

**MEETING OF
THE FLORIDA BOARD OF AUCTIONEERS**

Grand Bohemian Hotel
325 South Orange Avenue
Orlando Florida 32801

Wednesday, June 11, 2008 @ 9:00AM est.

CALL TO ORDER

Mr. Moecker, Chair, called the meeting to order at 9:01a.m. 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
Monique Ewell, Administrative Assistant
Renese Jones, Government Analyst
Jessica Leigh, Prosecuting Attorney
Barbara Edwards, Assistant Attorney General

OTHERS PRESENT

Cindy Green, American Court Reporting

APPROVAL OF MINUTES FROM MARCH 12, 2008 MEETING

The minutes were approved with the following noted corrections.

On page 5, second motion, second line remove Joseph Shaia name and replace it with BOCA Auction Gallery Inc.

On page 8, third paragraph, first sentence change Mr. Edwards to Ms. Edwards.

Motion: Mr. Shearer moved to approve the minutes with the above 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:

Auctioneer by Exam

RYDFORS, LEIF A	AU 3792
NUGENT, PATRICK	AU 3793
CURLIS, RICHARD A	AU 3796
MOSCOVITCH, DORA M	AU 3797
MASON, MALCOLM JOSEPH	AU 3798
BARBER, REBECCA DIANNA	AU 3799
TRUMBACH, CHRISTOPHER IAN	AU 3800
FELTS, DONALD WAYNE	AU 3801
CAGGIANO, VERONICA M	AU 3804
LEWIS, JUSTIN ROSS	AU 3805
ST LOUIS, ROLAND RAYMOND	AU 3812
LONGA, JENIFER RUDASILL	AU 3813
WELLS, NYLE B	AU 3814
MEISINHEIMER, BRETT KAY	AU 3815
MARTZ, JOHN ISAAC	AU 3816
BENETIS, CONSTANTINE BEN	AU 3817
STRICKLAND, ROY CECIL	AU 3818
CORREA, MARTA A	AU 3819
HILL, JAMES EDWARD	AU 3820
BROWN, DUDLEY C	AU 3821
GREENBERG, LEWIS	AU 3822
SESSOMS, LESLIE	AU 3826
CULLUM, DEAN LEE	AU 3827
TAVAREZ, SANDY I	AU 3829
DASILVA, SHERRI	AU 3831
SIZEMORE, STEVEN DOUGLAS	AU 3834
STILLSON, DON D	AU 3835

Auctioneer by Endorsement

STRAUSS, KELLY DEAN	AU 3790	VA
LEFTWICH, RON	AU 3791	VA
BABB, ASHLEY D	AU 3794	AL
SADLER, MICHAEL JOSEPH	AU 3795	TX
SANDERSON, DANNY DEWAIN	AU 3802	NC
POLK, DENNIS	AU 3803	IN\KY\IL
BEASLEY, DAVID G	AU 3806	GA
DAVIS, ROBERT KEITH	AU 3807	AL\TX
DAVIS, LEONARD ABRAM	AU 3808	PA\TX\KY
UPDIKE, ALAN K	AU 3809	IN\OH
BERLAND, MICHAEL E	AU 3811	OH\IL
DENNIS, CHARLES M	AU 3823	GA
TEETS, KEVIN LEE	AU 3824	WV
JERNIGAN, RYAN C	AU 3825	IN
EDDINGS, JERRY JAMES	AU 3828	AL
BARROWS, DEBRA JILL	AU 3830	OH
EVANS, CHAD EVERETTE	AU 3832	GA\TN

Initial License from Null and Void

DIXON, DWAYNE	AU 3765
PICCIRILLO, JOHNNY RAY	AU 3769
JONES, RONALD E	AU 3789
LAMASCUS, JERRY D	AU 3810
COMLY, STEPHEN E	AU 3833

Auctioneer Apprentice

SUMMER, MICHAEL A	AE 388
MONKS, DENNIS J	AE 389
BEASLEY, REX	AE 390
MOHER, BERT GERARD	AE 391
HAILS, JEFFREY KEITH	AE 392

