

**MINUTES**

**NORTH CAROLINA AUCTIONEER LICENSING BOARD**

**April 12, 2018**

The North Carolina Auctioneer Licensing Board met on Thursday, April 12, 2018 in the Fuquay-Varina Office. The meeting was called to order at 1:05 p.m. Members present were Chairman Gary Boyd, Vice Chairman William B. Lilly, Jr., Lisa L. Brown, Daniel H. DeVane, and Susan R. Holder. Also present were Charles F. Diehl, Executive Director, Becky Stewart, Administrative Officer, Ralph Southerland, Investigator, and Special Deputy Attorney General Anne Brown and Fasion Hicks with the NC Department of Justice.

Chairman Boyd 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. Vice Chairman Lilly recused himself from consideration of the Probable Cause recommendation on item 1 due to his attendance and participation in the first of two Probable Cause Subcommittee meetings. Member Brown recused herself from consideration of the Probable Cause recommendations on items 2 - 6 due to her attendance and participation in the second of two Probable Cause Subcommittee meetings. Other members stated there were none.

**Minutes of the meeting held on March 12, 2018 were approved as recorded on motion by Vice Chairman Lilly. Member DeVane seconded the motion, which carried unanimously.** Then Ralph Southerland provided the investigative case log update as follows: nine (9) active cases and zero (0) cases under appeal.

The Administrative Hearing, NCALB Recovery Fund Claim Hearing – Ms. Jane Spence-Edwards began at 1:10 p.m. Chairman Boyd with assistance from Special Deputy Attorney General Fasion Hicks presided at the Hearing, and then turned the proceeding over to Special Deputy Attorney General Anne Brown, Counsel for the Board. The respondent, Ms. Jane Spence-Edwards elected to proceed pro se. The Hearing concluded at 2:42 p.m. as which time the Board went into

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Closed Session to consider the evidence presented and to render a decision. The Board returned to Open Session at 2: 49 p.m. to render its Final Agency Decision concerning the Recovery Fund Claim – Ms. Jane Spence-Edwards. **A Motion was made as follows: The Board, acting solely in its discretion, award Ms. Spence-Edwards five-hundred dollars (\$500) and only because Ms. Spence-Edwards has put on evidence that she made a five-hundred dollar deposit (\$500), which was never returned. The motion carried unanimously.** The Board went into recess at 2:57 p.m.

The Administrative Hearing, Appeal of Auctioneer License Application Denial – Mr. Carlos Edward Williams, Jr. began at 3:05 p.m. Chairman Boyd with assistance from Special Deputy Attorney General Faison Hicks presided at the Hearing, and then turned the proceeding over to Special Deputy Attorney General Anne Brown, Counsel for the Board. The respondent, Mr. Carlos Edward Williams, Jr. was represented by his attorney, Mr. Bryan Williams. The Hearing concluded at 3:56 p.m. at which time the Board went into Closed Session to consider the evidence presented and to render a decision. The Board returned to Open Session at 4:10 p.m. to render its Final Agency Decision concerning Auctioneer License Application Denial – Carlos Edward Williams, Jr. **A Motion was made as follows: The Board will issue an auctioneer license pursuant to today’s Hearing. The motion carried unanimously.**

At this time Director Diehl reported on the Ad Violations and other Informal Investigations for the Month of March.

Next the Board considered the Probable Cause Subcommittee recommendations and the following motions were made: **Member DeVane made a motion to accept the Probable Cause Subcommittee recommendation for item 1. Member Holder seconded the motion, which carried unanimously.** Prior to the motion or any discussion, Vice Chairman Lilly had recused himself from consideration of the Probable Cause recommendations on item 1 due to his attendance and participation in the first of two Probable Cause Subcommittee meetings. **Member DeVane made a motion to accept the Probable Cause Subcommittee recommendations for items 2-6.**

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**Member Holder seconded the motion, which carried unanimously.** Prior to the motion or any discussion Member Brown had recused herself from consideration of the Probable Cause recommendations on items 2-6 due to her attendance and participation in the second of two Probable Cause Subcommittee meetings.

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

Next Director Diehl provided an update on the NCALB Funded CE Program. The Winston-Salem, Kinston, Jacksonville, and Cherokee classes were recently held and went well. The last two classes will be held in Williamston and Durham.

At this time the Board Considered the Renewal Application for Schools of Auctioneering – The Ohio Auction School. **Vice Chairman Lilly made a motion to approve the renewal application for The Ohio Auction School. Member DeVane seconded the motion, which carried unanimously.**

The next item on the agenda was the Consideration of Applications for New Continuing Education Courses and Instructor for Mendenhall School of Auctioneering – Advance Bid Calling – Scott Matthews, Benefit and Charity Auctions – Scott Matthew, and “How Are You Selling Yourself?” – Scott Matthews. **Vice Chairman Lilly made a motion to approve the new courses and instructor. Member Holder 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 2018-2019. Following discussion, **Vice Chairman Lilly moved that no assessment to the Recovery Fund take place during the renewal period for Fiscal 2018-2019. Member Brown seconded the motion, which carried unanimously.**

Next the Board considered the continuing education requirements for Fiscal Year 2019-

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**2020. Vice Chairman Lilly moved to approve, as per 21 NCAC 4B .0801(d), four (4) hours of continuing education for the Fiscal Year 2019-2020 license period. Member DeVane seconded the motion, which carried unanimously.**

Then Director Diehl reported he visited Lenoir Community College on March 20 and 22, 2018 and he will be visiting Carolina Auction Academy on May 3, 2018. Carolina Auction Academy (Stanly Community College) will be celebrating National Auctioneers Day on May 1, 2018 in Albemarle and continuing education will be available. Additionally, Director Diehl thanked the Board Members for completing their Statements of Economic Interest.

At this time Director Diehl referenced follow-up requirements generated by recovery fund payments, and requested guidance regarding the recent decision on this issue. **Vice Chairman Lilly made a motion to table this matter until the May 14, 2018 meeting for adequate time to prepare and discuss with Counsel. Member Holder seconded the motion, which carried unanimously.**

Following the review and approval of applications for licensing, the Board confirmed the next regular meeting on Monday May 14, 2018 at 10:00 a.m. in the Fuquay-Varina office. **Member DeVane made a motion to adjourn the meeting with Vice Chairman Lilly seconding the motion which carried unanimously.**

The meeting adjourned at 4:35 p.m.

Respectfully Submitted,

Becky J. Stewart  
Administrative Officer