioneer and the auction

business. The respondent responded to the election of rights form and elected to have a hearing.

Mr. Winters 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.

Mr. Grasso stated that he does not have a problem with the allegations that are listed on the administrative complaint. *“Due to administration change in my office my web designer lack putting the license number on the front page and other pages of the website”*. When they made changes with the Secretary of state office they failed to notify the Department of Business and Professional Regulation. He pled guilty to all of the charges and wanted the board to feel comfortable with him due to the prior problems with this company. He stated that *“I wanted to attend the board meeting to show the board that I was not trying to rock any kind of boat but wanted to be here so that everyone will know.”*

Mr. Moecker stated that he appreciates Mr. Grasso for coming and stated that it must be difficult for him to come due to the history of Mr. Sugarman. He said in the past the board has paid a sufficient amount of money out of the recovery fund to grieving parties on behalf of this company. *“Whether it was Jay, Bob or whoever is involved the board takes this matter extremely serious. I think in order for you to continue in business it is my understanding that Jay Sugarman should pay back the \$100,000, plus interest to the recovery fund because that is his duty. He is taking from all of the honest auctioneers that do business in the state of Florida who fund the recovery fund*

Mr. Grasso stated *“I do understand.”*

Mr. Moecker stated that *“Mr. Grasso used the term us which kind of lead the board to think that Jay Sugarman or Bob Sugarman is involved and is still around with him in this capacity. You can change the corporation name but it’s like changing the person who drove the puppet at a show you don’t know who is behind the curtain and that person can change and the puppet keeps doing his thing. The board, the department and the auctioneers who work very hard to make a living in this business take this matter sincerity. The board will do whatever is in their power to see that that \$100,000 gets paid back no matter what happens in term of J. Sugarman’s auction company or auctioneers. If it walks like and duck and talks like a duck it still is a duck. That’s the way we feel about it and I think I can say that for the auctioneer board those that are not present today, past board members and those who may become a board member again, I think this feeling is unanimous.”* Mr. Grasso was asked to explain his involvement with this company.

Mr. Grasso stated that he took over Mr. Sugarman's company when he was no longer allowed to practice as an auctioneer. He basically used the name of Mr. Sugarman's company as his company for the strength of the name in the auction industry. He presently used Jay as a consultant in his business. Mr. Grasso also stated that he did not think he did something in an illegal matter. If there is some kind of a monetary payback that needs to be done he is more than willing to discuss it with the board. He is willing to work with the board to make the monetary change and get this board paid back for the money that has been spent. *"If that is the right thing to do, again I don't know."* Jay Sugarman is around this company and he does not run his company as a practicing auctioneer." He used him as a consultant on making business decisions in the office.

Ms. Edwards looked at Florida Statute 468.398 and page 427 of her agenda material and stated 468.398 suspension of judgment debtor's license; repayment by licensee; interest. And it says *"If the board is required to make any payment from the Auctioneer Recovery Fund in settlement of a claim or toward the satisfaction of a judgment under this part, the board shall suspend the judgment debtor's license. The licensee is not eligible to be licensed again as either an auctioneer or auction business until the licensee has repaid in full the amount paid from the Auctioneer Recovery Fund, with interest at the current applicable rate."* On page 427 which is a copy of the Department of State profit that lists J Sugarman Auction Corp as the registered agent which she thinks isn't a problem; but he is also listed as president and that is a problem.

Mr. Grasso said that this was incorrectly done they changed from one corporation to another.

Mr. Accardo asked if the new company had a different FEI number.

Mr. Grasso said "yes". He stated that the company changed from J Sugarman World Wide Auctions to J. Sugarman Auction Corp. because he was partner with another gentleman and they had a breakup in business. He stated that Bob Sugarman was the owner and he passed away a couple years ago.

Ms. Edwards indicated that both of the Secretary of State documents were filed on the same day. The one on page 427 filed on July 16, 1999 which listed Jay Sugarman as President and the other on page 433 filed on July 16, 1999 listed you Mr. Grasso as President Director. Since they both were filed on the same day for the same corporation Mr. Edwards doesn't know which one is in affect.

Mr. Grasso stated that he believes that this is the reason why he is before the board today. Due to Mr. Jay Sugarman's name being listed on the corporation paper work.

Ms. Edwards stated you are here because of advertisement.

Mr. Accardo stated that he was charged with two counts, one being he failed to inform the board of the changes and the other, false advertising.

Mr. Moecker asked Mr. Grasso what he was going to do to fix the old problem resolution to the recovery funds.

