CALL TO ORDER
Mr. Moecker, Chair, called the meeting to order at 9:02 a.m. Mr. Moecker asked everyone to stand and recite the Pledge of Allegiance and Mr. Dietrich gave the invocation. There was a roll call and a quorum was established.

BOARD MEMBERS PRESENT
Michael Moecker, Chair
Billy Wayne Collins
Pat Thomas D’Angelo
H. Fred Dietrich, III

STAFF PRESENT
Anthony Spivey, Executive Director
Renese Jones, Government Analyst
LeChea Parson, Prosecuting Attorney
Charlyne “Khai” Patterson, Assistant Attorney General

OTHERS PRESENT
Gayle Dietrich, Dietrich and Association
Michael Monaghan, Rose’s Auction
Kim Satz, Kim Satz Auction Corp
Patty JoFerraro, PJS Hometown Auctions
William M Norris, Auctioneer

COURT REPORTER
Argus Team
Patti Williams
4010 West State Street
Tampa, Florida 33609

Opening Remarks: Each individual should state their first and last name before speaking.

APPROVAL OF MINUTES
The March 12, 2010 minutes were approved with no changes or corrections.

Motion: Mr. Dietrich moved to approve the minutes.
Second: Mr. D’Angelo seconded the motion and it passed unanimously.

The June 14, 2010 minutes were approved with no changes or corrections.

Motion: Mr. Dietrich moved to approve the minutes.

Second: Mr. D’Angelo seconded the motion and it passed unanimously.

The September 1, 2010 minutes were approved with no changes and corrections.

Motion: Mr. Dietrich moved to approve the minutes.

Second: Mr. D’Angelo seconded the motion and it passed unanimously

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

<table>
<thead>
<tr>
<th>Client</th>
<th>Lic_Nbr</th>
<th>Applicant’s Name</th>
<th>ADDR_CTY</th>
<th>ST_CDE</th>
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<tbody>
<tr>
<td></td>
<td>4801 411</td>
<td>CRAZE, KEVIN EUGENE</td>
<td>TALLAHASSEE</td>
<td>FL</td>
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<tr>
<td></td>
<td>4801 412</td>
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<td>HOSFORD</td>
<td>FL</td>
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<td>4801 413</td>
<td>KENNEDY, BRETT WAGES</td>
<td>ST. PETERSBURG</td>
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</table>

AUCTIONEER RATIFICATION LIST FOR SEPTEMBER 23, 2010 BOARD MEETING

Licensure by Auctioneer Apprentice

<table>
<thead>
<tr>
<th>Client</th>
<th>Lic_Nbr</th>
<th>Applicant’s Name</th>
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<tbody>
<tr>
<td>4801</td>
<td>410</td>
<td>GARTH, ROBERT SEXSON</td>
<td>PENSACOLA</td>
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<tr>
<td>4801</td>
<td>412</td>
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<tr>
<td>4801</td>
<td>413</td>
<td>KENNEDY, BRETT WAGES</td>
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Licensure by Auctioneer

