

**MEETING OF
THE FLORIDA BOARD OF AUCTIONEERS**

Four Points By Sheraton Tallahassee North
1978 Village Green Way
Tallahassee, Florida 32309

Friday, December 12, 2008 @ 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

Joseph McLennon
Judy Abercrombie Parker, Abercrombie Auctions INTI
Patrick T Parker, Abercrombie Auctions INTI
Sherry McLennon
Deana McLandon, President of FAA
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:

AB 2773	ANDERSON AUCTIONS INC
AB 2769	ANDREW KAUFMAN
AB 2790	ANNETTE ENGELMAN
AB 2765	AUCTION LEGACY
AB 2781	BELINSKI'S AUCTION
AB 2771	BJ'S ANTIQUE SHOPPE ETC
AB 2775	BRANDON LOFTON REAL ESTATE AUCTIONS LLC
AB 2772	BRUCE KODNER GALLERIES INC
AB 2782	CAPE AUCTION AND REAL ESTATE LLC
AB 2783	CASTLE DESIGN INTERIORS
AB 2763	D&G AUCTIONEERS
AB 2778	GOLD N' TREASURES
AB 2779	GRAMERCY AUCTIONS LLC
AB 2768	GULF COAST AUCTIONS
AB 2793	HARTMAN YACHT MAINTENANCE INC
AB 2780	J F AUCTIONS INC
AB 2792	JBMJ UNIQUE SALES & AUCTIONS
AB 2767	KENT A MARTINDALE & ASSOCIATES INC
AB 2766	MASON AUCTION AND SALES LLC
AB 2794	OLD HARBOR AUCTIONEERS LLC
AB 2791	PH & PJ COMPANY INC
AB 2777	PIG ON POLK ANTIQUES
AB 2786	ROBBINS AUCTION
AB 2785	STANFORD AUCTIONS INC.
AB 2788	TONY BARBER INC.
AB 2774	VENUS ANIMAL AUCTION LLC
AB 2784	WILLIAMS & WILLIAMS MARKETING SERVICES,
AB 2770	WILLS ANTIQUES AND COLLECTABLES INC
AB 2787	WORLD OF DECOR, INC.
AB 2776	YOUNG AT HEART COLLECTIONS LLC
AB 2789	ZOOGMUH

Motion: Mr. Dietrich moved to approve the application list as presented.

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

Mr. Moecker requested staff to provide the board with a copy of Zoogmuh application to be presented at the next meeting.

Also, he requested Ms. Parson to check and see if AB 2763, D & G Auctioneers that appeared on the ratification list is connected to a letter from SA Auctions signed by Gavin Abadi on page 139 of the agenda booklet. If so, please report your findings to the committee at the next meeting.

PROSECUTING ATTORNEY REPORT

CASE LOAD STATUS

Ms. Parson's report dated November 20, 2008 reflected ten cases in legal, two cases supplemental investigation, awaiting outside action, one case awaiting final order, zero cases set for probable cause, zero cases set for expert review, four cases set for administrative complaint, zero cases set for default, two cases set for settlement negotiations, one case set for Department of Administrative Hearing (DOAH) and three cases set for board presentation. There were a total of twenty-two cases in legal.

Ms. Parson reported an updated list dated December 11, 2008 and it reflected thirteen 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, three cases set for board presentation and one for DOAH. There were a total of twenty-four cases in legal.

#2007-048434, Nicole Michelle Parker

Ms. Parson presented case #2008-060447, AU3236. The respondent was not present and was not sworn in via the court reporter. The department filed an administrative complaint against respondent on November 2, 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 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 department hasn't heard or received any fines from Ms. Parker. 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 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. Accardo 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 changes 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 accept the findings of facts and conclusion of law.

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

Ms. Parson stated that “*the department’s recommendation in this settlement case is that the respondent pay a fine in the amount of \$323.86, costs of \$1000.00 and revoke her license*”

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.

#2007-048779 and 2007-011269, Abadi Gavin

Ms. Parson presented case #2007-048779 and 2007-011269, AU3400. Mr. Gavin faxed a letter to Ms. Parson with a change of address and requested his cases be rescheduled until the next board meeting.

Motion: Mr. Accardo made a motion to suspend Mr. Gavin license until he appear before the board base on 61-G2.030 (2)(b)(c)(d).

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

BOARD COUNSEL REPORT

The board gave Ms. Edwards permission to make corrections to Rules 61G2.2.006 reinstate null and void licenses and process the rules.

Motion: Mr. Dietrich made a motion for Ms. Edwards to delete the bold print and continue with adopting the rule.

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

BOARD CHAIR REPORT

Mr. Moecker thanked staff as always for a job well done. He indicated that he appreciate the minutes being submitted in a timely fashion.

Mr. Moecker provided the board with a handout from the office of Senator Carey Baker regarding the finger print bill.

Mr. Dietrich stated that Representative Boyd will sponsor the fingerprint bill this year.

APPLICATION REVIEW

Jacqueline Tam (*letter*) Ms. Tam submitted a letter requesting approval for website auction. The Florida board does not require a license for website auctions.

Mr. Steven Goldstein (*recovery application*) the board determined Mr. Goldstein needed guidance regarding his recovery application and requested Ms. Edwards to provide him with a letter outlining his deficiency.

The board requested Mr. Spivey to check and see if a claim has been paid for Boca Auction Gallery and report back to the board at the next meeting.

Motion: Mr. Dietrich made a motion giving Ms. Edwards the authority she needed.

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

George William Boris (*null & void application*) The board determined that Mr. Boris' application is eligible to reinstatement of his null and void license in the state of Florida. He must reveal that he is licensed in Massachusetts and New Hampshire and in Florida until 1999.

Motion: Mr. Dietrich made a motion to approve Mr. Boris' application.

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

Syrus J. Peters (*null & void application*) The board determined that Mr. Peters application is not eligible for licensure by reinstatement of a null and void license in the state of Florida. The applicant did not renew his license in 2001, 2003, 2005 or 2007. He did not present any reason for the 6 years of non-renewal. He can apply via application for the examination or request a refund of his un-used fees.

Motion: Mr. Dietrich made a motion to deny this application for reinstatement.

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

James Edward Willard (*null & void application*) The board determined that Mr. Willard' application is not eligible for licensure by reinstatement of a null and void license in the state of Florida. The applicant did not renew his license in 2003, 2005 or 2007. He did not present any reason for the 4 years of non-renewal. He is currently licensed in Kentucky. He is eligible to apply via endorsement or request a refund of his un-used fees.

Motion: Mr. Shearer made a motion to deny this application for reinstatement.

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

Background Information:

Mr. Patrick Parker application appeared before the board due to his background history. After a verbal review of his criteria the board approved his application for the exam.

Motion: Mr. Accardo made a motion to approve his application for the exam.

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

James Holt Sellers The board determined that Mr. Sellers' application met the requirements and he is eligible for licensure by endorsement in the state of Florida.

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

Second: Mr. Shearer seconded the motion and it passed with a vote of 3-1.

BOARD MEMBER TRAINING

Mr. Spivey, Ms. Parson and Ms. Edwards provided the board member with a refresher course of the board member training.

Ms. McLandon with Florida Auctioneer Association (FAA) introduced herself as the new President of the FAA and informed the board how much she enjoyed the meeting.

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

Mr. Spivey reviewed the financial reports ending September 30, 2008. He indicated that the *"operation account shows a balance of \$185,349. The operating account for the recovery fund shows a balance of \$803,843. In the unlicensed activity account shows a balance of \$35,056."*

A request was made to the board by Mr. James Sklar requesting the board to respond to whether an auctioneer who only holds an auctioneer license can call bids at a real estate auction, when a licensed real estate broker is on hand to handle the transactions. The board indicated that the auctioneer is not allowed to call bids at a real estate auction without holding a license to sell real estate.

Mr. Spivey informed the board that he will be submitting a request to the board for two people to attend NOLLOA meeting.

Motion: Mr. Dietrich made a motion for two people to be submitted for travel to the NOLLOA meeting.

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

OLD AND NEW BUSINESS

The next meeting will be held on March 13, 2009 in Tallahassee as being the first choice, Amelia Island the second choice and St. Augustine as the third.

Future meeting (s)
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 1:45pm.