

MINUTES**NORTH CAROLINA AUCTIONEER LICENSING BOARD****December 12, 2016**

The North Carolina Auctioneer Licensing Board met on Monday, December 12, 2016, in the Fuquay-Varina Office. The meeting was called to order at 10:00 a.m. Members present were Chairman Gary Boyd, Vice Chairwoman Lisa L. Brown, Daniel H. DeVane, Susan Rogers Holder and William B. Lilly, Jr. 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 Boyd welcomed guests Kim Bozeman and William Thomas Bradley.

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. Member DeVane recused himself from consideration of the Probable Cause recommendations due to his participation on the Probable Cause Subcommittee meeting. Other members stated there were none.

Minutes of the meeting held on November 14, 2016 were approved as recorded on motion by Vice Chairwomen Brown. Member DeVane seconded the motion which carried unanimously. Then Ralph Southerland provided the investigative case log update as follows: eight (8) active cases and two (2) internet cases.

Then Director Diehl led a discussion on the 21 NCAC 4B-Periodic Review status update. He informed the Board the mandatory public review comment period is at the halfway mark and the comment period will end at the close of business on January 5, 2017. The Board will review the public comments at their January 9, 2016 Board meeting and reconsider whether any changes need to be made on their initial recommendation for necessity on each rule. Then Director Diehl will report the Board's final recommendations to the Rules Review Commission for the next

procedural step.

At this time the Board considered the Probable Cause Subcommittee recommendations and the following motion was made: **Member Lilly made a motion to accept the Probable Cause Subcommittee recommendations. Member Holder seconded the motion which carried unanimously.** Member DeVane being the Probable Cause Member did not participate in the discussion nor did he vote due to his participation on the Probable Cause Subcommittee. Then Director Diehl reported on the Ad Violations and other Informal Investigations for the Month of November.

Next Director Diehl presented the financial information concerning the individual month of November. Following review **Member DeVane made a motion to accept the financial information for the month of November. Vice Chairwomen Brown seconded the motion which carried unanimously.** Director Diehl also informed the Board that a three thousand dollar (\$3,000.00) payment that was made from the recovery fund last year for a judgment creditor has been reimbursed due to the satisfaction of judgment by the auctioneer. This is pursuant to the recovery fund procedural process of the aggrieved party signing a Subrogation of Rights and Waiver of Claim agreement.

Then Director Diehl presented for the Board's consideration the Renewal Application for Schools of Auctioneering – Western College of Auctioneering. Following a review of the presented materials **Member Holder moved to accept the Renewal Application for Schools of Auctioneering – Western College of Auctioneering. Member Lilly seconded the motion which carried unanimously.** Director Diehl also presented for Consideration the Approval of New Continuing Education Course and Instructor for the Auctioneers Association of North Carolina (AANC) and Stanly Community College – Humor and the Professional Auctioneer/Chris M. Brown. After review of the presented materials **Member DeVane made a motion to approve the New CE Course and Instructor for the Auctioneers Association of**

North Carolina (AANC) and Stanly Community College with Vice Chairwoman Brown seconding the motion which carried unanimously. Director Diehl further stated that Mrs. Betty O'Neal with the AANC has informed him that the first continuing education class will be held on January 31, 2017 in Fayetteville. The specific location has not been determined. In addition, there is a potential conflict with the continuing education scheduled date in Cherokee with it possibly being on a Board meeting date. It was recommended that upon confirmation of the date should there be a conflict that this be addressed at the next Board meeting to possibly change the Board meeting date.

Next Director Diehl led a discussion on the Legislative Administrative Procedures Oversight Study Commission. Director Diehl informed the Board that the House leadership reportedly has no intention of taking any action on consolidating or eliminating any Occupational Licensing Boards in 2017, but the Senate may still want to pursue changes. The General Assembly may still consider other mandates for Occupational Licensing Boards this coming year.

At this time Chairman Boyd thanked Neil Yarborough and his law firm for the many years of superior service provided to the Board and stated the Board will miss his expertise and guidance. Director Diehl also thanked Mr. Yarborough and Kim Bozeman for their help and guidance. Mr. Yarborough thanked the Board and that he has enjoyed his time as Counsel to the Board.

Following the review and approval of applications for licensing, the Board confirmed the next regular meeting on Monday, January 9, 2017 at 10:00 a.m. in the Fuquay-Varina office.

The meeting adjourned at 10:23 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer