

MINUTES**NORTH CAROLINA AUCTIONEER LICENSING BOARD****April 11, 2016**

The North Carolina Auctioneer Licensing Board met on Monday, April 11, 2016, in the Fuquay Varina Office. The meeting was called to order at 10:00 a.m. Members present were Chairman Daniel H. DeVane, Vice Chairman Gary Boyd, Moses Gallion, Lisa L. Brown, and Susan Holder. Also, present were Charles F. Diehl, Executive Director, Becky Stewart, Administrative Officer, Ralph Southerland, Investigator, and Garris Neil Yarborough, Counsel to the Board. Chairman DeVane welcomed auctioneer Rick Lashmit to the meeting.

Chairman DeVane inquired of each member if there were any known conflicts of interest or an appearance of conflicts with respect to any matters coming before the Board during this meeting. Member Gallion recused himself from Probable Cause due to his participation on the Probable Cause Subcommittee meeting and Vice Chairman Boyd recused himself from North Carolina Auctioneer Licensing Board v. Brandon DeSourdy, NCAL #9457/Piggybank Auctions, LLC, NCFL #9471 Rendering of Final Agency Decision. Other members stated there were none.

Minutes of the meeting held on March 14, 2016 were approved as recorded on motion by Vice Chairman Boyd. Member Holder seconded the motion, which carried unanimously. Then, Ralph Southerland provided the investigative case log update as follows: seven (7) active cases, no internet cases, and two (2) cases under appeal.

At this time Director Diehl reported to the Board that the NCALB Funded CE Course Program is being well attended and receiving good reviews, and that the Board should be pleased with its investment. The courses were well attended in Kinston, Jacksonville, and Cherokee and the last two funded courses are scheduled for Monday April 25, 2016 in Durham with two (2) 4-

hour sessions.

Next, Director Diehl presented a request from Kenneth Lingafelt for Consideration for Approval “Application for Auctioneer Recovery Fund – Piggybank Auctions LLC, NCFL #9471.” Following a review and discussion, **Member Brown made a motion to deny “Application for Auctioneer Recovery Fund” in the amount of \$7,000.00 in the matter of Piggybank Auctions, LLC, NCFL #9471 for lack of evidence. Member Gallion seconded the motion, which carried unanimously.**

At this time Board Counsel Yarborough gave instructions to the Board regarding their rendering of the Final Agency Decision concerning North Carolina Auctioneer Licensing Board v. Brandon DeSourdy, NCAL #9457/Piggybank Auctions, LLC, NCFL #9471. **After review and discussion Member Gallion made a motion to amend Legal Counsel’s Proposed Findings of Fact and Conclusion of Law in that Mr. DeSourdy’s auctioneer license is to be suspended for two (2) years. After the two year suspension, Mr. DeSourdy may reapply for an active license upon the following conditions 1) Successfully complete a licensed NCALB School of Auctioneering, 2) Take the NC State Auctioneers Examination, 3) Satisfy the judgment held by Kenneth A. Lingafelt, and, 4) Satisfy all of the requirements for licensure currently in effective for new license applicants. Member Brown seconded the motion which carried unanimously.** Vice Chairman Boyd did not participate in the discussion nor did he vote on this matter due to his participation on the March 14, 2016 Probable Cause Subcommittee.

Next the Board considered the Probable Cause Subcommittee recommendations and the following motion was made: **Vice Chairman Boyd made a motion to accept the Probable Cause Subcommittee recommendations. Member Holder seconded the motion, which carried unanimously.** Member Gallion, being the Probable Cause Member, did not participate

in the discussion nor did he vote due to his participation on the Probable Cause Subcommittee.

Then Director Diehl presented for consideration the Application for Prior Approval for Reimbursement of Continuing Education Expenses for the Auctioneers Association of North Carolina (AANC) June 2016 Convention. Following review, **Vice Chairman Boyd made a motion to approve the Application Prior Approval for Reimbursement of Continuing Education Expenses for the AANC June 2016 Convention up to \$4,230.00 subject to verification by staff. Member Brown seconded the motion, which carried unanimously.**

The next item presented to the Board for consideration was the Application for Approval of new CE Course and Instructor for the Auctioneers Association of North Carolina (AANC) – How to Win (The Art & Science of Competitive Auctioneering)/Bid Calling & UCC 2-328/Peter Gehres. After review of the presented materials, **Member Holder made a motion to approve the New CE Course and Instructor for the AANC with Vice Chairman Boyd seconding the motion, which carried unanimously.**

Following, Director Diehl presented for the Board's consideration the Renewal Application for Schools of Auctioneering – The Ohio School of Auctioneering. **Vice Chairman Boyd made a motion to approve the Renewal of Accreditation for The Ohio School of Auctioneering. Member Gallion seconded the motion, which carried unanimously.**

Next Director Diehl presented the financial information concerning the individual month of March 2016. Following review, **Vice Chairman Boyd made a motion to accept the financial information for the month of March 2016. Member Gallion seconded the motion, which carried unanimously.**

At this time Director Diehl led a discussion on the consideration of an assessment for the Recovery Fund during Fiscal Year 2016-2017. Following a discussion, **Member Holder moved that no assessment to the Recovery Fund take place during the renewal period for Fiscal**

Year 2016-2017. Member Brown seconded the motion, which carried unanimously.

Next the Board considered the continuing education hours for Fiscal Year 2017-2018. **Member Gallion moved to approve, as per 21 NCAC 4B .0801(d), four (4) hours of continuing education in order for applicants to renew their licenses for Fiscal Year 2017-2018. Vice Chairman Boyd seconded the motion, which carried unanimously.** Then Director Diehl reported on the Ad Violations and Informal Staff Investigations for the month of March.

Under Other Business, Director Diehl provided an update on the NC General Assembly/Administrative Procedure Oversight Committee and informed the Board, pursuant to the Chairman's consent, he registered with the Secretary of State as the NCALB Legislative Liaison. Director Diehl also informed the Board that HB 97 mandated that all state agencies utilize the use of Temporary Solutions for their supplemental staffing at a cost of \$2 per hour. The Board's two part-time temporary employees are subject to this requirement.

Following the review and approval of applications for licensing, the Board confirmed the next regular meeting on Monday, May 8, 2016 at 10:00 a.m. in the Fuquay-Varina office.

The meeting adjourned at 11:35 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer