CALL TO ORDER
Mr. Moecker, Chair, called the meeting to order at 9:00a.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
Craig Accardo
H. Fred Dietrich, III

BOARD MEMBER ABSENT
Donald “Don” Shearer (family emergency)

STAFF PRESENT
Charlie Liem, Interim Secretary
Tim Vaccaro, Division Director
Jerry Wilson, Division Director
Anthony Spivey, Executive Director
Renese Jones, Government Analyst
LeChea Parson, Prosecuting Attorney
David Flynn, Assistant Attorney General

OTHERS PRESENT
Gayle Dietrich, Dietrich and Association
Tom Mills, Auctioneer
Daniel Nordby, Attorney
Avi Asher, Auctioneer
Floyd Harrison, Auctioneer
Ezra Abadi
Gavin Abadi
Paul Bartolo, Regulation
Winnifred, Christian, CIU
Maxine Jefferson, CIU
Ferronda Burke, CIU
Erike Brown, Regulation

COURT REPORTER
Interim Secretary Liem addressed the board on the accomplishments made within the department. He informed the board that he is proud of this staff.

Mr. Spivey introduced Professions Director, Mr. Vaccaro, Regulation Director, Jerry Wilson and CIU and Regulation employees that work behind the scene helping to prepare the agenda.

Mr. Spivey stated that after 35 years of managing our printshop Mr. Steve Medley retired. This Auctioneer agenda is the last agenda he logged in and as a tribute he wrote a note to Mr. Vaccaro and it read as this “My Last Agenda, To Tim and all Division Staff, it has been my pleasure to have worked with all of you. It has been a great ride! (03/75 to 02/10) “Your Friend Always,” Steve Medley 02/25/10.”

Mr. Moecker directed staff to send Mr. Medley an appreciation letter from the Board.

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

APPROVAL OF MINUTES FROM DECEMBER 10, 2009
The minutes were approved with no changes and corrections.

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

PUBLIC COMMENTS
No comments

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

AUCTIONEER RATIFICATION LIST
November 11, 2009 - February 24, 2010

<table>
<thead>
<tr>
<th>Client</th>
<th>Lic_Nbr</th>
<th>Applicant's Name</th>
<th>ADDR_CTY</th>
<th>ST_CDE</th>
</tr>
</thead>
<tbody>
<tr>
<td>4801</td>
<td>406</td>
<td>MORTON, THOMAS HERBERT</td>
<td>HUDSON</td>
<td>FL</td>
</tr>
<tr>
<td>4801</td>
<td>407</td>
<td>VANDERGRAFF, FRED III</td>
<td>PALMETTO</td>
<td>FL</td>
</tr>
</tbody>
</table>

For the Record Reporting, Inc
Post Office Box 12042
Tallahassee, Florida 31317-2042
Telephone: 850.222.5491
Fax: 850.922.5316
E-mail: forthercond@tallahasseeecourtreporting.com

Florida Board of Auctioneers
March 12, 2010
General Business
Page 2 of 13
### LICENSURE BY EXAM

<table>
<thead>
<tr>
<th>License No</th>
<th>Name</th>
<th>City</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>4802-4083</td>
<td>BACA, RICO RICARDO</td>
<td>WEST PALM BEACH</td>
<td>FL</td>
</tr>
<tr>
<td>4802-4079</td>
<td>BLAKE, GARY J</td>
<td>OKAHUMPKA</td>
<td>FL</td>
</tr>
<tr>
<td>4802-4050</td>
<td>CRAMPTON, SUSAN E</td>
<td>ORLANDO</td>
<td>FL</td>
</tr>
<tr>
<td>4802-4082</td>
<td>D'ANGELO, DIANE LYNN</td>
<td>CORAL SPRINGS</td>
<td>FL</td>
</tr>
<tr>
<td>4802-4075</td>
<td>DEACON, LISA KAREN</td>
<td>PINELLAS PARK</td>
<td>FL</td>
</tr>
<tr>
<td>4802-4049</td>
<td>ESPINOSA, JOSE</td>
<td>OCALA</td>
<td>FL</td>
</tr>
<tr>
<td>4802-4078</td>
<td>FRIEDLAND, RODNEY I</td>
<td>FORT LAUDERDALE</td>
<td>FL</td>
</tr>
<tr>
<td>4802-4077</td>
<td>FRIEDLAND, STELLA</td>
<td>FORT LAUDERDALE</td>
<td>FL</td>
</tr>
<tr>
<td>4802-4066</td>
<td>LANG, FRANK R</td>
<td>AUBURNDALE</td>
<td>FL</td>
</tr>
<tr>
<td>4802-4056</td>
<td>MANCINEILLI, LAURA</td>
<td>SARASOTA</td>
<td>FL</td>
</tr>
<tr>
<td>4802-4054</td>
<td>MATELIS, CHRISTY A</td>
<td>MIAMI</td>
<td>FL</td>
</tr>
<tr>
<td>4802-4052</td>
<td>NEENAN, THOMAS P</td>
<td>PARKLAND</td>
<td>FL</td>
</tr>
<tr>
<td>4802-4060</td>
<td>ORSINI, PAUL LOUIS</td>
<td>FORT LAUDERDALE</td>
<td>FL</td>
</tr>
<tr>
<td>4802-4053</td>
<td>PAUL, JUSTIN L</td>
<td>WEST PALM BEACH</td>
<td>FL</td>
</tr>
<tr>
<td>4802-4076</td>
<td>PELLITTERI, ANTHONY JAMES</td>
<td>EUSTIS</td>
<td>FL</td>
</tr>
<tr>
<td>4802-4065</td>
<td>PFEIFFER, THOMAS SHANNON</td>
<td>PENSACOLA</td>
<td>FL</td>
</tr>
<tr>
<td>4802-4058</td>
<td>PORTER, MICHAEL</td>
<td>CRESTVIEW</td>
<td>FL</td>
</tr>
<tr>
<td>4802-4080</td>
<td>TIPTON, JIMMY FRANKLIN</td>
<td>JACKSONVILLE</td>
<td>FL</td>
</tr>
<tr>
<td>4802-4055</td>
<td>TRUNZO, WENDA L</td>
<td>PLANT CITY</td>
<td>FL</td>
</tr>
</tbody>
</table>

### AUCTIONEER LICENSURE BY ENDORSEMENT

<table>
<thead>
<tr>
<th>License No</th>
<th>Name</th>
<th>City</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>4802-4085</td>
<td>BACK, WILLIAM ALVIN</td>
<td>PRESTON</td>
<td>GA</td>
</tr>
<tr>
<td>4802-4057</td>
<td>BALDY, ELTON TAYLOR</td>
<td>VERO BEACH</td>
<td>FL</td>
</tr>
<tr>
<td>4802-4051</td>
<td>CLEARY, ALAN GERARD</td>
<td>SAINT CHARLES</td>
<td>MO</td>
</tr>
<tr>
<td>4802-4084</td>
<td>DANN, ROBERT L</td>
<td>AMBLER</td>
<td>PA</td>
</tr>
<tr>
<td>4802-4069</td>
<td>DYKSTRA, CHRISTOPHER JOHN</td>
<td>FORT WORTH</td>
<td>TX</td>
</tr>
<tr>
<td>4802-4068</td>
<td>FLYNN, DANIEL JOSEPH</td>
<td>QUINCY</td>
<td>MA</td>
</tr>
<tr>
<td>4802-4067</td>
<td>GETZ, DARREN MARK</td>
<td>ATLANTA</td>
<td>GA</td>
</tr>
<tr>
<td>4802-4072</td>
<td>HINDMAN, LESLIE S</td>
<td>CHICAGO</td>
<td>IL</td>
</tr>
<tr>
<td>4802-4071</td>
<td>KARBELK, STEPHEN MICHAEL</td>
<td>TULSA</td>
<td>OK</td>
</tr>
<tr>
<td>4802-4059</td>
<td>LEVINSOHN, ADAM</td>
<td>ATLANTA</td>
<td>GA</td>
</tr>
<tr>
<td>4802-4070</td>
<td>MCDERMID, KATRINA MAY</td>
<td>GREEN BAY</td>
<td>WI</td>
</tr>
<tr>
<td>4802-4086</td>
<td>PAPADAKOS, JASON ALAN</td>
<td>PANAMA CITY</td>
<td>FL</td>
</tr>
<tr>
<td>4802-4074</td>
<td>PLYMEL, HARRY ALAN</td>
<td>THOMASVILLE</td>
<td>GA</td>
</tr>
<tr>
<td>4802-4067</td>
<td>SRIRO, TODD MATTHEW</td>
<td>PHOENIX</td>
<td>AZ</td>
</tr>
<tr>
<td>4802-4081</td>
<td>STRANGE, JASON S</td>
<td>GREENWOOD</td>
<td>IN</td>
</tr>
<tr>
<td>4802-4073</td>
<td>WATKINS, JERRY L</td>
<td>FAIRFIELD</td>
<td>FL</td>
</tr>
</tbody>
</table>

### INITIAL BY NULL AND VOID

<table>
<thead>
<tr>
<th>License No</th>
<th>Name</th>
<th>City</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>4802-4061</td>
<td>ALBRITTON, KALE E</td>
<td>LAKELAND</td>
<td>FL</td>
</tr>
<tr>
<td>4802-4062</td>
<td>BOWMAN, GARY WAYNE</td>
<td>NORTH PORT</td>
<td>FL</td>
</tr>
<tr>
<td>4802-4063</td>
<td>COAKLEY, JOHN W</td>
<td>DE LAND</td>
<td>FL</td>
</tr>
<tr>
<td>4802-4064</td>
<td>SHALLOW, JAKE A</td>
<td>PUNTA GORDA</td>
<td>FL</td>
</tr>
</tbody>
</table>

Florida Board of Auctioneers  
March 12, 2010  
General Business  
Page 3 of 13


**AUCTIONEER BUSINESS**

<table>
<thead>
<tr>
<th>Number</th>
<th>Phone</th>
<th>Name</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>4803</td>
<td>2897</td>
<td>AMERICAN AUCTION CO-OP LLC</td>
<td>TAMPA, FL</td>
</tr>
<tr>
<td>4803</td>
<td>2890</td>
<td>AUCTION ANGELS LLC</td>
<td>ORLANDO, FL</td>
</tr>
<tr>
<td>4803</td>
<td>2903</td>
<td>AUCTION SERVICES UNLIMITED LLC</td>
<td>GREENACRES, FL</td>
</tr>
<tr>
<td>4803</td>
<td>2904</td>
<td>AUCTIONEER</td>
<td>LAKELAND, FL</td>
</tr>
<tr>
<td>4803</td>
<td>2901</td>
<td>BETTER BUY AUCTIONS INC.</td>
<td>HASTINGS, FL</td>
</tr>
<tr>
<td>4803</td>
<td>2893</td>
<td>BLAKE'S AUCTIONS LLC</td>
<td>OKAHUMPKA, FL</td>
</tr>
<tr>
<td>4803</td>
<td>2896</td>
<td>BUTLER AUTO RECYCLING INC.</td>
<td>PENSACOLA, FL</td>
</tr>
<tr>
<td>4803</td>
<td>2906</td>
<td>CONSTELLATION AUCTIONS LLC</td>
<td>FORT LAUDERDALE, FL</td>
</tr>
<tr>
<td>4803</td>
<td>2892</td>
<td>EAST COAST FINANCIAL, INC.</td>
<td>MIAMI BEACH, FL</td>
</tr>
<tr>
<td>4803</td>
<td>2894</td>
<td>INSIDERS, INC.</td>
<td>NOKOMIS, FL</td>
</tr>
<tr>
<td>4803</td>
<td>2891</td>
<td>JIM'S AUCTION</td>
<td>LONGWOOD, FL</td>
</tr>
<tr>
<td>4803</td>
<td>2886</td>
<td>KEW ENTERPRISES, INC.</td>
<td>BROOKSVILLE, FL</td>
</tr>
<tr>
<td>4803</td>
<td>2887</td>
<td>MC/COYS AUCTION LIQUIDATORS</td>
<td>POLK CITY, FL</td>
</tr>
<tr>
<td>4803</td>
<td>2899</td>
<td>NATIONAL COMMERCIAL AUCTIONEERS, LLC</td>
<td>TULSA, OK</td>
</tr>
<tr>
<td>4803</td>
<td>2900</td>
<td>OLD &amp; ALMOST NEW AUCTIONS</td>
<td>NOKOMIS, FL</td>
</tr>
<tr>
<td>4803</td>
<td>2905</td>
<td>PALM BEACH MODERN AUCTIONS</td>
<td>WEST PALM BEACH, FL</td>
</tr>
<tr>
<td>4803</td>
<td>2907</td>
<td>PMR SERVICES</td>
<td>MORRISTON, FL</td>
</tr>
<tr>
<td>4803</td>
<td>2895</td>
<td>PROPERTIES SOUTH, INC.</td>
<td>DOTHAN, AL</td>
</tr>
<tr>
<td>4803</td>
<td>2908</td>
<td>REO AUCTIONS INC</td>
<td>SARASOTA, FL</td>
</tr>
<tr>
<td>4803</td>
<td>2888</td>
<td>SNM AUCTIONS</td>
<td>INVERNESS, FL</td>
</tr>
<tr>
<td>4803</td>
<td>2902</td>
<td>STRANGE AUCTION SERVICES</td>
<td>GREENWOOD, IN</td>
</tr>
<tr>
<td>4803</td>
<td>2898</td>
<td>TWO SISTERS AUCTION COMPANY</td>
<td>OKEECHOBEE, FL</td>
</tr>
<tr>
<td>4803</td>
<td>2889</td>
<td>WHITING AUCTION</td>
<td>NEW WILMINGTON, PA</td>
</tr>
</tbody>
</table>

