CALL TO ORDER
Mr. Moecker, Chair, called the meeting to order at 9:05a.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 (absence excused)
H. Fred Dietrich, III
Donald “Don” Shearer

STAFF PRESENT
Charles Drago, Secretary of DBPR
Anthony Spivey, Executive Director
Renese Jones, Government Analyst
LeChea Parson, Prosecuting Attorney
Allison Dudley, Assistant Attorney General
David Flynn, Assistant Attorney General

OTHERS PRESENT
Wayne E. Irving
Chuck Pelkey
Mike Crosson
Penny Crosson
Howard Danhman
Charles Grasso
Gayle Dietrich
Jose A. Espinosa

COURT REPORTER
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4010 West State Street
Tampa, Florida 33609
Phone: 813.490.0003
www.Argusreporting.com
**Opening Remarks:** Each individual should state their first and last name before speaking.

Secretary Charles Drago introduced himself and addressed the members and visitors on how important it is to have a close relationship with the department. Also, he made a brief statement regarding the direction of the department and the many tasks accomplished this year. On behalf of Governor Charlie Crist and himself he thanked the board members for their service rendered to the citizens of the state of Florida.

Mr. Spivey introduced Mr. David Flynn as Ms. Allison Dudley’s replacement as the attorney for the board.

**APPROVAL OF MINUTES FROM MARCH 13, 2009**
The minutes were approved with the following corrections. On page 5, 2nd paragraph from the bottom, 3 line the word “Senator Boyd” should be “Representative Boyd.”

Motion: Mr. Shearer moved to approve the minutes.

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

**APPROVAL OF MINUTES FROM JUNE 12, 2009**
The minutes were approved with the following corrections. On page 11, 2nd paragraph from the bottom, the words “bill did not pass” should read as the “bill passed it was vetoed,” and on page 14, 3rd line from the bottom the word “Mr. Craig” should read as “Mr. Accardo.”

Motion: Mr. Shearer moved to approve the minutes.

Second: Mr. Dietrich 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**
May 21, 2009 – August 31, 2009

**Apprentice**

<table>
<thead>
<tr>
<th>Name</th>
<th>AE</th>
</tr>
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<tbody>
<tr>
<td>WHITFIELD, TROY THOMAS</td>
<td>402</td>
</tr>
<tr>
<td>COATNEY, CHAD RYAN</td>
<td>403</td>
</tr>
<tr>
<td>HITZEL, RONALD JOSEPH</td>
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<tr>
<td>HOLT, CHARLES E</td>
<td>405</td>
</tr>
</tbody>
</table>

**Examination**
ANDERSON, TINA ROSE          AU 3967  
MUGGE, BRANDON JACKSON        AU 3968  
ANDERSON, MARK STEVEN         AU 3969  
NORRITO, STEVE JOSEPH         AU 3970  
KENT, MARCUS LEE              AU 3971  
HARRIS, ROBERT F III          AU 3972  
COPHER, RUSSELL S             AU 3973  
FARLESS, GARY SHANE           AU 3974  
HOUKES, WILLIAM WALTER        AU 3975  
ROBINSON, NELSON A            AU 3976  
BATOR, GLENN MICHAEL          AU 3977  
SEIGEL, CHARLES               AU 3978  
BERG, CARMEN M                AU 3984  
BANNER, RUPERT JOHN           AU 3987  
HAZELBAKER, ALICE J           AU 3988  
HAZELBAKER, LOREN ALLEN       AU 3989  
MARTIN, WALTER JACKSON JR     AU 3990  
EVERATT, MELISSA L            AU 3992  
SLAJCHERT, RICHARD M          AU 3995  
D'ANGELO, JOHN ANTHONY        AU 3998  
PENTONY, SARA MICHELLE        AU 3999  
PAREZO, MARK JASON            AU 4000  
HOWARD, TAMARA                AU 4001  
BURTON, LESA REE               AU 4002  
HENSON, ROBERT EDWARD         AU 4003  
EVERATT, JOHN RANDALL         AU 4005  
RASCO, GLENN ROBBIE           AU 4006  

Endorsement
AIKEN, RANDY J                 AU 3980  OH  
WHITING, DONALD CURTIS        AU 3981  PA/OH  
CLARK, NICHOLAS PETER         AU 3982  MS  
WALKER, CATHY JANE            AU 3983  IN  
REYNOLDS, DAVID THOMAS        AU 3985  TX/SC  
WOODRUFF, M TODD              AU 3986  OH  
KIRBY, RONALD R               AU 3991  KY  
WOMACK, LEE AUGUSTUS          AU 3993  GA  
DEAN, MICHAEL THOMAS          AU 3994  WI  
BOOTS-SUTTON, CHERI L         AU 3996  IL  
GILSTRAP, PHILIP GERALD      AU 3997  AL/GA/SC  
SANDERS, JOHN WESLEY SR      AU 4004  TN  

Florida Board of Auctioneers  
September 29, 2009  
General Business  
Page 3 of 12
<table>
<thead>
<tr>
<th>Company Name</th>
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<tr>
<td>HERING, STEVEN A</td>
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<tr>
<td>A-MAX HOLDING CO</td>
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<tr>
<td>AMERICAN INNOVATIONS CORP</td>
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<tr>
<td>AMERICAN AUCTION AND APPRAISAL SERVICE LLC</td>
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<tr>
<td>BARGAIN MANIA AUCTIONS, INC.</td>
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<td>QUANTUM AUCTIONS LLC</td>
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<tr>
<td>AUCTIONS BY CAROLYN</td>
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<tr>
<td>E Z AUCTIONS</td>
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<tr>
<td>HOME WORKS AUCTIONS LLC</td>
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<tr>
<td>VAGABOND AUCTIONEERS</td>
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<td>FREDERICK ROENIGK, INC.</td>
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<tr>
<td>GRAMERCY AUCTIONS CORP</td>
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<tr>
<td>BATOR INTERNATIONAL INC</td>
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<tr>
<td>LANDMARK ART + FRAME INC</td>
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<td>SOUTHEAST TROPHY SALES</td>
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<tr>
<td>MICROSTAR ENTERPRISES, INC.</td>
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<td>MW AUCTION</td>
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<tr>
<td>RECREATION SOLUTIONS, LLC.</td>
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<tr>
<td>SUN STATE COLLECTIBLES LLC</td>
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<tr>
<td>CASPY'S INC</td>
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<td>GLOBALUXE, INC.</td>
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<tr>
<td>WINHER LLC</td>
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<tr>
<td>JIM GANSLEY AUCTIONEERING SERVICE</td>
<td>AB</td>
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</tr>
<tr>
<td>MICHAEL VENEZIA AUCTION CO INC</td>
<td>AB</td>
<td>2860</td>
</tr>
<tr>
<td>BAREFOOT'S AUCTION SALES</td>
<td>AB</td>
<td>2861</td>
</tr>
</tbody>
</table>
Motion: Mr. Shearer moved to approve the auctioneer ratification application list as presented.
Second: Mr. Dietrich seconded the motion and it passed unanimously.

PROSECUTING ATTORNEY REPORT

CASE LOAD STATUS
Ms. Parson’s presented the prosecuting attorney report in a new format that consisted of more details on each case. At the next meeting she will provide a report on the status codes.

#2007-067804, Jay Sugarman Auction Group, AB 1971

Ms. Parson presented case #2007-067804, AB 1971. The respondent and his attorney were not present or represented by council. The department filed an administrative complaint against the respondent on March 5, 2009. The administrative complaint charged the respondent with violating Chapter 468.389(1)(d) and 468.388 (11)(b) (8), fails to include the percentage amount of any buyer's premium or surcharge which is a condition to sale. The department and respondent entered into a settlement agreement to pay a fine of $700.00 and $326.04 costs. Mr. Grasso was given an opportunity to pay his fines and costs at the meeting. He made an agreement to clean up his website within 15 days of today’s meeting.

Motion: Mr. Shearer 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.

#2007-014269, Auction Depot, AB 2325
DOAH # 08-3014

Ms. Parson presented case #2007-014269, AB 2325. The respondent was not present and was not sworn in by the court reporter. The department filed an administrative complaint against the respondent on February 13, 2007. The administrative complaint charged the respondent with violating Chapter 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 and Chapter 468.389 (1)(e), any conduct in connection with a sales transaction which demonstrates bad faith or dishonesty. The administrative hearing was held March 2009. The administrative judge entered into a settlement agreement with the respondent to pay a fine of $2000.00 and $398.40 costs.

