

## MINUTES

## NORTH CAROLINA AUCTIONEER LICENSING BOARD

APRIL 11, 2011

The North Carolina Auctioneer Licensing Board met on Monday, April 11, 2011, in the Fuquay-Varina office. The meeting was called to order at 9:15 a.m. Members present were: Chairperson Keith J. Pierce, Vice Chairperson William B. Lilly, Randy B. Lee and Jesse G. Meeks. Also present: Executive Director Teresa L. Watson and Garris Neil Yarborough, Counsel to the Board.

Chairperson Pierce 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 and each member indicated there were none.

**Minutes of the meeting held on March 14, 2011, were approved as recorded on motion by Vice Chairperson Lilly. Member Meeks seconded the motion which carried unanimously.**

Next, Investigator Southerland provided a case log update.

At this time, Board Counsel Yarborough and Investigator Southerland provided an update on Iron Planet as instructed at the March 14, 2011, Board Meeting. Mr. Yarborough advised that he had mailed a follow-up letter to Iron Planet expressing the Board's concern with their failure to obtain an auction firm license with no response from Iron Planet. Mr. Southerland presented a report on his monitoring of the March 17, 2011, auction held by Iron Planet in Raleigh, North Carolina. Following a review and discussion of the information provided, **Vice Chairperson Lilly moved to instruct Board Counsel Yarborough to prepare a Subpoena/Administrative Search Warrant for contract documents pertaining to the Iron Planet March 17, 2011, auction held in Raleigh, North Carolina, for Triangle Grading Company (TGC). Mr. Lilly further moved to instruct Mr. Yarborough to contact the North Carolina Attorney General's Office for assistance in the**

**licensing of Iron Planet. Member Lee seconded the motions which carried unanimously.**

Next, Director Watson provided the results of the April 7, 2011, auctioneer examination which were as follows: five examinees with two passing and three failing. The Board then considered the Probable Cause Subcommittee Recommendations and the following motion was made.

**Member Meeks moved to accept Probable Cause Subcommittee Recommendations Numbers 1 thru 9. Vice Chairperson Lilly seconded the motion which carried unanimously.** Member Lee did not participate in the discussions nor did he vote on these matters involving the Probable Cause Subcommittee Recommendations due to his participation on the Probable Cause Subcommittee.

**Member Meeks then moved to accept Probable Cause Subcommittee Recommendation Number 10. Member Lee seconded the motion which carried unanimously.** Vice Chairperson Lilly did not participate in the discussions nor did he vote on these matters involving the Probable Cause Subcommittee Recommendations due to his participation on the Probable Cause Subcommittee.

Ms. Watson then presented a request from Bud W. Wegner, NCAL #5360, regarding the Board's February 2011 Newsletter and questioning the Board's authority to buy, build and move into a permanent structure in Fuquay Varina, NC. Following a discussion on this request, Board Counsel Yarborough was instructed to respond to Mr. Wegner on the Board's behalf. Next, continuing education hours were considered for the Fiscal Year 2012-2013. **Member Lee 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 2012-2013. Member Meeks seconded the motion which carried unanimously.** Then, financial information concerning the individual month of March 2011 was reviewed by the Board.

Discussion was held concerning the Legal Counsel Retainer Agreement. Following a review of Mr. Yarborough's letter and proposed Retainer Agreement, **Member Meeks moved to retain**

**The Yarborough Law Firm, P.A. to provide legal representation for the North Carolina Auctioneer Licensing Board for Fiscal Year 2011/2012 at the current annual fee of \$35,000.00.**

**Member Lee seconded the motion which carried unanimously.**

At this time, other Board matters were reviewed and discussed to include the following: (1) an update on the status of Board and Commissions; (2) the reading of Governor Perdue's March 17, 2011, Letter regarding Executive Order No. 34 requiring appointees to attend at least 75 percent of the board's regularly scheduled meetings; (3) information regarding the Agency Payment Verification Form for travel reimbursements; and, (4) next year's CE proposals/bids.

Following the review and approval of applications for licensing, the Board confirmed the next meeting as Monday, May 9, 2011, at 9:00 a.m. in the Fuquay-Varina office. The meeting was adjourned at 11:00 a.m.

Respectfully Submitted,

Teresa L. Watson  
Executive Director