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

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

**BOARD COUNSEL REPORT**

Mr. Flynn informed the board that the null and void reinstatement language (rule 61G2.2006 Florida Administrative Code) was placed on the agenda for the board to review and approve.

Mr. Moecker made a motion to approve rule 61G2.006 F.A.C.

Motion: Mr. Accardo moved to approve the motion.

Second: Mr. Dietrich seconded the motion and it passed unanimously.
Mr. Flynn requested the board to review the rule to determine if this rule has an impact on small businesses. Mr. Flynn informed the members of the impact that business are required to pay a fee and that’s not an impact it is a requirement. The costs saving would be the businesses would not be required to change their name, signs on their businesses, ad in yellow pages, websites, order new business cards and corporation name change with the Secretary of State office.

Mr. Moecker made a motion that there will not be an impact on the small businesses.

Motion: Mr. Accardo moved to approve the motion.

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

BOARD CHAIR REPORT
Mr. Moecker requested staff to provide the board with the number of recovery applications received and the amount of each claim and the amount paid out of the recovery funds. After receiving this information Mr. Moecker was not sure that this is enough information to submit to the governor. He stated that the board may have to wait until next year. He also wanted a timeframe from the department to start work on the fingerprint bill.

EXECUTIVE DIRECTOR’S REPORT
Mr. Spivey reviewed the financial reports ending September 30, 2009. He indicated that the “operating account shows a balance of $138,446. The operating account for the recovery fund shows a balance of $484,583 and the unlicensed activity account shows a balance of $34,507.”

PearsonVUE report is for information only.

Regulation report is for information only.

Board members were provided with a copy of the department’s Board Media Relations Guide. This guide provided the members with media tips on how to communicate with the news reporters.

Mr. Spivey read Ms. Penny Landburg-Crosson’s appreciation note into the record as stated: “To The Board of Auctioneers. Thank you so much! Because of you I have the 1st and last month rent and the deposit, I need after this house sitting job is done. I won’t have to go back to that R.V. ...for the thoughtfulness you’ve shown and trust, God Bless You All, Penny Landburg Crosson.”

PROSECUTING ATTORNEY REPORT

CASE LOAD STATUS
Ms. Parson presented the prosecuting attorney’s report in a verbal and written format.
**#2009-001353, Abraham Avi Asher, AU1623**
The board considered this case at the December 2009 meeting and entered a final order. Mr. Asher and his attorney asked for an opportunity to come before the board and speak today.

Mr. Flynn presented Mr. Asher case to the board and he informed them that this case came before them at the December 2009 meeting. There was a final order filed in this case and it was filed on February 24, 2010 permanently revoking Mr. Asher’s license. Within 30 days from the date the final order was filed Mr. Asher had the rights to appeal to the district court. The board can reconsider this case, but you do not have statutory authority, nor rule authority you do have hearing power that you can exercise. Mr. Flynn advised the board they need to make a decision on this case. There is time for Mr. Asher and his attorney to file an appeal.

Mr. Daniel Nordby the attorney representing Mr. Asher appeared before the board and respectfully asked the board to reconsider their decision revoking Mr. Asher license. Due to a family emergency in December, 2009 he was unable to attend the meeting. He did not appear before the board to dispute the facts in this case only to ask the board to reconsider revocation.

Mr. Asher was present and sworn in by the court reporter. Mr. Asher apologized for not appearing before the board at the last two hearings. He stated he called the office and sent in a letter. He appeared today asking the board to reconsider their penalty of revocation.

Motion: Mr. Dietrich moved to deny the reconsideration of Mr. Asher’s final order.

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

Mr. Asher stated that he had been an Auctioneer for 33 years without any complaints filed against his license. He paid a fine in 2008 for failure to include his license number in an ad. He asked the board to reconsider revocation of his license.

Ms. Parson read Mr. Asher’s violation into the record as stated “Mr. Asher’s charged with violating Section 468.389 (1) (j) for allowing an unlicensed individual to conduct an auction during the course of an auction 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.”

Motion: Mr. Dietrich moved to deny the reconsideration of the penalties in this final order.

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

---

**#2008-043139 and 2008-043138, D&G Auctioneers & Gavin Abadi, AB 2763 & AU 3400**
Ms. Parson presented cases #2008-043139 & #2008-043138, D&G Auctioneers & Gavin Abadi, AB 2763 & AU 3400. The respondent was present and sworn in by the court reporter. The department filed an administrative complaint against the respondent on August 31, 2009. The respondent has been 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 shall be grounds for the disciplinary actions provided in subsections (2), (3), 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. The board accepted the respondent settlement agreement to pay a fine of $1000, $267.75 costs and 90-day suspension on both license.

Motion: Mr. Accardo made a motion for the board to accept the settlement stipulation as presented by the department.

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

#2009-010975 and 2009-011041, D&G Auctioneers & Gavin Abadi, AB 2763 & AU 3400

Ms. Parson presented cases #2009-010975 & #2009-011041, D&G Auctioneers & Gavin Abadi, AB 2763 & AU 3400. The respondent was present and sworn in by the court reporter. The department filed an administrative complaint against the respondent on October 19, 2009. The respondent has been charged with violating Section 468.389 (1) (d), and 468.333 (11) (b) fails to include the percentage amount of any buyer's premium or surcharge which is a condition to sale. The respondent filed 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 believes that it is appropriate at this time for the chair to entertain a motion finding that the respondent waived the right to a informal hearing.

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

Second: Mr. Dietrich 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. Accardo moved to approve the findings of facts and conclusions of law.
Second: Mr. Dietrich seconded the motion and it passed unanimously.

Ms. Parson stated that “the department’s recommendation in this case is that D&G Auctioneer and Abraham Avi Asher, pay a fine in the amount of $1000, costs of $45.62 and 6 months suspension of both license.

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

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

#2007-046158 American Auctioneers and Associates, AU 2319

Ms. Parson presented cases #2007-046158, American Auctioneers and Associates, AU 2319. The respondent was not present. The department filed an administrative complaint against respondent on July 24, 2008. The respondent had been 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 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 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. Dietrich made a motion that American Auctioneers and Associates waived its rights to an informal hearing.

Second: Mr. Accardo 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. Accardo moved to approve the findings of facts and conclusions of law.

