

EXECUTIVE SUMMARY
Board of Auctioneers Meeting

Meeting Type: General Board Meeting, Casa Monica Hotel, St. Augustine, FL
Meeting Date: December 10, 2009

Board Members: Michael Moecker, Chair
Donald Shearer
H. Fred Dietrich, III
Craig Accardo

Other Attendees: Anthony B. Spivey, Executive Director
Renese Jones, Government Analyst
LeChea Parson, Prosecuting Attorney
David Flynn, Assistant Attorney General

Major Issues/Actions

- Ms. Parson presented four cases to the board for review. Two of the cases were informal hearings that resulted in one being continued, and one resulting in an imposed penalty and revocation of the license. The remaining two cases were a settlement stipulation that was rejected by the board, and a motion for waiver that was approved by the board. The motion of waiver noted that the applicant refused their right to hearing by an administrative judge.
- Ms. Parson reported to the board that there are a total of 20 cases in legal.
- The board reviewed five requests for reinstatement of a null and void license. Four of the requests were approved and one was denied.
- Mr. Flynn informed the board the rule notice is moving forward for noticing the revised Null and Void Application and will be presented at the next meeting for review of the language.
- Mr. Flynn informed the board that a review of the rules is necessary to determine if updates are necessary. He asked that board members review the rule information and start making notes where changes may be necessary. Mr. Flynn will start working with the members at the next scheduled meeting in March to identify rules that may require updating.
- Mr. Moecker addressed the board regarding the vetoed fingerprint/background bill from the 2009 legislative session. He requested that staff provide the board information on the number of applications received for request for payment from the recovery fund, and the number

of requests actually approved for payment. The information will be used to show evidence there is a need to require background checks on prospective auctioneers. Mr. Moecker will present the information to the Florida Bar who will help introduce language to require statutory background checks.

- The board voted to endorse the Florida Auctioneers Association (FAA) in their effort in getting statutory language approved for background checks in the 2010 legislative session.
- The Executive Director provided the financial report to the board for the period ending June 30, 2009. The operating recovery account has a balance of \$483,272. The operating account has a balance of \$63,678, and the unlicensed activity account has a balance of \$30,954.
- The board was informed of the requirement by House Bill 425 that all licensees are now required to self-report criminal violations. The board was also advised to start working on rules that address the licensee's failure to report and the penalty guidelines for failing to report the information.
- The board was advised that Secretary Drago has moved to the Governor's Office and Chief of Staff Charlie Liem is now the Interim Secretary.
- The board requested that two individuals be authorized to travel out of state to the national auctioneers' convention next year in 2010. The Executive Director reminded the board that out of state travel has been curtailed but the request will be presented to the department.
- The board will meet in Tallahassee on March 12, 2010 and has requested a briefing from the Division of Regulation regarding the investigation process of auctioneer cases. The board is interested in stings and sweeps being done in the state to prosecute unlicensed auctioneers.

Anthony B. Spivey, DBA
Executive Director
December 11, 2009