

**MEETING OF
THE FLORIDA BOARD OF AUCTIONEERS**
The Department of Business and Professional Regulation
Telephone Conference Meeting

Telephone Number 888.808.6959 ~ Conference Code 4879597
Friday, June 12, 2009 @ 9:00am est.

CALL TO ORDER

Mr. Moecker, Chair, called the meeting to order at 9:20am. 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
Allison Dudley, Assistant Attorney General

OTHERS PRESENT

Joseph Alan McClennon
Richard M. Slajchert
Jose Espinosa
Sara Michelle Pentony
Nicholas Peter Clark
Randy J. Aiken
Donald Curtis Whiting
Abraham Avi Asher

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

Mr. Spivey informed the board that Ms. Edwards retired. He introduced Ms. Dudley as the acting new attorney from the Attorney General's Office.

PUBLIC COMMENTS

No comments

APPLICATIONS

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

AUCTIONEER RATIFICATION LIST		
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AUCTIONEER APPRENTICE		
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STRONG, PAUL E	AE 400	
PARKER, KEITH SCOTT	AE 401	

AUCTIONEER EXAM		
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CRAWFORD, HOOT ESQ	AU 3931	
HUERTA, DONALD DEAN	AU 3932	
KING, MICHAEL THOMAS	AU 3933	
SCHMIDT, RONALD LLOYD	AU 3936	
WROTEN, MELVIN	AU 3941	
SCHNEIDER, LEANN IRENE	AU 3942	
GARBER, DERREN E	AU 3944	
FURLONG, RICHARD ANTHONY	AU 3945	
DELOACH, GEORGE WILSON	AU 3946	
KENNEDY, BILLIE WRAY	AU 3947	
BENDER, JEFFREY ANDREW	AU 3950	
LEDBETTER, COREY CHARLES	AU 3951	
FERGUSON, KELLY WAYNE	AU 3952	
TURPIN, DONALD RICHARD	AU 3953	
BOUHANA, GERALD YGAL	AU 3960	
WARNANT, HUGO	AU 3961	
KENNEDY, BILLIE W JR	AU 3962	
PONTILLO, MICHAEL JUDE	AU 3963	
COOK, CHRISTOPHER JOHN	AU 3964	

AUCTIONEER ENDORSEMENT		
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LIPPARD, TROY DON	AU 3926	OK/TX/LA
AVANT, DON GREGORY	AU 3927	AL
LANGDON, TONY	AU 3928	TX
CONNORS, GARY JAMES	AU 3929	AL
DREIBELBIS, WAYNE ALLAN	AU 3934	PA/VA/GA
RAY, CHRISTIE KING	AU 3935	AL/GA/SC
RODGERS, REBECCA LYNN	AU 3937	GA

DEWITT, COLEY PHILLIP	AU 3938	AR
LAMBERT, DON DOAK	AU 3939	TX/KY/AL
WILSON, BRENT JONATHAN	AU 3940	OH/IN/WV
STANSBERRY, JEFFREY SCOTT	AU 3943	TN/KY/GA
ECONOMOU, JOHN P	AU 3948	MA
HIGGINS, WILLIAM AUGUSTUS	AU 3949	NC/SC
WILSON, BLAKE PRESTON	AU 3954	TN/GA
DEBOLT, SHEILA A	AU 3955	IL
HELGERSON, JOHN CHARLES	AU 3956	NY
WILSON, WAYNE MAURICE	AU 3957	OH/IN/WV
ROBBINS, JAMES EDWARD	AU 3958	NC
BARFIELD, THOMAS VINCEN	AU 3959	GA

AUCTIONEER NULL & VOID

JONES, JERRY MICHAEL	AU 3930
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AUCTIONEER BUSINESS

DOUG HOLLADAY AUCTIONS INC	AB 2814
MARINEBIDEXCHANGE.COM	AB 2815
KING INVESTMENT GROUP LLC	AB 2816
JEFFRIES AUCTIONEERS	AB 2818
ANYTHING LIQUIDATORS LLC	AB 2819
CAMPEN AUCTIONS LLC	AB 2820
GET IT SOLD AUCTION SERVICES LLC	AB 2821
ONLINE POWERSPORTS AUCTIONS OF AMERICA INC	AB 2822
GRAND STAR REALTY & AUCTIONS LLC	AB 2823
LEGACY AUCTION SERVICES LLC	AB 2825
PRECISION AUCTIONEERS LLC	AB 2826
RUSTY ROOSTER AUCTION SERVICES	AB 2827

Motion: Mr. Dietrich 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. Parson's report dated May 20, 2009 reflected six cases in legal, two cases in supplemental investigation, eight cases in administrative complaint filed, two cases ready for default, one case formal hearing request, one case formal hearing held, three cases set for board presentation and one case considered awaiting final order. There were a total of twenty-four cases in legal.

Ms. Parson presented a verbal reported on June 12, 2009 and it reflected five cases in legal, nine cases set for administrative complaint, one case probable cause found, one case formal hearing, one case set for formal hearing held and four cases set for board presentation. There are a total of twenty-one cases in legal and fourteen year old cases.