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

Ms. Parson stated that “the department’s recommendation in this case is that American Auctioneers and Associates pay a fine in the amount of $250 and costs of $577.44

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

**#2009-003967 and 2009-009370, Floyd Harrison and Harrison Auctions, Inc. AU 2708 & AB 2143**

Ms. Parson presented cases #2009-009370 and 2009-9370 Floyd Harrison and Harrison Auctions, Inc. AU 2708 & AB 2143 The respondent was present and sworn in by the court reporter. The department filed an administrative complaint against respondent on October 31, 2009. The respondent has been 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 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 has 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. Accardo made a motion that Floyd Harrison and Harrison Auctions, Inc. waived their rights to a hearing.

Second: Mr. Dietrich 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. Accardo moved to approve the findings of facts and conclusions of law.

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

Ms. Parson stated that “the department’s recommendation in this case is that Floyd Harrison and Harrison Auctions, Inc., pay costs of $660.95.

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

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

**#2009-046659 Thomas Mills, AU 3079**

Ms. Parson presented cases 2009-046659, Thomas Mills, AU3079. The respondent was present and sworn in by the court reporter. The department filed an administrative complaint against respondent on October 31, 2009. The respondent has been 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 filed 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 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. Accardo made a motion that Mr. Mills waived his rights to a hearing.

Second: Mr. Dietrich 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. Accardo moved to approve the findings of facts and conclusions of law.

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

Ms. Parson stated that “the department’s recommendation in this case is that Mr. Mills to pay costs of $218.03 and reprimand his license.

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

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

#2009-013794 Azam Khan, AU 1051
Ms. Parson presented case #2009-013794, Azam Khan, AU 1051. She informed the board that Mr. Khan is requesting a continuance to the next meeting.

Motion: Mr. Dietrich made a motion to deny Mr. Khan’s request and his motion failed due to lack of a second.

Motion: Mr. Accardo made a motion to approve Mr. Khan’s request.

Second: Mr. Moecker seconded the motion and it passed 2 to 1.

#2008-037736 Salvatore Joseph Valenziano, AU 2615
Ms. Parson presented case 2008-037736, Salvatore Joseph Valenziano, AU 2615. The respondent was not present. The department filed an administrative complaint against respondent on October 31, 2009. The respondent has been 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 filed 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 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. Accardo made a motion that Salvatore Joseph Valenziano waived his rights to a hearing.

**Second:** Mr. Dietrich 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. Accardo moved to approve the findings of facts and conclusions of law.

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

Ms. Parson stated that “the department’s recommendation in this case is that Salvatore Joseph Valenziano to pay a fine $1000, costs of $420.85 and revoke his license.

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

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

#2009-037221 Lincoln Briscoe, AU2044

Ms. Parson presented case #2009-037221, Lincoln Briscoe, AU 2044. The respondent was not present. The department filed an administrative complaint against respondent on November 21, 2009. The respondent has been 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 shall be grounds for the disciplinary actions. 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 has 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. Accardo moved to approve that the respondent waived the right to a hearing.
Second: Mr. Dietrich 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. Accardo moved to approve the findings of facts and conclusions of law.

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

Ms. Parson stated that “the department’s recommendation in this case is that Lincoln Briscoe, AU 2044, pay a fine in the amount of $1000, costs of $285.95 and 1 year suspension or until he pay his fine and cost.

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

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

APPLICATION REVIEW

Ezra Abadi – the board denied this null and void application due to lack of hardship evidence.

Motion: Mr. Dietrich made a motion to deny Mr. Abadi’s null and void application.

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

Eugene E Ashcroft – null and void application approved.

Kathy A. Murphy – failed to file a recovery fund application within 2 years as required by Florida Statutes.

Motion: Mr. Dietrich made a motion to deny the recovery claim.

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

OLD BUSINESS

None

NEW BUSINESS

Forthcoming Date for 2009-2010
June 14, 2010 – Lake Mary, Florida
ADJOURNMENT
Motion:    Mr. Moecker moved to adjourn the meeting.
Second:    Mr. Dietrich seconded the motion and it passed unanimously.

The meeting was adjourned at 1:50 pm.