Mr. Grasso felt as it would be unfair for him to make a decision at the present moment and the board has caught him off guard with this. He would be glad to sit and work something out with the Board maybe at the next meeting or maybe in their office.

Mr. Moecker said that would probably take place with the Attorney General's Office. At the present time the board is going to deal with the paperwork they have in front of them.

Mr. Accardo wanted the board to verify that the FEI numbers are different on the documents submitted before a motion is given. If the numbers are the same he's not willing to vote for this motion and he thinks that the penalty should be stiffer.

Mr. Winters stated that there had not been any prior recommendations of penalties in Mr. Grasso's case. The only thing that they have done in this case is adopted the allegations and facts and conclusion.

The board called for a recommendation from the department's board attorney.

Mr. Winters recommended that J. Sugarman Auction, Inc. pay a \$2000 fine, costs in the amount of \$111.12 and 2 years probation.

Mr. Grasso was asked by the board was he a shareholder and he answered yes. He stated that he's the owner of J. Sugarman Auction, Inc.; he purchased the stocks 8 months ago, and kept the name of the company. Due to the marketing it was a powerful name in the auctioneers industry. He did not seek legal counsel when he changed the company over.

Ms. Edwards stated that she did not think the recovery fund payback fell under the Attorney General's Office. Its part of the penalty of the licensee and that is handled by the department. She suggested that the board add to their penalty the requirement that Mr. Grasso appear at every meeting to report the status of his company. Maybe the board needs to table this matter until the next meeting until they can answer some of their questions.

Mr. Moecker said he was in favor of tabling this to the next meeting. Mr. Grasso is now on official public notice about the board's intent to seek out that \$100,000, plus interest and penalty or whatever. Mr. Moecker assured him that the board will not give up until the money is paid back.

Mr. Grasso stated that he was in agreement with Ms. Edwards if the board wanted to discuss this issue they should table it to the next meeting. He understood.

Ms. Edwards stated that she would have to meet with Ms. Leigh or Mr. Winters and find out how to proceed with this because she is not aware of any procedures ever taking place along these lines while she has been counsel. She advised the board to proceed with the motion that they have on the table. Mr. Grasso is on notice that the board will be looking into how they can collect the recovery fees paid out from the recovery fund due to Sugarman's company.

Mr. Winters agreed with Ms. Edwards to have Mr. Grasso appear or someone to represent him before the board at the scheduled meetings for the next year or two.

Mr. Moecker wanted to know how Mr. Winters defined someone to represent him.

Mr. Winters said Mr. Grasso or...

Mr. Moecker said Mr. Grasso and asked Mr. Accardo to amend his motion.

Motion: Mr. Accardo moved to amend his motion to include Mr. Winters' recommendation, plus Mr. Grasso to appear at every board meeting during his probation period to report the status of his company.

Mr. Winters included that Mr. Grasso needs to bring his corporation structures that may help to answer the questions as well.

Mr. Accardo amended the motion again to include Mr. Grasso to bring his corporation structures with him to the meetings.

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

Mr. Moecker thanked Mr. Grasso for coming and asked him was he a licensed auctioneer and he stated that he was an apprentice. He wanted to know who he reports to and he said Charlie Grasso. He asked who is Charlie Grasso and Mr. Grasso said his dad. He asked him was Charlie Grasso a stockholder and Mr. Grasso said "no". He asked Mr. Grasso does his dad supervise his activities and he said "yes". Again he thanked him.

### **CASE LOAD STATUS**

Mr. Winters presented the prosecuting attorney's report dated May 16, 2007. The report reflected four (4) confidential cases in the legal department, one (1) confidential case set for supplemental investigation, four (4) cases involving administrative complaints filed, one (1) case involving a settlement negotiation, and six (6) cases set for board presentation. There were a total of sixteen (16) cases in legal.

Mr. Moecker would like staff to check on the status of Stampler Auction, Inc, AB 2548 and Harry Stampler. He noticed that these names appeared on the December 13, 2006 agenda and again on the March 13, 2007 agenda. He would like to know what happened with these issues.

Mr. Moecker stated that the board had a get well card for Ms. Leigh and it was located at the end of the table if anyone wanted to sign it.

### **BOARD ATTORNEY**

Ms. Edwards asked the board to give her direction so that she can draft a rule for null and void licenses.

The board stated that they will provide this information on the reinstatement of null and void licenses at the next meeting.

Motion: Mr. Moecker made a motion to table the reinstatement of null and void issues to the September 19, 2007 meeting.