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<tr>
<th>Client</th>
<th>Lic_Nbr</th>
<th>Applicant’s Name</th>
<th>ADDR_CTY</th>
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<tbody>
<tr>
<td>4802</td>
<td>4141</td>
<td>BARKUS, ROBERT ARTHUR III</td>
<td>CLERMONT</td>
<td>FL</td>
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<tr>
<td>4802</td>
<td>4137</td>
<td>CAMPBELL, SEAN FIELD</td>
<td>MERRITT ISLAND</td>
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<tr>
<td>4802</td>
<td>4144</td>
<td>DENTON, ROBERT A</td>
<td>TEMPLE TERRACE</td>
<td>FL</td>
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<tr>
<td>4802</td>
<td>4134</td>
<td>GINIGER, SAMUEL H</td>
<td>PANAMA CITY</td>
<td>FL</td>
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<tr>
<td>4802</td>
<td>4145</td>
<td>GRAIL, CHAD A</td>
<td>CAPE CORAL</td>
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<tr>
<td>4802</td>
<td>4131</td>
<td>GRIMME, MICHAEL JOSEPH</td>
<td>FORT LAUDERDALE</td>
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<tr>
<td>4802</td>
<td>4142</td>
<td>MIULLI, MIKE A</td>
<td>ODESSA</td>
<td>FL</td>
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<tr>
<td>4802</td>
<td>4132</td>
<td>SLAVINSKY, DAVID J</td>
<td>CLEARWATER</td>
<td>FL</td>
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<tr>
<td>4802</td>
<td>4152</td>
<td>WEISS, DAVID M</td>
<td>BOYNTON BEACH</td>
<td>FL</td>
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<td>4802</td>
<td>4136</td>
<td>WHIDDEN, BENJAMIN</td>
<td>ORLANDO</td>
<td>FL</td>
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<tr>
<td>4802</td>
<td>4147</td>
<td>ESHLEMAN, WILLIAM C</td>
<td>WINSTON SALEM</td>
<td>NC</td>
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<td>4802</td>
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<td>JOHNSON, JOE C</td>
<td>KINGSPORT</td>
<td>TN</td>
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<td>4143</td>
<td>KURDZIOLEK, BRIAN KEITH</td>
<td>CHESTERFIELD</td>
<td>VA</td>
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<tr>
<td>Licensee ID</td>
<td>Name</td>
<td>Address</td>
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<tr>
<td>4802 4133</td>
<td>MURPHY, JOELLA S</td>
<td>LA GRANGE PARK IL</td>
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<tr>
<td>4802 4149</td>
<td>PERKINS, MATTHEW GENE</td>
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<td>4802 4150</td>
<td>ROWAN, BRIAN R</td>
<td>HUNTERSVILLE NC</td>
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<tr>
<td>4802 4140</td>
<td>SMITH, JAMES ALLEN</td>
<td>CLARKSVILLE GA</td>
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<tr>
<td>4802 4130</td>
<td>SMITH, LARRY GENE</td>
<td>DOTHAN AL</td>
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<tr>
<td>4802 4153</td>
<td>STEPTOE, TERRY MCQUAIG</td>
<td>DOUGLAS GA</td>
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<tr>
<td>4802 4148</td>
<td>SUTTLES, MARTIN ROBERT</td>
<td>MOOREVILLE NC</td>
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<td>4802 4135</td>
<td>TAYLOR, DAVID WAYNE</td>
<td>INMAN SC</td>
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<td>4802 4146</td>
<td>VAN SICKLE, TODD MICHAEL</td>
<td>ATLANTA GA</td>
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<tr>
<td>4802 4138</td>
<td>KOOl, RONALD RAY JR</td>
<td>COCOA FL</td>
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**Licensure by Null and Void**

<table>
<thead>
<tr>
<th>Licensee ID</th>
<th>Name</th>
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<tbody>
<tr>
<td>4802 4139</td>
<td>YOUNG, ROGER LEE</td>
<td>WELLINGTON FL</td>
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**Licensure by Auctioneer Business**