Auction Business

AMERICAN AUCTIONS OF PENSACOLA, INC.	AB 2712
AUCTIONS FOR YOU	AB 2713
BOB PARKS AUCTION COMPANY, LLC	AB 2714
READY BILINGUAL AUCTIONS LLC	AB 2715
BAR-MAZAL, INC.	AB 2716
INVESTOR REALTY & AUCTION GROUP / TROY	AB 2717
RM SALES	AB 2718
BAILEY'S REAL AUCTIONEERS AND APPRAISERS	AB 2719
A J ROSS AUCTIONS LLC	AB 2720
AUGUSTINES AUCTION HOUSE, LLC	AB 2721
ALBERT PALAZZOLA	AB 2722
INTEGRITY AUCTION LLC	AB 2723
AP CONSULTING LLC	AB 2724
DENNIS GALLERIES	AB 2725
JEFFREY D. STEVENS	AB 2726
COUNTRY AUCTION	AB 2727
RICHARD CURLIS	AB 2728
TAMPA BAY AUCTIONS SERVICES, INC.	AB 2729
SOUTHERN AUCTION COMPANY	AB 2730
WEST END PUBLISHING	AB 2731
BIDO LLC	AB 2732
GAVEL GAL LLC	AB 2733
US REALTY & AUCTION	AB 2734
TKA, INC.	AB 2735
FLEMING AND COMPANY LLC	AB 2736

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

PROSECUTING ATTORNEY REPORT

CASE LOAD STATUS

Ms. Leigh's report dated May 22, 2009 reflected seven cases in legal, one case set for probable cause, zero cases set for expert review, three cases set for administrative complaint, one case set for default, one case set for settlement negotiations and one case set for board presentation. There were a total of fourteen cases in legal.

Ms. Leigh reported an updated list dated June 9, 2008 and it reflected six cases in legal, zero cases set for expert review, four cases set for administrative complaint, one case set for settlement negotiations, one awaiting final order and one case set for board presentation. There were a total of thirteen cases in legal.

Ms. Leigh indicated to the board that she's receiving less cases due to the department reaching out to the communities and doing more outreach classes thought out the state.

#2007-048433, All Out Auctions and Delivery, Inc.

Ms. Leigh presented case #2007-048433, AB2463. The respondent was not present and was not sworn in via the court reporter. The department filed an administrative complaint against respondent on May 16, 2008. The administrative complaint charged the respondent with violating Rule 61G2-7.030(1)(L), Florida Administrative Code for 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 has failed to file an election of rights form or otherwise 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.

Ms. Leigh stated that *"the department believes 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. Shearer seconded the motion and it passed unanimously.

Ms. Leigh stated that *"the department's recommendation in this case is that the respondent pay a fine in the amount of \$1000, costs of \$94.98 and revoke his license."*

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.

The board voiced their concerns regarding unlicensed auctioneers continuing to operate on a revoked license. At the next meeting Mr. Spivey will be presenting to the board procedures that the electrical contractor board have in place to police their profession.

BOARD COUNSEL REPORT

Ms. Edward presented a copy of the reinstatement of a null and void application to the board for their approval.

Motion: Mr. Dietrich made a motion for Ms. Edwards to file the reinstatement of a null and void application.

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

BOARD CHAIR REPORT

Mr. Moecker indicated that the fingerprint bill died and the board will continue to fight for the bill.

EXECUTIVE DIRECTOR'S REPORT

(Operating, Recovery, Unlicensed)

Mr. Spivey reviewed the financial reports ending March 31, 2008. He indicated that the *“operation account shows a balance of \$269,133. The operating account for the recovery fund shows a balance of \$797,385. In the unlicensed activity account shows a balance of \$37,023.”*

Ms. Ewell provided the board with a short course on submitting their travel vouchers.

OLD BUSINESS

none

NEW BUSINESS

Meeting Dates for 2008 – 2009

September 17, 2008 (St. Augustine)

December 10, 2008 (Tallahassee)

March 11, 2009

June 10, 2009

ADJOURNMENT

Motion: Mr. Accardo moved to adjourn.

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

The meeting was adjourned at 10:10pm.