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

Ms. Edwards gave a status report on combining the fee Rules 61G2-3. She stated that she had developed the language but she has not moved any further because it took sometime to find out how to proceed due to JAPC's rules.

Motion: Mr. Moecker made a motion for Ms Edwards to continue forward with getting the fee Rules 61G2-3.002 – 0012 combined as one rule.

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

Mr. Spivey suggested to the board to delete the prorated fee in Rule 61G-3004 initial licensure fee. In doing so the board will delete the last paragraph of this rule as following.

#### **61G2-3.004 Initial Licensure Fees.**

The initial licensure fee for an auctioneer is \$150; an apprentice \$150; and for an auction business \$150. ~~However, persons or businesses granted initial licenses in the second year of the biennium shall pay one half of the initial license fees.~~

Prior to this meeting he spoke with the department's accounting section and was told if the board continues to prorate this fee, soon the board can be faced with financial problems. By deleting the prorated fee he believes this would keep the board in the black.

Motion: Mr. Accardo made a motion for Ms. Edwards to delete the last sentence in Rule 61G-3.004.

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

Ms. Edwards stated that on page 452 of the agenda there is a letter from her to Mr. Dietrich regarding issues from the last meeting and it was placed on the agenda for information purposes only.

## **BOARD CHAIR REPORT**

Mr. Moecker thanked the members and the audience for coming and supporting them in the meeting.

## **EXECUTIVE DIRECTOR'S REPORT**

Mr. Spivey presented an e-mail from the central intake application unit for clarification of the reciprocity license and the board tabled it to the next meeting. They had questions regarding how to handle a person from another state that is being reciprocated into the state of Florida without sitting for a Florida exam. A copy of the rule is below.

***468.387 Licensing of nonresidents; endorsement; reciprocity.**--The department shall issue a license by endorsement to practice auctioneering to an applicant who, upon applying to the department and remitting the required fee, set by the board, demonstrates to the board that he or she satisfies the requirements of s. 468.385(3) and holds a valid license to practice auctioneering in another state, provided that the requirements for licensure in that state are substantially equivalent to or more stringent than those existing in this state. The endorsement and reciprocity provisions of this section shall apply to auctioneers only and not to professions or occupations regulated by other statutes.*

Mr. Spivey submitted an e-mail from the national nursing board regarding their requirements for the national testing as information purposes only. Mr. Dietrich had previously asked for an example from the nursing profession in administering the national exam to possibly discuss the benefits of the auctioneering board using a similar procedure. The nursing board gives a national examination throughout the nation which makes it much easier for a person to become licensed in that profession.

Mr. Spivey reported that there are 3174 null and void individuals currently licensed in the state of Florida.

Mr. Spivey indicated that fingerprint House Bill 711 did not pass in the house nor the senate. He indicated that the board will have to wait until next year to proceed with this bill. He indicated that Senator Posey is working on this bill.

Mr. Moecker stated that the board will have to get to work on this bill and they will have to come up with a better game plan to attack this. He indicated that he will be doing some research on this.

Mr. Spivey stated that the regulation report was added to the agenda for information purposes only.

The spring newsletter is done, it is ready for the printers and to be posted to the web. Due to the recent changes in the board staff the newsletter was retrieved and sent back to Communications for the changes and it should be posted on the website soon.

Mr. Spivey thanked the FAA for inviting the board to this meeting and providing the meeting room for the department and he greatly appreciates it.

**FINANCE REPORTS  
(Operating, Recovery, Unlicensed)**

Mr. Spivey reviewed the financial reports ending March 31, 2007. He indicated that the *“operation account shows a balance of \$98,531. The operating account for the recovery fund shows a balance of \$808,063. In the unlicensed activity account there’s a balance of \$29,520.”*

The board asked that Mr. Green appear at the next board meeting with a report.

**NEW BUSINESS**

None

**NEXT MEETING**

Proposed Meeting Dates for 2007 – 2008

September 19, 2007 - Orlando

December 12, 2007

March 19, 2008

June 12, 2008

**PUBLIC COMMENTS**

Mr. Dietrich wanted Ms. Edwards to discuss an issue that may come before the board as a complaint regarding advertising and she refused to discuss it.

Several individuals were not happy and vented to the department and board regarding the call center and their customer service. One gentleman was not happy with the Governor’s office and felt as if more members should be present for a board meeting.

**ADJOURNMENT**

Motion: Mr. Accardo moved to adjourn.

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

The meeting was adjourned at 11:55 am.