Motion: Mr. Shearer made a motion for the board to accept the stipulation entered by the judge. The board request that the record reflect the respondent’s license be revoked.
Second: Mr. Dietrich seconded the motion and it passed unanimously.
2009-001353, Abraham Asher, AU 1623

Mr. Asher’s case was tabled to the next meeting.

Motion: Mr. Shearer made a motion to approve the request.

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

#2008-038299, United State Liquidators, Inc, AB 2390

Ms. Parson presented case #2008-038299, United States Liquidators, Inc., AB 2390. The respondent was not present or represented by counsel. The department filed an administrative complaint against respondent on February 5, 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) and (3). 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. Shearer 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. Dietrich 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 United States Liquidators, Inc. AB 2390, pay a fine in the amount of $1000, costs of $83.34 and revoke the license.

Motion: Mr. Shearer made a motion for United States Liquidators, Inc. to pay a $1000 fine, $83.34 costs and revoke this license.

Second: Mr. Dietrich seconded the motion and it passed unanimously.
#2008-038042, Auction Depot, AB 2325

Ms. Parson presented case #2008-038042, Auction Depot, AB 2325. The respondent was not present or represented by council. The department filed an administrative complaint against respondent on February 5, 2009. The respondent has been charged with violating Section 468.389 (1)(j), violating a statute or administrative rule regulating the practice under this part or a lawful disciplinary order of the board or the department shall be grounds for the disciplinary activities provided in subsections (2) and (3). 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. Shearer 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. Dietrich 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 Auction Depot, AB 2325, pay a fine in the amount of $1000, costs of $201.68 and revoke the license.

Motion: Mr. Shearer made a motion for Auction Depot to pay a $1000 fine, $201.68 costs and revoke this license.

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

#2007-032429, Wanted Antiques, AB2453

Ms. Parson presented case #2007-032429, Wanted Antiques, Inc., AB 2453. The respondent was not present or represented by council. The department filed an administrative complaint against respondent on September 18, 2008. 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 failed to file an Election of Rights form or otherwise establish the 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 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. Shearer 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. Dietrich 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 Wanted Antiques, AB 2453, pay a fine in the amount of $1000, costs of $207.93 and suspend the license.

Motion: Mr. Shearer made a motion for Wanted Antiques to pay a $1000 fine, $207.93 costs and suspend the license.

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

**#2008-037814, Wanted Antiques, Inc.**

Ms. Parson presented case #2008-037814, Wanted Antiques, AB 2453. The respondent was not present or represented by counsel. The department filed an administrative complaint against respondent on December 10, 2008. 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 failed to file an Election of Rights form or 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 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. Shearer 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. Dietrich 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 Wanted Antiques, AB 2453, pay a fine in the amount of $1000, costs of $224.00 and revoke the license.

Motion: Mr. Shearer made a motion for Wanted Antiques to pay a $1000 fine, $224.00 costs and revoke the license.

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

Recess for 15 minutes

BOARD COUNSEL REPORT
Ms. Dudley indicated that she was working on one rule and would brief Mr. Flynn on the status with JAPC.

Penny R. Lanbery-Crosson
Ms. Dudley presented the status of Penny R. Lanbery-Crosson recovery fund application. Ms. Dudley informed the members that she mailed a letter to Ms. Landery-Crosson and it was included in the addendum agenda. The court awarded her $5,674, she’s been paid $2,647.09 of the $5,674 and she was unable to recovery the balance of $3026.91. She has appeared today before the board asking for help. Ms. Landery-Crosson was present and was sworn in by the court reporter. Ms. Landery-Crosson pleaded her case to the members of the board and they approved her recover claim in the amount of $3026.91 to be paid by the department.

Motion: Mr. Moecker made a motion to suspend Lucky Bidders Auction license, AB 2673 and pay Ms. Landery-Crosson a fee of $3026.91 from the recovery fund. Ms. Landery-Crosson must report any money awarded to her through the civil court and she must make arrangements to repay the department.

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

Steven Goldstein
Ms. Dudley presented the status of Mr. Seven Goldstein recovery fund application. She informed the members that she mailed a letter to Mr. Goldstein and his attorney Mr. Paul D. Jaffe outlining the deficiency of his application.

Motion: Mr. Moecker made a motion to deny the application.
Second: Mr. Dietrich seconded the motion and it passed unanimously

BOARD CHAIR REPORT
Mr. Moecker made a suggestion to the committee to wait a year on the fingerprint bill and resubmit it next year. Mr. Moecker would like to know how much money had been paid out of the recovery fund? How many claims were paid against the recovery fund? The board would look at the information and determine if it’s enough to be presented to the Governor’s Office.

Motion: Mr. Dietrich made a motion to approve this suggestion.
Second: Mr. Shearer seconded the motion and it passed unanimously

EXECUTIVE DIRECTOR’S REPORT
The board will not be attending the Florida Auctioneer Association Event November 1-3, 2009 in Ft. Lauderdale, Florida due to a conflict with the board members and staff meeting schedules.

The board members reviewed the department list of CIU guidelines for approving the auctioneer applications for licensure. The board asked for several items listed to be removed from the list and they were (2) possession of marijuana/drugs paraphernalia, (12) personal bankruptcy, (15) judgments, (23) misprision of felony and (24) narcotic equipment possess.

Ms. Dudley informed the board members that Ms. Diane Marvin was demanding that the board take action on a letter she mailed Mr. Spivey. Ms. Dudley informed the members that Ms. Marvin submitted the information in the wrong format and it should have been submitted in the format as a declaratory statement. She informed the members not to take action on the request.

Mr. Spivey informed the members and staff he would respond to Ms. Marvin in writing.

Motion: Mr. Moecker made a motion “to do nothing.”
Second: Mr. Shearer seconded the motion.
The motion passed with a vote two to one “to do nothing”.
Mr. Spivey reviewed the financial reports ending March 31, 2009. He indicated that the “operating account shows a balance of $53,920. The operating account for the recovery fund shows a balance of $803,848 and the unlicensed activity account shows a balance of $31,458.”

Regulation Report is for information only.

APPLICATION REVIEW
Jose Espinosa (reconsider letter of intent to deny) Mr. Espinosa was present and was sworn in by the court reporter. Mr. Espinosa explained each of his convictions (grand theft, burglary, felony fleeing and attempting to elude an officer, resisting arrest and domestic battery) and the board determine that he was eligible for the examination.

Motion: Mr. Dietrich made a motion to reconsider his application and approve him for examination.

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

James H. Cain, Sr. (reinstatement of null and void license) The respondent was not present or represented by council. The board members reviewed his medical history, the reason for reinstatement and approved his application for licensure.

Motion: Mr. Shearer made a motion to approve his request for reinstatement.

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

Wayne E. Irving (reinstatement of null and void license) Mr. Irving was present and was sworn in by the court reporter. Mr. Irving gave a verbal history of why his license was not renewed in a timely manner. Mr. Dietrich informed the board that he had known Mr. Irving for many years and he found him to be an honest auctioneer.

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

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

Frank Adam Jakob (background and endorsement) The respondent was not present or represented by council. The board members reviewed his background information and approved his application by endorsement.

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

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

Harry Shasho (background) The respondent was not present or represented by council. 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.

**Lee Martin Danhauer (endorsement)** The respondent was not present or represented by council. The board members reviewed his endorsement information and approved his application.

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

Second: Mr. Shearer seconded the motion.

The motion passed two to one.

**OLD BUSINESS**
None

**NEW BUSINESS**

Forthcoming Dates for 2009-2010

- December 10, 2009 – St Augustine
- March 12, 2010 – Tallahassee, Florida
- June 11, 2010 - TBA

The committee changed the date of the December 11, 2009 meeting to December 10, 2009 with a St. Augustine location.

**ADJOURNMENT**

Motion: Mr. Shearer moved to adjourn the meeting.
Second: Mr. Dietrich seconded the motion and it passed unanimously.

The meeting was adjourned at 1:21 pm.