

**MEETING OF
THE FLORIDA BOARD OF AUCTIONEERS**
The Casa Monica Hotel
95 Cordova Street
St. Augustine, Florida 32084
Thursday, September 19, 2008 @ 9:00AM est.

CALL TO ORDER

Mr. Moecker, Chair, called the meeting to order at 9:10am. 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
Eric Hurst, Prosecuting Attorney
Mary Ellen Clark, Assistant Attorney General

Ms. Parson was introduced to the board as the new prosecuting attorney replacing Ms. Jessica Leigh.

OTHERS PRESENT

Panton P. Pou, Attorney for Merrick Park, LLC
Gayle Dietrich, Fred Dietrich & Associates

APPROVAL OF MINUTES FROM SEPTEMBER 12, 2008 MEETING

The minutes were approved with no changes and corrections.

Motion: Mr. Shearer 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 by Exam RYDFORS, LEIF A
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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\KYIL
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		GA/TN
	AU 3832	

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

PROSECUTING ATTORNEY REPORT

CASE LOAD STATUS

Ms. Parson's report dated August 19, 2008 reflected thirteen cases in legal, zero cases set for probable cause, zero cases set for expert review, four cases set for administrative complaint, zero cases set for default, one case set for settlement

negotiations, one case set for DOAH and one case set for board presentation. There were a total of twenty cases in legal.

Ms. Parson reported an updated list dated September 19, 2008 and it reflected four cases in legal, two case set for supplemental investigation, zero cases set for expert review, four cases set for administrative complaint, zero case set for settlement negotiations, three cases set for default, zero cases awaiting final order, one case set for board presentation and one for DOAH.. There were a total of sixteen cases in legal.

#2008-001076, William J. Firestone

Ms. Parson presented case #2008-001076, AU3370. The respondent was not present and was not sworn in via the court reporter. The department filed an administrative complaint against respondent on July 10, 2008. The administrative complaint charged the respondent with violating Chapter 468.388 (11) (a), Florida Administrative Code for advertising by an auctioneer or auction business shall include the name and Florida license number of such auctioneer and auction business. The respondent requested a hearing within 21 days of receipt of agency pleading; the respondent and the department enter in a settlement agreement.

Ms. Parson stated that *“the department’s recommendation in this settlement case is that the respondent pay a fine in the amount of \$250.00, costs of \$407.35 and a letter of guidance be issued to the company.”*

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.

BOARD COUNSEL REPORT

Ms. Clark informed the board that null and void Rules 61G2-2.006 is in a pending status and Rule 61G2-3.001 has been adopted,

Mr. Joseph Shaia submitted a letter requesting monthly payments. The board was informed via the board attorney that this case is presently located in the appellant court and the board had no jurisdiction over this case.

BOARD CHAIR REPORT

Mr. Moecker thanked staff for an outstanding job.

EXECUTIVE DIRECTOR’S REPORT

Mr. Spivey presented a recovery case from Merrick Parker Inc. ~vs~ Certified Auction Company to the board. Mr. Pou the attorney representing Merrick Parker, LLC was present and he submitted additional information to be amended to the case. The Board approved Merrick Parker Inc. to receive \$18,515 from the recovery fund.

Motion: Mr. Accardo made a motion for the board to accept the recommendation of the settlement from the recovery fund.

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

Mr. Erik Marc Tivin application to returned from a null & void status was approved by the board.

Motion: Mr. Accardo made a motion to reinstate Mr. Tivin's null and void license.

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

Mr. Shearer was the chosen candidate to attend the NALLOA meeting this year held in Louisville, Kentucky. He presented the board members and staff with a handout and a short briefing on the meeting.

(Operating, Recovery, Unlicensed)

Mr. Spivey reviewed the financial reports ending June 30, 2008. He indicated that the *“operation account shows a balance of \$217,924. The operating account for the recovery fund shows a balance of \$803,848. In the unlicensed activity account shows a balance of \$37,023.”*

OLD BUSINESS

Mr. Moecker indicated to the members that it was time to start working toward the fingerprint bill. Mr. Dietrich was appointed as the group contact person. Mr. Dietrich informed the committee that he had contacted Representative Boyd and she is trying to contact someone from the Lake City area to sponsor the fingerprint bill. The fingerprint bill was filed early last year. The Board is requesting several members of the cabinet to attend the next meeting to be held in Tallahassee.

NEW BUSINESS

In the future all of the meeting will be held on a Friday instead of a Wednesday.

Meeting Dates for 2008 – 2009

December 12, 2008 (Tallahassee)

March 13, 2009 (Tallahassee)

June 12, 2009

ADJOURNMENT

Motion: Mr. Shearer moved to adjourn.

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

The meeting was adjourned at 10:45pm.