

MINUTES**NORTH CAROLINA AUCTIONEER LICENSING BOARD****August 8, 2016**

The North Carolina Auctioneer Licensing Board met on Monday, August 8, 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 Rogers Holder. Also, present were Charles F. Diehl, Executive Director, Becky Stewart, Administrative Officer, Ralph Southerland, Investigator, and Garris Neil Yarborough of Yarborough, Winters & Neville, P.A., Counsel to the Board.

Chairman DeVane welcomed visitors Mr. David Hubbard, Sr., David Hubbard, Jr. and Mr. Rick Lashmit to the Board meeting.

Then 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. Vice Chairman Boyd recused himself from the 10:30 a.m – Administrative Hearing, North Carolina Auctioneer Licensing Board v. David L. Hubbard, NCAL #9479/Another's Treasure Auction House, NCFL #9314 due to his participation on the initial Probable Cause Subcommittee meeting held on February 8, 2016 and Member Gallion recused himself from Probable Cause due to his participation on the Probable Cause Subcommittee meeting held today. Other members stated there were none.

Minutes of the meeting held on July 11, 2016 were approved as recorded on motion by Vice Chairman Boyd. Member Holder seconded the motion, which carried unanimously.

The Administrative Hearing for North Carolina Auctioneer Licensing Board v. David L. Hubbard, NCAL #9479/Another's Treasure Auction House, NCFL #9314 began at 10:20 a.m. Having served as the Probable Cause member for this case initially, Vice Chairman Boyd recused himself from the Hearing. Chairman DeVane called the Hearing to order, and then recognized Garris

Neil Yarborough, NCALB Legal Counsel. The respondent, David L. Hubbard, elected to proceed pro se. The Hearing concluded at 12:30 p.m. with the record being held open for the submission of proposed Findings of Fact and Conclusions of Law from each party. 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 12, 2016, meeting and thereafter render a decision in this matter.

Then Ralph Southerland provided the investigative case log update as follows: twelve (12) active cases, two (2) internet cases, and two (2) cases under appeal.

At this time Director Diehl informed the Board that as of last week, 2083 licensees have renewed their 2016/2017 license and that there are a total of 2610 licensees. Then Director Diehl provided an update on the Errors & Omissions Insurance Application. After discussion, **Vice Chairman Boyd made a motion to accept the Errors & Omissions Insurance Policy coverage with Member Holder seconding the motion which carried unanimously.**

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 recommendation. Member Brown 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.

At this time Director Diehl reported on the Informal Investigations and Ad Violations for the month of July. Then Director Diehl presented the financial information concerning the individual month of July 2016. Following review, **Vice Chairman Boyd made a motion to accept the financial information for the month of July 2016. Member Gallion seconded the motion, which carried unanimously.**

Director Diehl then presented a Request for Consideration for Continuing Education Waiver for Year 2016/2017 for Walter Raleigh Sheppard, Jr., NCAL #2212. After review and

discussion, **Member Gallion made a motion to waive the continuing education requirement for year 2016/2017 for Walter Raleigh Sheppard, Jr., NCAL #2212. Member Holder seconded the motion which carried unanimously.**

Next Director Diehl led a discussion on Johnson v. North Carolina Board of CPA Examiners, a lawsuit that could impact other Occupational Licensing Boards. Then he led a discussion on the issue of the 2016/2017 Licensee Directory regarding its format and number of copies to be made. **Member Gallion moved that the 2016/2017 Directory be issued in the same format and number as the previous year. Vice Chairman Boyd seconded the motion, which carried unanimously.**

A discussion was held regarding continuing education and the “Requests for CE Proposals for Year 2017/2018.” Following this discussion, **Member Holder moved to approve the “Requests for CE Proposals” with amended dates and instructed staff to submit the “Requests for CE Proposals” to all Board approved CE Sponsors. Member Brown seconded the motion, which carried unanimously.**

Following the review and approval of applications for licensing, the Board confirmed the next regular meeting on Monday, September 12, 2016 at 10:00 a.m. in the Fuquay-Varina office.

The meeting adjourned at 1:00 p.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer