

**MEETING OF
THE FLORIDA BOARD OF AUCTIONEERS**

Amelia Island Plantation
6808 First Coast Highway
Amelia Island, Florida 32034

Friday, March 13, 2009 @ 9:00AM est.

CALL TO ORDER

Mr. Moecker, Chair, called the meeting to order at 9:15am. Mr. Moecker asked everyone to stand and recite the pledge of allegiance and Mr. Shearer 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
Donald "Don" Shearer

STAFF PRESENT

Anthony Spivey, Executive Director
Renese Jones, Government Analyst
LeChea Parson, Prosecuting Attorney
Barbara Edwards, Assistant Attorney General

OTHERS PRESENT

Gavin Abadi, Sandton
Gayle Dietrich, Fred Dietrich & Associates

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

APPROVAL OF MINUTES FROM DECEMBER 12, 2008 MEETING

The minutes were approved with the following corrections. On page 5 last sentence the word "*Boca Raton should be Boca Auction Gallery.*" Page 6 under James Edward Willard, 4th line the word "*license should be licensed.*" Page 4 under Nicole Michelle Parker line 8 the word "*haven't should be hasn't.*"

Motion: Mr. Dietrich moved to approve the minutes with corrections.
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:

LICENSE NUMBER	APPLICANT	STATE
APPRENTICE		
AE 397	MCCLENNON, JOSEPH ALAN	
AE 398	COPELAND, GLEN CURTIS	
AE 399	DWORKEN, DAVID M	
EXAM		
AU 3909	KODNER, JACOB KOPPEL	
AU 3910	SHIMY, ISLAM WAHID	
AU 3912	PARTNEY, LINDA KAY	
AU 3914	DE LOACH, DAVID MICHAEL	
AU 3919	THOMPSON, SHANE DOUGLAS	
AU 3922	PARKER, PATRICK TODD	
AU 3923	HROMOGA, JOHN ANDREW	
AU 3924	BLAIR, STEPHEN JOSEPH	
BUSINESS		
AB 2795	CENTRAL FLORIDA FURNITURE AND AUCTION, I	
AB 2796	CONNIE'S CRAFTS GIFTS & MINATURES	
AB 2797	LUNAR LEGACIES, LLC	
AB 2798	DIAMOND JIM'S AUCTION	
AB 2799	JAMES M RUDISILL AUCTION AND APPRAISERS	
AB 2800	ACTION ANTIQUE AUCTIONS	
AB 2801	FLORIDA AUTO AUCTION OF ORLANDO, INC	
AB 2802	ALL STATES AUCTIONEERING INC	
AB 2803	JESSICA NEESE LLC	
AB 2804	ANDY'S SALES AND AUCTIONS	
AB 2805	BARLIANT AUCTIONS, INC.	
AB 2806	BARN FINE FURNITURE GALLERY	
AB 2807	STOGO INC	
AB 2808	BEELINE AUTO AUCTION LLC	
AB 2809	GRIFFIN JEWELRY & LOAN LLC	
AB 2810	USA AUCTIONS INC	
AB 2811	FRACE AUCTION HOUSE	
AB 2812	BUFFALO AUCTIONEERS	
AB 2813	301 AUCTION	
ENDORSEMENT		
AU 3908	SASSER, JASON DEWAYNE	AL
AU 3911	BOWLIN, JEFFERY MAURICE	TN/KY
AU 3913	SELLERS, JAMES HOLT	GA
AU 3915	FRY, SHAUNDA D	TX
AU 3916	OLSON, CHAD RYAN	IN
AU 3917	HARPER, MICHAEL B	SC/NC/GA

AU 3918 BARRON, WILLIAM E PA/NJ
AU 3921 MAST, JOSEPH M OH/IN/PA
AU 3925 ROBB, JEFFERY ALAN OH

NULL & VOID

AU 3920 ECHOLS, EDWIN KIPP

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

It was brought to the attention of Board staff that Florida Auto Auction of Orlando and Beeline Auto Auction, LLC has been operating without an auctioneer license and staff was instructed to file a compliant.

PROSECUTING ATTORNEY REPORT

CASE LOAD STATUS

Ms. Parson submitted a list dated March 11, 2009 for the board to review.

2007-048435, Thomas Vinc Pittman

Ms. Parson presented case #2007-048435, AU1972. The respondent was not present and was not sworn in via the court reporter. The department filed an administrative complaint against the respondent on January 8, 2008. The administrative complaint charged the respondent for failing to comply with the terms in the final order within the required thirty days and with violating Rule 61G2-7.030(1)(l) violating any lawfully issued order of the board or department previously entered in a disciplinary hearing, or failure to comply with a lawfully issued subpoena of the Department. The respondent failed to file an election of rights form or otherwise establish the 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 his right to request a hearing where there is a disputed issue of material facts. The department believed 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. Moecker made a motion for the board to accept the recommendation of the department.

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

Ms. Parson *“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 and charges in the AC as those of the board after which the department will request that the board impose penalties within their guidelines.”*

Motion: Mr. Shearer made a motion to adopt the findings of facts and conclusion of law.

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

Ms. Parson stated that *“the department’s recommendation in this waiver case is that the respondent pay a fine in the amount of \$1,000, revoke his license and reinforce the penalty in the 2007 final order.*

Motion: Mr. Dietrich made a motion for the board to accept the recommendation of the department.

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

2007-011269, Gavin Abadi

Ms. Parson presented case #2007-011269, AU3400. The respondent was present and was sworn in via the court reporter. The department filed an administrative complaint against the respondent on August 24, 2007. The administrative complaint charged the respondent for failing to comply with terms in the final order within the required thirty days and with violating Section 468.389(1)(d), Florida Statutes for false, deceptive, misleading, or untruthful advertising shall be grounds for the disciplinary activities provided in subsections (2) and (3) and Section 468.388(11)(a), Florida Statutes, provides in pertinent part: All advertising by an auctioneer or auction business shall include the name and Florida license number of such auctioneer and auction business.

Motion: Mr. Accardo made a motion to continue this case as an informal hearing instead of a motion for wavier per Mr. Abadi.

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

Ms. Parson stated that *“the department’s recommendation in this informal hearing case is that the respondent pay a fine in the amount of \$200.00, costs \$162.27 and suspend his license until the fine is paid or pay the fine and costs today.*

Motion: Mr. Shearer made a motion for the board to accept the recommendation of the department.

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

2007-048779, Gavin Abadi

Ms. Parson presented case #2007-011269, AU3400. The respondent was present and was sworn in via the court reporter. The department filed an administrative complaint against the respondent on August 24, 2007. The administrative complaint charged the respondent for failing to comply with terms in the final order within the required thirty days and with violating Section 468.389(1)(d), Florida Statutes for false, deceptive, misleading, or untruthful advertising shall be grounds for the disciplinary activities provided in subsections (2) and (3) and Section 468.388(11)(a), Florida Statutes, provides in pertinent part: All advertising by an auctioneer or auction business shall include the name and Florida license number of such auctioneer and auction business.

Motion: Mr. Shearer made a motion to continue the case as an informal hearing instead of a motion for wavier, per Mr. Abadi.

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

Ms. Parson stated that *“the department’s recommendation in this informal hearing case is that the respondent pay a fine in the amount of \$500.00, costs \$189.58 and suspend his license until the fine is paid or pay the fine and costs today.”*

NOTE: *Mr. Abadi reported back to the meeting site within 2 hours with two cashier checks with the correct amount to clear his complaints.*

Motion: Mr. Shearer made a motion for the board to accept the recommendation of the department.

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

BOARD COUNSEL REPORT

Ms. Edwards provided the board with the status of the null and void rule she filed with JACP. The board members requested item #7 be removed from the null and void rule and re-notice the rule.

Ms. Edwards provided the board with a copy of Mr. Steven Goldstein letters for information purposes.

Ms. Edwards agreed to provide the board with a smaller version of the requirements for probation, suspension, penalties and disciplinary guidelines.

Motion: Mr. Accardo made a motion for Ms. Edwards to proceed.

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

BOARD CHAIR REPORT

Mr. Moecker thanked staff as always for a job well done. He informed Ms. Edwards that she can not retire.

Mr. Moecker stated that the fingerprint bill is scheduled to go before the Criminal Justice Committee for approval, next step Senator Baker’s Office for approval and the final step before the floor vote. Representative Boyd has agreed to sponsor the fingerprint bill for the Board. Mr. Moecker petitions the board and staff to call on others to help move this bill forward.

EXECUTIVE DIRECTOR’S REPORT (Operating, Recovery, Unlicensed)

Mr. Spivey reviewed the financial reports ending December 31, 2008. He indicated that the *“operation account shows a balance of \$108,339. The operating account for the recovery*

fund shows a balance of \$691,771. In the unlicensed activity account shows a balance of \$33,193."

APPLICATION REVIEW

Todd Woodruff (*Background information*)

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

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

OLD AND NEW BUSINESS

The next meeting will be held on June 12, 2009 in Tampa.

Forthcoming Meeting Dates

September 14, 2009 - Telephone Meeting @ 10:00am

December 11, 2009

March 12, 2010

June 11, 2010

ADJOURNMENT

Motion: Mr. Dietrich moved to adjourn.

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

The meeting was adjourned at 11:35am.