

## MINUTES

## NORTH CAROLINA AUCTIONEER LICENSING BOARD

December 18, 2017

The North Carolina Auctioneer Licensing Board met on Monday, December 18, 2017 in the Fuquay-Varina Office. The meeting was called to order at 10:00 a.m. Members present were Chairman Gary Boyd, Vice Chairman William B. Lilly, Jr., Lisa L. Brown, and Daniel H. DeVane via phone. Also present were Charles F. Diehl, Executive Director, Becky Stewart, Administrative Officer, Ralph Southerland, Investigator, and Special Deputy Attorney General Anne Brown with the NC Department of Justice.

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 on items 1 through 13 due to his attendance and participation in the first of two Probable Cause Subcommittee meetings. Member Brown recused herself from consideration of the Probable Cause recommendations on item 14 due to her attendance and participation in the second of two Probable Cause Subcommittee meetings. Other members stated there were none.

**Minutes of the meeting held on November 13, 2017 were approved as recorded on motion by Member Brown. Vice Chairman Lilly seconded the motion which carried unanimously.** Then Ralph Southerland provided the investigative case log update as follows: seven (7) active cases and zero (0) cases under appeal.

Next Director Diehl reported on the Ad Violations and other Informal Investigations for the month of November.

At this time the Board considered the Probable Cause Subcommittee recommendations and the following motions were made: **Member Brown made a motion to accept the Probable Cause Subcommittee recommendations for items 1 and 13. Vice Chairman Lilly seconded the motion which carried unanimously.** Prior to the motion or any discussion, Member DeVane had recused

himself from consideration of the Probable Cause recommendations on items 1 through 13 due to his attendance and participation in the first of two Probable Cause Subcommittee meetings. **Member DeVane made a motion to accept the Probable Cause Subcommittee recommendation for item 14. Vice Chairman Lilly seconded the motion which carried unanimously.** Prior to the motion or any discussion Member Brown had recused herself from consideration of the Probable Cause recommendations on item 14 due to her attendance and participation in the second of two Probable Cause Subcommittee meetings.

At this time Director Diehl presented the financial information concerning the individual month of November. Following review **Vice Chairman Lilly made a motion to accept the financial information for the month of November. Member Brown seconded the motion which carried unanimously.**

Next Director Diehl reported on pending recovery fund applications. After discussion, the consideration of at least one recovery fund application will be presented at the January 8, 2018 Board meeting. **Member DeVane made a motion that staff be instructed to prepare an analysis of the licensee approval process and any disciplinary history, specifically regarding any licensees that have Recovery Fund Claims currently pending, expected by staff based on current complaints, or have had Recovery Fund Claims paid in the past 5 years as a result of their actions. Member Brown seconded the motion which carried unanimously. Vice Chairman Lilly made a motion to establish a deadline schedule for the recovery fund applicants from the Asheville-area case for 30 days past the deadline date the auctioneer has to pay restitution to the court. Member Brown seconded the motion which carried unanimously.**

Next Director Diehl reminded the Board that the Rules Readoption process – 21 NCAC 4B to promulgate the Auctioneer Rules is February 2019. In order to comply with the deadline date, Director Diehl will be presenting materials at the January Board meeting to start looking at

the existing rules, legislative mandates that need to be added to the rules and some options that have been proposed to the Board either to change or add to the rules.

Then Director Diehl presented for Consideration the Approval of New Continuing Education Course and Instructors for the Auctioneers Association of North Carolina (AANC) and Carolina Auction Academy (Stanly Community College). After review **Vice Chairman Lilly made a motion to approve the New CE Course and Instructors for the Auctioneers Association of North Carolina and Carolina Auction Academy – “Security Threats for Auctioneers,” James N. Wilson and Christopher C. Thompson. Member Brown seconded the motion which carried unanimously.**

Next Director Diehl reported that the NCALB Funded CE course scheduled for April 9, 2018 in Cherokee is the same date as the monthly Board meeting which presents a conflict. Director Diehl requested the Board consider changing the Board meeting date. **Vice Chairman Lilly made a motion to reschedule the monthly Board meeting from Monday, April 9, 2018 at 10:00 a.m. to Thursday April 12, 2018 at 1:00 p.m. Member Brown seconded the motion which carried unanimously.**

At this time Director Diehl presented an invitation by the AANC to hold the January 2018 NCALB Board meeting during the AANC Convention in Greensboro. After discussion **Member DeVane made a motion to hold the January 8, 2018 Board meeting at the NCALB office. Member Brown seconded the motion which carried unanimously.**

Next Director Diehl reported that Senate Bill 407 will become effective December 31, 2017. Among other provisions, the law requires every State Occupation Licensing Board/Commission that is authorized to issue any license shall include on every application for licensure, permit or certification, or application for renewals certification that the applicant has read and understands a Public Notice Statement regarding Employee Misclassification. Applicants must certify that they have read the Public Notice Statement and indicate if they have not been investigated or have been investigated for employee misclassification and attached results of the investigation to the

application/renewal. Director Diehl reported that staff will be updating its application and its renewal application to comply.

Then Director Diehl reported that effective January 2018, the hotel will direct bill the NCALB office for Board member lodging. This will eliminate the need for individual invoices.

Following the review and approval of applications for licensing, the Board confirmed the next regular meeting on Monday, January 8, 2018 at 10:00 a.m. in the Fuquay-Varina office.

**Member Brown made a motion to adjourn the meeting with Vice Chairman Lilly seconding the motion which carried unanimously.**

The meeting adjourned at 10:45 a.m.

Respectfully Submitted,

Becky J. Stewart  
Administrative Officer