

MINUTES**NORTH CAROLINA AUCTIONEER LICENSING BOARD****AUGUST 9, 2010**

The North Carolina Auctioneer Licensing Board met on Monday, August 9, 2010, in the Fuquay-Varina office. The meeting was called to order at 9:00 a.m. Members present were: Chairperson Jean W. Woolard, Vice Chairperson Keith J. Pierce, William B. Lilly and Jesse G. Meeks. Also present: Executive Director Teresa L. Watson and Garris Neil Yarborough, Counsel to the Board.

Chairperson Woolard 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. The "Evaluation of Statement of Economic Interest Filed by Mr. Jesse G. Meeks" was recorded in the minutes pursuant to G.S. 138A-15(c) and handouts regarding "Education Requirements" and "SEI Evaluations" were presented to each Board member.

Minutes of the meeting held on July 13, 2010, were approved as recorded on motion by Member Lilly. Vice Chairperson Pierce seconded the motion which carried unanimously. Next, Investigator Southerland provided a case log update.

Discussion was held concerning the Legal Counsel Retainer Agreement. Mr. Yarborough presented each Board member with a memorandum outlining requested additional information regarding the Retainer Agreement. Following review and discussion of Mr. Yarborough's memorandum, **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 2010/2011 at the current annual fee of \$35,000.00. Vice Chairperson Pierce 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 Christopher Beshara, NCAL #7443. Following Mr. Yarborough's instructions, **Member Lilly moved to adopt the Proposed Findings of Fact and Conclusions of Law submitted by Board Counsel and permanently revoke Mr. Beshara's auctioneer license. Member Meeks seconded the motion which carried unanimously.** Vice Chairperson Pierce did not participate in the discussion nor did he vote on this matter due to his participation on the Probable Cause Subcommittee.

The Board then considered the Probable Cause Subcommittee Recommendations and the following motions were made. **Vice Chairperson Pierce moved to accept Probable Cause Subcommittee Recommendations 1 thru 5. Member Lilly seconded the motion which carried unanimously.** Member Meeks 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. **Vice Chairperson Pierce moved to accept Probable Cause Subcommittee Recommendation 6. Member Meeks seconded the motion which carried unanimously.** Member Lilly did not participate in the discussion nor did he vote on this matter involving the Probable Cause Subcommittee Recommendation due to his participation on the Probable Cause Subcommittee.

Next, Director Watson provided the results of the August 5, 2010, auctioneer examination which were as follows: eight (8) examinees with seven (7) passing and one (1) failing. Concerning the review of apprentice auctioneer applicants and their sponsors' written summary of their background and experience in the auction profession, **Member Meeks moved to approve the apprentice application for Ed Payne, Jr., and proposed sponsor, John Edward Thomas, NCAL #6235. Vice Chairperson Pierce seconded the motion which carried unanimously.**

Director Watson then led a discussion on the issue of the 2010-2011 Licensee Directory

regarding its format and number of copies to be made. **Vice Chairperson Pierce moved that the 2010-2011 Directory be issued in the same format and number as the previous year. Member Meeks seconded the motion which carried unanimously.** Then, financial information concerning the individual month of July 2010 was reviewed by the Board.

At this time, Director Watson presented a request from Elaine Christian, AANC, asking to have someone from the Auctioneer Licensing Board be present at their January 2011 AANC Convention to provide an “update.” Following a discussion of this request, **Vice Chairperson Pierce moved to hold the January 2011 Board Meeting in conjunction with the January 14 thru 16, 2011 AANC Convention and provide staff to present the requested “update.” Member Meeks seconded the motion which carried unanimously.**

The Administrative Hearing for Thomas Michael Maratta, Auctioneer Applicant, began at 9:50 a.m. Due to his participation on the Probable Cause Subcommittee, Member Lilly recused himself from the Hearing. Chairperson Woolard presided at the Hearing, and then turned the proceeding over to Garris Neil Yarborough, Legal Counsel. The respondent, Thomas Michael Maratta, elected to proceed pro se. The Hearing concluded at 10:15 a.m. with the record being held open for the submission of proposed Findings of Fact and Conclusions of Law from each party within 20 days. The recording of the proceeding will be made available to both parties upon request, and the Board will consider the Findings of Fact and Conclusions of Law submitted by each party at the September 13, 2010, meeting and thereafter render a decision in this matter.

The Administrative Hearing for Adam Matthew Koenigsberg, Reciprocal Auctioneer Applicant, began at 10:15 a.m. Due to her participation on the Probable Cause Subcommittee, Chairperson Woolard recused herself from the Hearing. Vice Chairperson Pierce presided at the Hearing, and then turned the proceeding over to Garris Neil Yarborough, Legal Counsel. The respondent, Adam Matthew Koenigsberg, elected to proceed pro se. The Hearing concluded at

10:45 a.m. with the record being held open for the submission of proposed Findings of Fact and Conclusions of Law from each party within 20 days. The recording of the proceeding will be made available to both parties upon request, and the Board will consider the Findings of Fact and Conclusions of Law submitted by each party at the September 13, 2010, meeting and thereafter render a decision in this matter.

Following the review and approval of applications for licensing, the Board confirmed the next meeting as Monday, September 13, 2010, at 9:00 a.m. in the Fuquay-Varina office. The meeting was adjourned at 11:05 a.m.

Respectfully Submitted,

Teresa L. Watson
Executive Director