

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

April 13, 2015

The North Carolina Auctioneer Licensing Board met on Monday, April 13, 2015, in the Fuquay-Varina office. The meeting was called to order at 9:00 a.m. Members present were Chairperson Daniel H. DeVane, Vice Chairperson Randy Lee, Gary Boyd, Moses Gallion, and Deborah Johnson. Also, present Becky J. Stewart, Administrative Officer, and Garris Neil Yarborough, Counsel to the Board.

Chairperson 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. Vice Chairperson Lee indicated he must recuse himself from the Administrative Hearing scheduled for today on Sandi Teresa Wright, 2nd Chance Furniture, NCFL #9400 due to his participation on the Probable Cause Subcommittee. Member Boyd indicated he must recuse himself from the matter of Richard Odell Whittington, NCAL #8424 due to his participation on the Probable Cause Subcommittee. Other members stated there were none. At this time, Chairperson DeVane welcomed Phil Burleson in attendance on behalf of the Auctioneers Association of North Carolina (AANC).

Minutes of the meeting held on March 9, 2015, were approved as recorded on motion by Member Johnson. Member Boyd seconded the motion, which carried unanimously. Also at this time, Investigator Southerland provided a case log update.

Next, Mr. Yarborough presented to the Board a proposed Consent Order for Richard Odell Whittington, NCAL #8424 regarding his individual Auctioneer License and informed the Board the Administrative Hearing scheduled for today on this matter is canceled. After review and discussion, **a Motion was made by Member Gallion to accept the Consent Order. Vice**

Chairperson Lee seconded the motion, which carried unanimously. Member Boyd, being the Probable Cause Member for this case, did not participate in the discussion nor did he vote on this matter due to his participation on the Probable Cause Subcommittee.

At this time, the Board considered the Probable Cause Subcommittee Recommendations and the following motion was made. **Member Gallion moved to accept the Probable Cause Subcommittee Recommendations. Member Johnson seconded the motion, which carried unanimously.** Vice Chairperson Lee, being the Probable Cause Member for this case, did not participate in the discussion nor did he vote on this matter due to his participation on the Probable Cause Subcommittee. Also at this time, Ms. Stewart informed the Board that Nicholas Robert Alexander Carey withdrew his request for an Administrative Hearing set for today and accepts the Board's Recommendation of February 9, 2015 to deny his initial license. Then, Ms. Stewart provided the results of the March 5, 2015, auctioneer examination, which were as follows: eight (8) examinees with three (7) passing and one (1) failing.

Next, Ms. Stewart presented the Consideration for Approval of New CE Course and Instructor for Mendenhall School of Auctioneering: Chisa Pennix-Bown – Creating Your Business Plan. After review, **Vice Chairperson Lee made a motion to accept the New CE Course and Instructor for Mendenhall School of Auctioneering with Member Boyd seconding the motion, which carried unanimously.** Then, Ms. Stewart presented the Consideration for Approval of New CE Courses and Instructor for the Auctioneers Association of North Carolina (AANC): Robert W. Mayo, Online Auctions-Real Estate and Non Real Estate, Social Media Marketing, Is Your Marketing Effective, and Benefit Auctions. After review, **Vice Chairperson Lee made a motion to accept the New CE Courses and Instructor for the Auctioneers Association of North Carolina with Member Johnson seconding the motion, which carried unanimously.**

At this time, Ms. Stewart presented the Consideration of Application for Estimated Reimbursement of Continuing Education Expenses for the Auctioneers Association of North Carolina for their June 2015 Convention. After review and discussion, **Member Boyd made a motion to accept the Application for Estimated Reimbursement of Continuing Education Expenses of \$7,040.00 for the Auctioneers Association of North Carolina. Member Gallion seconded the motion, which carried unanimously.**

Next, Ms. Stewart presented the report from Betty O'Neal with Stanly Community College on the Auction Firm Course/School for Non-Auctioneer Designated Person(s). After review and discussion, **Member Boyd made a motion to table this matter until the May 11, 2015 Board Meeting. Vice Chairperson Lee seconded the motion, which carried unanimously.**

The Board went into recess at 9:52 a. m. to prepare for the 10:00 a. m. Administrative Hearing - North Auctioneer Licensing Board vs. Sandi Teresa White, 2nd Chance Furniture, NCFL #9400. The Board reconvened at 10: 20 a.m. At this time, **Member Boyd made a Motion to dismiss Sandi Teresa White's appeal for failure to appear. Member Johnson seconded the motion, which carried unanimously.** Vice Chairperson Lee, being the Probable Cause Member for this case, did not vote on this matter due to his participation on the Probable Cause Subcommittee.

At this time, the Board considered the continuing education hours for Fiscal Year 2016-2017. **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 2016-2017. Vice Chairperson Lee seconded the motion, which carried unanimously.**

Next, Ms. Stewart presented the Consideration of Lease Agreement with Anza Mailing Systems, Inc. After review, **Member Boyd made a motion to accept the Lease Agreement**

with Anza Mailing Systems, Inc. Member Gallion seconded the motion, which carried unanimously.

Then, Ms. Stewart presented a Summary of Financial Statements for the past five (5) years to determine a potential excess payment to the building loan. After review and discussion, **a Motion was made by Vice Chairperson Lee to revisit this proposal at the October 12, 2015 Board meeting. Member Johnson seconded the motion, which carried unanimously.** Following, Ms. Stewart presented financial information concerning the individual month of March 2015. After review of the financial information, **Member Johnson made a motion to accept the March 2015 Financial Report. Member Boyd seconded the motion, which carried unanimously.**

At this time, **Member Boyd made a Motion to go into Closed Session at 11:00 a.m. to discuss personnel matters. Vice Chairperson Lee seconded the motion, which carried unanimously.** The Board returned to open session at 11:30 a.m. Chairperson DeVane stated the following motions were made and carried unanimously during closed session: **Vice Chairperson Lee made a Motion to give Ms. Stewart at 10% pay raise and the 10% pay raise be retroactive to January 1, 2015 and for her to continue as Acting Executive Director until further notice by the Board. Next, Member Boyd made a motion that the Board hire a temporary retired interim Executive Director who is not interested in the permanent Executive Director Position, but who will help administratively and oversee the Board until a permanent Executive Director is hired.**

Under Other Matters, Ms. Stewart presented the following information to the Board: 1) The First Annual Occupational Licensing Agencies Best Practice Seminar May 5, 2015; 2) NCGEAR Report; 3) Notice of the June Board Meeting held in conjunction with the AANC June Convention in Cary; 4) Upcoming Newsletter in July; and, 5) a Resolution in Memorial to

Teresa L. Watson to be prepared by Ms. Stewart and Board Counsel.

Following the review and approval of applications for licensing the Board confirmed the next meeting as Monday, May 11, 2015, at 9:00 a.m. in the Fuquay-Varina office.

The meeting adjourned at 12:00 noon.

Respectfully Submitted,

Becky J Stewart
Administrative Officer