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<tr>
<th>Licensee ID</th>
<th>Name</th>
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<tbody>
<tr>
<td>4803 2972</td>
<td>A BURANEK-GRAIL AUCTION COMPANY LLC</td>
<td>CAPE CORAL FL</td>
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<tr>
<td>4803 2967</td>
<td>AGG OF AMERICA LLC</td>
<td>FORT LAUDERDALE FL</td>
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<tr>
<td>4803 2955</td>
<td>AUCOR INC</td>
<td>MELBOURNE FL</td>
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<tr>
<td>4803 2958</td>
<td>AUCTION DOGS, LLC</td>
<td>MERRITT ISLAND FL</td>
</tr>
<tr>
<td>4803 2973</td>
<td>CASHMART, LLC</td>
<td>MIAMI FL</td>
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<tr>
<td>4803 2957</td>
<td>DEALER AUCTIONS INC</td>
<td>DENVER NC</td>
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<td>4803 2965</td>
<td>ESTATES &amp; THINGS AUCTION SERVICES</td>
<td>ORLANDO FL</td>
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<tr>
<td>4803 2969</td>
<td>F &amp; L AUCTION</td>
<td>HOSFORD FL</td>
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<tr>
<td>4803 2970</td>
<td>FLIGHT LEVEL AIRCRAFT AUCTIONS</td>
<td>LAKELAND FL</td>
</tr>
<tr>
<td>4803 2975</td>
<td>FORAM INC.</td>
<td>SEMINOLE FL</td>
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<tr>
<td>4803 2964</td>
<td>GALLIVAN, LLC</td>
<td>INDIANAPOLIS IN</td>
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<tr>
<td>4803 2961</td>
<td>GAMELAND U.S.A., INC.</td>
<td>BROOKSVILLE FL</td>
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<tr>
<td>4803 2963</td>
<td>I-10 AUCTION LLC</td>
<td>PENSACOLA FL</td>
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<tr>
<td>4803 2952</td>
<td>JACKSON AUCTIONS</td>
<td>WILDWOOD FL</td>
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<tr>
<td>4803 2954</td>
<td>LOUIS J. DIANNI, LLC</td>
<td>SUNRISE FL</td>
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<tr>
<td>4803 2953</td>
<td>MANHEIM PENSACOLA</td>
<td>PENSACOLA FL</td>
</tr>
<tr>
<td>4803 2960</td>
<td>MIDWAY MACHINERY &amp; AUCTION LLC</td>
<td>MIDWAY FL</td>
</tr>
<tr>
<td>4803 2956</td>
<td>PLATINUM LUXURY AUCTIONS LLC</td>
<td>MIAMI FL</td>
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<tr>
<td>4803 2974</td>
<td>PORTER AUCTIONS, INC.</td>
<td>CRESTVIEW FL</td>
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<tr>
<td>4803 2959</td>
<td>PRESSINGER &amp; COMPANY INC</td>
<td>CORAL SPRINGS FL</td>
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<tr>
<td>4803 2962</td>
<td>SPENCER'S AUCTION HOUSE LLC</td>
<td>SPRING HILL FL</td>
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<tr>
<td>4803 2966</td>
<td>T AND A AUCTION COMPANY</td>
<td>PALATKA FL</td>
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<tr>
<td>4803 2968</td>
<td>TREASURE COAST AUCTION BARN</td>
<td>VERO BEACH FL</td>
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<tr>
<td>4803 2971</td>
<td>WEISS AUCTION</td>
<td>BOCA RATON FL</td>
</tr>
</tbody>
</table>

Motion: Mr. Dietrich moved to approve the auctioneer ratification list as presented.
Second: Mr. D’Angelo seconded the motion and it passed unanimously.

BOARD COUNSEL REPORT
Ms. Patterson placed the definitions of rules 61G2-8.010 auction and 61G2-8.030 mediation on the agenda for discussion. The discussion determined that the definition needs to include the term “shilling” added to this section. By adding this information the prosecuting attorney could prosecute those types of cases.

Motion: Mr. Dietrich moved to approve the necessary changes to rules 61G2-8.010 auction to add shilling, cap and false bidder.

Second: Mr. D’Angelo seconded the motion and it passed unanimously.

Motion: Mr. Mocker moved to approve that Section 468.388(6), F.A.C. would not have an impact on small businesses.

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

Mr. Spivey read Mr. Steven Goldstein Recovery Fund letter into the record. Mr. Goldstein thanked staff for their help with his recovery application process.

BOARD CHAIR REPORT
Mr. Moecker thanked the board staff for doing an outstanding job.

EXECUTIVE DIRECTOR’S REPORT
The board reviewed the pass/fail grade report and asked Mr. Spivey to investigate why the pass rate was elevated.

Mr. Spivey reviewed the financial reports ending June 30, 2010. He indicated that the “operating account shows a balance of $92,301. The operating account for the recovery fund shows a balance of $505,714 and the unlicensed activity account shows a balance of $39,169.”

Mr. Spivey informed the members that there would be a cash sweep in the near future.

Mr. Spivey informed the board members that Ms. Penny Landberg-Crosson has re-paid the recovery fund in full.

The Regulation report was for information only.

PROSECUTING ATTORNEY REPORT

CASE LOAD STATUS
Ms. Parson presented the prosecuting attorney report in a format that consisted of more details on each case.
Ms. Parson presented case #2010-000460, Gavin Adabi, AU 3400. The respondent was not present. The department filed an administrative complaint against the respondent on July 6, 2010. The respondent has been charged with violating Section 468.389 (1)(k), having a license to practice a comparable profession revoked, suspended, or otherwise acted against by another state, territory, or country. The respondent failed to file an Election of Rights form disputing issues of 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 the right to request a hearing where there is a disputed issue of material facts. The department believes that it is appropriate at this time for the chair to entertain a motion finding that the respondent waived the right to a hearing.

Motion: Mr. Dietrich made a motion that Mr. Adabi waived his rights to a hearing.
Second: Mr. Collin seconded the motion and it passed unanimously.

Ms. Parson stated that “the department believes that it is appropriate for the chair to entertain a motion adopting the allegations and facts and conclusions 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 adopt the findings of facts and conclusions of law.
Second: Mr. Collins seconded the motion and it passed unanimously.

Ms. Parson stated that “the department’s recommendation in this case is that Gavin H Adabi, pay a $218.03 costs and reprimand his license.

Motion: Mr. Moecker made a motion to approve the department’s recommendation.
Second: Mr. Collins seconded the motion and it passed unanimously.

Ms. Parson presented case #2009-062290 and 2009-062381, Kim Satz and Kim Satz Auction Company, AU 3232. The respondent and her attorney Mr. David Russell were present. The department filed an administrative complaint against respondent on June 15, 2010. The respondent was charged with violating Sections 468.389 (1) (c), 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, 468.389 (1)(j) violating a statute or administrative rule regulating practice under this part or a lawful disciplinary order of the board or the department and 468.388 (1) 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. The department believes that it is appropriate for the chair to entertain a motion to accept the settlement stipulation.

Motion: Mr. Dietrich made a motion to adopt the settlement stipulation agreement to include a $1,000 fine and $320.09 costs.

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

#2008-038432, Right Now Auction Svc, AB2156
Ms. Parson presented case #2008-038432, Right Now Auction Svc, AB2156. The respondent was present and sworn in by the court reporter. The department filed an administrative complaint against the respondent on December 10, 2010. The respondent was charged with violating Section 468.389 (1) (j), violating a statute or administrative rule regulating practice under this part or a lawful disciplinary order of the board or the department. The respondent failed to submit an Election of Rights form disputing issues of 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 the right to request a hearing where there is a disputed issue of material facts. The department believed that it was appropriate at this time for the chair to entertain a motion finding that the respondent waived the right to a hearing.

Motion: Mr. D'Angelo made a motion that Right Now Auction Svc waived its rights to a hearing.

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

Ms. Parson stated that “the department believes that it is appropriate for the chair to entertain a motion adopting the allegations and facts and conclusions 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 adopt the findings of fact and conclusions of law.

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

Ms. Parson stated that “the department’s recommendation in this case is that Right Now Auction Svc, pay a fine in the amount of $1,000 and costs of $206.14 and revoke the license.

Motion: Mr. Dietrich made a motion to adopt the department’s recommendation.

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

Ms. Parson presented case #2009-01377 & 2009-01517, Earl Ernest Barnette and E Barnette & Associates, AU 1595. The respondent was present and sworn in by the court reporter. The department filed an administrative complaint against respondent on October 29, 2009. The respondent was charged with violating Section 468.389 (1) (c), the following acts shall be grounds for the disciplinary activities provided in subsections (2) and (3). The respondent failed to submit an Election of Rights form disputing issues of 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 the right to request a hearing where there is a disputed issue of material facts. The department believed that it was appropriate at this time for the chair to entertain a motion finding that the respondent waived the right to a hearing.

Motion: Mr. D’Angelo made a motion that Earl Ernest Barnette and E Barnette & Associates waived its rights to a hearing.

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

Ms. Parson stated that “the department believes that it is appropriate for the chair to entertain a motion adopting the allegations and facts and conclusions 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. D’Angelo moved to adopt the findings of fact and conclusions of law.

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

Ms. Parson stated that “the department’s recommendation in this case is that Earl Ernest Barnette and E Barnette & Associates, pay a fine in the amount of $500, costs of $480.51, 6 months probation to allow the Respondent to submit proof of the returned checks from patrons identified at the hearing, and proof of the dollar amounts in restitution $2,335.06,

Motion: Mr. D’Angelo made a motion to approve the department’s recommendation.

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

5 Minute Recess

#2009-027131 and 2009-027135, Dean V, Kruse and Kruse International, AB202

Ms. Parson presented case #2009-027131 and 2009-027135, Dean V, Kruse and Kruse International, AB 202. The respondent was not present. The department filed an administrative complaint against respondent on April 12, 2010. The respondent was charged with violating Section 468.389 (1) (c), the following acts shall be grounds for
the disciplinary activities provided in subsections (2) and (3). The respondent failed to submit an Election of Rights form disputing issues of 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 the right to request a hearing where there is a disputed issue of material facts. The department believed that it was appropriate at this time for the chair to entertain a motion finding that the respondent waived the right to a hearing.

Motion: Mr. D’Angelo made a motion that Dean V. Kruse and Kruse International waived its rights to a hearing.

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

Ms. Parson stated that “the department believes that it is appropriate for the chair to entertain a motion adopting the allegations and facts and conclusions 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. D’Angelo moved to adopt the findings of facts and conclusions of law.

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

Ms. Parson stated that “the department’s recommendation in this case is Dean V, Kruse and Kruse International, pay a fine in the amount of $1,000, costs of $288.40 and revoke his license.

Motion: Mr. D’Angelo made a motion to approve the department’s recommendation.

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

#2007-046156, Douglas Tanius, Sr., AU 3135

Ms. Parson presented case #2007-046156, Douglas Tanius, Sr., AU 3135. The respondent was not present. The department filed an administrative complaint against respondent on June 9, 2009. The respondent was charged with violating Section 468.389 (1) (c), the following acts shall be grounds for the disciplinary activities provided in subsections (2) and (3). The respondent failed to submit an Election of Rights form disputing issues of 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 the right to request a hearing where there is a disputed issue of material facts. The department believed that it was appropriate at this time for the chair to entertain a motion finding that the respondent waived the right to a hearing.

Motion: Mr. D’Angelo made a motion that Douglas Tanius waived its rights to a hearing.
Second: Mr. Collins seconded the motion and it passed unanimously.

Ms. Parson stated that “the department believes that it is appropriate for the chair to entertain a motion adopting the allegations and facts and conclusions 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. D’Angelo moved to adopt the findings of facts and conclusions of law.

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

Ms. Parson stated that “the department’s recommendation in this case is Douglas Tanius, pay a fine in the amount of $1,000 and costs of $794.53 and revoke his license.

Motion: Mr. D’Angelo made a motion to approve the department’s recommendation.

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

#2009-061998, Dion Abadi, AU 2762
Ms. Parson presented case #2009-061998, Dion Abadi, AU 2762. The respondent was not present. The department filed an administrative complaint against the respondent on May 11, 2010. The respondent was charged with violating Section 468.389 (1)(f), refusal or neglect of any auctioneer or other receiver of public moneys to pay the moneys so received into the State Treasury at the times and under the regulations prescribed by law and 468.389 (1)(k) having a license to practice a comparable profession revoked, suspended, or otherwise acted against by another state, territory, or country. The respondent failed to file an Election of Rights form disputing issues of material facts of the administrative complaint pursuant to Rule 28-106.111, F.A.C. By failing to request a within 21 days of receipt of agency pleading, the respondent waived the right to request a hearing where there is a disputed issue of material facts. The department believes that it is appropriate at this time for the chair to entertain a motion finding that the respondent waived the right to a hearing.

Motion: Mr. Moecker made a motion that Mr. Dion Abadi waived his rights to a hearing.

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

Ms. Parson stated that “the department believes that it is appropriate for the chair to entertain a motion adopting the allegations and facts and conclusions of law contained in the administrative complaint of those of the board after which the department will request that the board impose penalties within their guidelines.”

Motion: Mr. Moecker moved to adopt the findings of facts and conclusions of law.
Second: Mr. Collins seconded the motion and it passed unanimously.

Ms. Parson stated that “the department’s recommendation in this case is that Dion Adabi, pay a $182.35 costs.

Motion: Mr. Moecker made a motion to approve the department’s recommendation.

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

#2009-042032 and 2009-042040, Patty Jo Ferraro and PJ Company, Inc. d/b/a Something More, AB 2791

Ms. Parson presented case #2009-042032 and 2009-042040, Patty Jo Ferraro and PJ Company, Inc. d/b/a Something More, AB 2791. The respondent was present and sworn in. The department filed an administrative complaint against the respondent on April 29, 2010. The respondent was charged with violating Sections 468.389 (1)(c), 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 and 468.389 (1)(j) violating a statute or administrative rule regulating practice under this part or a lawful disciplinary order of the board or the department and 468.388 (4) each auction must be conducted by an auctioneer who has an active license or by an apprentice who has an active apprentice auctioneer license and who has received prior written sponsor consent. Each auction must be conducted under the auspices of a licensed auction business. Any auctioneer or apprentice auctioneer conducting an auction, and any auction business under whose auspices such auction is held, shall be responsible for determining that any auctioneer, apprentice, or auction business with whom they are associated in conducting such auction has an active Florida auctioneer, apprentice, or auction business license. The respondent failed to file an Election of Rights form disputing issues of material facts of the administrative complaint pursuant to Rule 28-106.111, F.A.C. By failing to request a within 21 days of receipt of agency pleading, the respondent waived the right to request a hearing where there is a disputed issue of material facts. The department believes that it is appropriate at this time for the chair to entertain a motion finding that the respondent waived the right to a hearing.

Motion: Mr. D’Angelo made a motion that Mr. Patty Jo Ferraro and PJ Company, Inc. waived their rights to a hearing.

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

Ms. Parson stated that “the department believes that it is appropriate for the chair to entertain a motion adopting the allegations and facts and conclusions 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 adopt the findings of facts and conclusions of law.

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

Ms. Parson stated that “the department’s recommendation in this case is that Patty Jo Ferraro, pay a $100 fine, $391.78 cost and reprimand.

Motion: Mr. Moecker made a motion to approve the department’s recommendation.

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

#2009-053033, 1 Liquidators, AB 1855
Ms. Parson presented case #2009-053033, 1 Liquidators, AB 1855. The respondent was not present. The department filed an administrative complaint against the respondent on April 12, 2010. The respondent was charged with violating Section 468.389 (1)(c), failure to account for or to pay or return, within a reasonable time not to exceed 30 days, money or property belonging to another which has come into the control of an auctioneer or auction business through an auction. The respondent failed to file an Election of Rights form disputing issues of material facts of the administrative complaint pursuant to Rule 28-106.111, F.A.C. By failing to request a within 21 days of receipt of agency pleading, the respondent waived the right to request a hearing where there is a disputed issue of material facts. The department believes that it is appropriate at this time for the chair to entertain a motion finding that the respondent waived the right to a hearing.

Motion: Mr. Moecker made a motion that #1 Liquidators waived its rights to a hearing.

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

Ms. Parson stated that “the department believes that it is appropriate for the chair to entertain a motion adopting the allegations and facts and conclusions of law contained in the administrative complaint of those of the board after which the department will request that the board impose penalties within their guidelines.”

Motion: Mr. Moecker moved to adopt the findings of facts and conclusions of law.

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

Ms. Parson stated that “the department’s recommendation in this case is that #1 Liquidators, pay a $1,000 fine, $314.47 costs, revoke license and restitution in the amount of $12,488.20.
Motion: Mr. Moecker made a motion to approve the department’s recommendation.

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

Discussion on Disciplinary Fines

Ms. Parson brought to the meeting an outline of the maximum disciplinary fines by profession for the board members to review. After reviewing the fees the board decided to form a committee to work with staff to increase the fees.

Motion: Mr. Dietrich made a motion for staff to increase the fees.

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

APPLICATION REVIEW

Michael P. Monaghan – Mr. Monaghan was present. Examination application approved.

Motion: Mr. Dietrich made a motion to approve the application as presented.

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

William Michael Norris – Mr. Norris was present. Null and void application approved.

Motion: Mr. Dietrich made a motion to approve the application as presented.

Second: Mr. D’Angelo seconded the motion and it passed unanimously.

Matthew P. Green – Mr. Green was not present. Null and void application approved.

Motion: Mr. Dietrich made a motion to approve the application as presented.

Second: Mr. D’Angelo seconded the motion and it passed unanimously.

Business Application

Abingdon Auction LLC – Business application approved.

Motion: Mr. Dietrich made a motion to approve the application as presented.

Second: Mr. D’Angelo seconded the motion and it passed unanimously.

PUBLIC COMMENTS
OLD BUSINESS
The National meeting next year will be held in Orlando, Florida.

NEW BUSINESS
Forthcoming Dates for 2009-2010
   December 10, 2010 - Tallahassee
   March 11, 2011 – Tampa, Florida
   June 10, 2011 – South Florida

ADJOURNMENT
Motion: Mr. Dietrich moved to adjourn the meeting.
Second: Mr. Collins seconded the motion and it passed unanimously.

The meeting was adjourned at 12:25 pm.