2007-050572, Abraham Asher

Ms. Parson presented case #2007-050572, AU1623. The respondent was not present and was not sworn in via the court reporter. The department filed an administrative complaint against respondent on March 6, 2009. The administrative complaint charged the respondent with violating Chapter 468.389(1)(d), and 468.388 (11)(a), Florida Statutes provides in pertinent part that "all advertising by an auctioneer or auction business shall include the name and Florida license number of such auctioneer and auction business." The department and respondent entered into a settlement agreement to pay a fine of \$250.00 and \$132.75 costs.

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. Dudley provided a verbal report on Rules 61G2-2.006 reinstate of null and void licenses and informed the board that the rule is being process. She indicated that Ms. Edwards received a letter from JAPC and she will be working with JAPC on a response. Once Ms. Dudley and JAPC come to an agreement this rule can be adopted.

BOARD CHAIR REPORT

Mr. Moecker informed the board of a letter he received from Dr. Robert O'Neil asking all board members to refrain from receiving the \$50 daily board compensation for board meeting attendance. Mr. Moecker wanted to call a motion.

Ms. Dudley stated that there is not a need for a motion this subject is up to the individual to decide what they want to do.

Mr. Moecker informed the board that the fingerprint bill did not pass it was vetoed. Senator Baker has requested a meeting with Mr. Moecker and he is willing to re-submit the bill.

Motion: Mr. Dietrich made a motion for Senator Baker to resubmit the bill and the Board members will support him.

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

Mr. Spivey informed the members that all out of state travel will not be approved via the department. The board members can attend the NALLOA meeting but the department will not reimburse them.

Mr. Foster submitted an incomplete e-mail regarding a question "auctioneer selling personal property". The board members dismissed the e-mail with not enough information submitted.

APPLICATION REVIEW

Ahmadd S. Jay (*apprentice application*) He failed to identify a licensed auctioneer supervise his apprenticeship and he has been convicted of crimes which would affect his ability to practice.

Motion: Mr. Shearer made a motion to deny his application.

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

Joseph Alan McClennon (*background*) The board members reviewed his background information and approved his application.

Motion: Mr. Shearer made a motion to approve his application.

Second: Mr. Dietrich seconded the motion and it passed with a vote three to one.

Jimmy Franklin Tipton (*background*) Convicted of mail and/or insurance fraud which affect his ability to practice and his insurance agent license revoked in the state of Florida.

Motion: Mr. Dietrich made a motion to deny his application.

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

Richard M. Slajchert (*background*) The board members reviewed his background information and approved his application.

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

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

John Randall Everatt (*background*) The board members reviewed his background information and approved his application.

Motion: Mr. Shearer made a motion to approve his application.

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

Jose Espinosa (*background*) The board members reviewed his background (*grand theft, burglary, felony fleeing and attempting to elude an officer, resisting arrest and domestic battery*) and determined that these convictions of crimes were directly related to the practice of Auctioneering and/or that would affect his ability to practice the profession of auctioneers.

Motion: Mr. Shearer made a motion to deny his application.

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

Steven A. Hering (*background*) The board members reviewed his background information and approved his application.

Motion: Mr. Moecker made a motion to approve his application.

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

Sara Michelle Pentony (*background, bad check*) The board members reviewed her background information and denied her application by endorsement. It was determined that the applicant holds a current auctioneer apprentice license in the state of Ohio. The applicant does not meet the requirements for licensure by endorsement in the state of Florida because she does not hold a current auctioneering license in another state.

Motion: Mr. Dietrich made a motion to deny her application.

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

Sara Michelle Pentony (*application reconsidered*) The board members reconsidered her application and approved her application for the examination pending the following:

- a. she amend her application to an “application by examination”,
- b. pay the \$15.00 service charge for her dishonored check to the board plus the difference in fees to change her application from an application by endorsement to an application by examination.
- c. the board members gave staff the authority to approve this application for the examination and licensure once Ms. Pentony complied with the order.

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

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

Nicholas Peter Clark (*endorsement*) The board members reviewed his application history and approved his application by endorsement.

Motion: Mr. Dietrich made a motion to approve his application by endorsement.

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

Randy J. Aiken (*background and endorsement*) The board members reviewed his background; application history and approved his application by endorsement.

Motion: Mr. Moecker made a motion to approve his application by endorsement.

Second: Mr. Dietrich seconded the motion and it passed with a vote three to one.

Donald Curtis Whiting (*background and endorsement*) The board members reviewed his background and application history to find his application incomplete. The committee approved his application by endorsement pending the following conditions:

- a. the applicant must submit a fully completed application provided by the department.
- b. upon completing this information staff is given the authority to approve this application for licensure.

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

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

OLD BUSINESS

None

NEW BUSINESS

Forthcoming Dates for 2009-2010

September 11, 2009

December 11, 2009

March 12, 2010

June 11, 2010

The committee changed the date of the September 11, 2009 meeting to September 29, 2009 with the location being Tampa.

Mr. Mocker suggested that he will get with the members and send something to Ms Edwards.

ADJOURNMENT

Motion: Mr. Accardo moved to adjourn.

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

The meeting was adjourned at 11:16 am.