



Fall 2015

Chairman's Note

Dear licensed North Carolina Auctioneers,

The purpose of the North Carolina Auctioneer Licensing Board and the laws it is charged with upholding is to protect the general public, and to ensure legal and ethical activity within the auctioneering profession. It has been our experience that the vast majority of auctioneers do things the right way. That is what makes what auctioneers do on a daily basis a noble and valuable service for both sellers and buyers. Based on the relatively low number of recent complaints, we know that compliance with the law and rules has improved, overall.

Unfortunately, we also know from experience that sometimes the law is not followed correctly either by intention or by accident. As the Board becomes aware of instances of potential non-compliance, staff investigates the facts and pursues appropriate corrective action as warranted. Sometimes this necessarily results in disciplinary action being taken by this Board. That course of action is never taken lightly, but it is crucial in maintaining the integrity of this state's auctioneering profession.

This Board's duties of licensure and enforcement of auctioneering laws and rules includes publication of disciplinary action taken against licensees. This not only protects the public, but it serves as a helpful informational source for practicing auctioneers. In the recent past, this publication has been accomplished through updated listings on the Board's website (www.ncalb.org).

Beginning with actions commenced after January 1, 2016, all final disciplinary action taken by the NCALB will be published in the next newsletter in addition to the website listing. This will not apply to decisions still subject to appeal. This method of disciplinary action publication is the norm with occupational licensing boards, and we believe the information is important for licensees to review.

If you have any questions about this or any other NCALB issue, you are encouraged to contact staff at (919) 567-2844 or info@ncalb.org.

On behalf of the Board and NCALB staff, have a wonderful holiday season!

Daniel H. DeVane
Chairman

NEWSLETTERS NOW DELIVERED BY EMAIL

Unless you are one of the licensees for whom we do not have a working email address, you knew that already! We want to be able to get timely information to you as quickly as possible. Hopefully you are seeing this newsletter on your computer or other electronic device, which means we have a valid email address for you on file. Starting with this issue, newsletters will be sent to licensees primarily by email. Of course, this method is more friendly to the environment and cost-effective than postal mail, but most importantly it will eliminate the unnecessary lag time involved in getting information to you by the print/mail/delivery method.

In the related effort to communicate important information quickly and efficiently, NCALB has also established a social media presence. You can follow NCALB on *Twitter* at **@NCAuctioneerLB** and on *Facebook* as **NC Auctioneer Licensing Board**. Through these venues we will be posting information about renewals, CEs, rules publication, and other topics that may arise in between newsletter releases. (Anything announced through social media will also be included in the next newsletter.) Timely items will continue to be listed on the website at www.ncalb.org.

BOARD NEWS

Congratulations to **Susan Rogers Holder** of Mount Airy, **Lisa L. Brown** of Camden, and **Daniel H. DeVane** of Garner for their recent three-year appointments by Governor Pat McCrory to serve on the NC Auctioneer Licensing Board.

Brown is the Board's public member, while Holder and DeVane are auctioneers. DeVane serves as Chairman of the NCALB, and he was appointed to a second term.

Holder, Brown, and DeVane serve with existing Board members **Moses Gallion** of Dunn and Board Vice Chairman **Gary Boyd** of Albemarle. Please visit www.ncalb.org for additional biographical information.

PRACTICE TIP

by Garris Neil Yarborough, NCALB Counsel

"No licensee shall conduct an auction in this State without first having a written agreement with the owner of the property to be sold. . . ." N.C.G.S. 85B-7(a). Having a written contract with the owner of goods to be sold will prevent immediate disciplinary action by the NCALB. Having a **good** written contract may prevent other potential disciplinary action or seller-initiated lawsuits. As I have told many of you often times, a good contract makes for a good relationship. In many instances, it is the difference between receiving a notice of a license complaint or not or the difference between being sued or not.

A particular issue has come to the attention of the staff in recent weeks which could have been easily resolved with the proper contract provision. Two inquires have been made to the staff wherein a seller had consigned a variety of items to the auctioneer for auction and then, for some reason, wanted to withdraw the item from auction without reimbursing the auctioneer for his time and effort he had already expended or the potential contractual benefit the auctioneer would have received if the item had sold. The owner/auctioneer contracts involved were reportedly silent on this issue and, therefore, controversies have arisen in both transactions.

The exact wording of your contract as to this issue is a matter for you and your own attorney to work out. However, from the NCALB's perspective, a clear provision in your contract addressing this possibility may

prevent a license complaint and potential disciplinary action.

While reviewing any of your existing seller contracts for possible improvements, please also insure that the following areas are addressed:

- The auctioneers fees and expenses
- A detailed description of the goods to be sold
- A time frame of the sale and duration of the contract, including any post-auction listing tails for any items not sold at auction.
- The terms of sale – Absolute, minimum bids, subject to any liens, etc.
- The proposed location of the sale
- Responsibility for delivery of goods
- Deposits requirements and payment schedules
- Owner/Auctioneer split of forfeited deposits.

The above list is not intended to be exhaustive, but it's a good starting place. While reviewing your owner/auctioneer contract, it is also a good idea to review your standard terms of sale at auction and any related buyer contracts to make sure they are compatible with your owner/auctioneer contract.

The better written understanding you have with your seller and any potential buyers prior to the sale as to each party's responsibility, the less chance there will be for a problem to arise in the future. The North Carolina Auctioneer Licensing Board's primary mission is to protect the integrity of the auction process to better serve the public interest. Having good contracts and managing expectations for both sides of the sale is a big step toward not only protecting your interests, but also those of the public at large.

WELCOME NEW LICENSEES!

(July 1 – November 30, 2015)

AUCTIONEERS

Assiter, II, Tommy Ray - Canyon TX
Azar, Essa "Chris" Tawfic - Monroe NC
Azar, Thabbit Todd - Charlotte NC
Barmore, Robert Louis - Pinehurst NC
Barton, Robert Edward - King NC
Bryan, David Leander - Charlotte NC
Campen, Nathan Bradley - Gainesville FL
Coffey, Ronald Lane - Hayesville NC
Crabtree, Jimmy - Jonesville NC
Denny, Jacquelyn Ann - Mason OH
Fuller, James Carlton - Boykins VA
Gould, Keith Richard - Grimesland NC
Griffin, Jimmy Wayne - Monroe NC
Hampton, Shelia Mansell - Gaffney SC
Hatley, Ronald Elliott - Norwood NC
Hayward, William Michael - Frisco TX
Heeg, Timothy Charles - Clover SC
Hill, Seth Lawson - Monroe NC
Horton, Jr., Boyd - Monroe NC
Howell, Randy Scott - Broadway NC
Hunter, Jerry Alan - Badin NC
Hurst, Astor Lee - Gastonia NC
Johnson, Keith Newland - Spruce Pines NC
Johnson, Eleanor Aycock - Kenly NC
Johnson, Derek Norman - Hazlehurst GA

Lane, Danny Rae - North Wilkesboro NC
Love, John Martin - Albemarle NC
Melum, Derek Evan - Charlotte NC
Moore, Michael Morgan - Lexington NC
Nicholas, Kelly Leigh - Raleigh NC
Northcutt, Michael Richard - Charlotte NC
Parker, Matthew Grayson - Carthage NC
Phillips, Sandra Kay - Gray Court SC
Schneider, Thomas Jeffrey - Camden NC
Scott, Renferd R. - Pembroke NC
Seay, Patrick Owens - Kinston NC
Spence, Ray Scott - Snow Hill NC
Starling, Hurley Blake - Winston Salem NC
Taylor, Mark Allen - Douglas GA
Van Dorp, III, Hendrik - Wilson NC
Vincent, James David - Raleigh NC
Vos, Michael Alexander - Burlington NC
Wells, Victoria Lynn - Greenville NC
Whittington, Richard O'Dell - Wilkesboro NC
Williams, Eric Jason - Robbins NC

APPRENTICES

Dickerson, Alice Woodell - Sanford NC
Poovey, Tommy Fitzgerald - Vale NC

FIRMS

AMC Sales, LLC - Wake Forest NC
Barnyard Auctions - Broadway NC
Best and Price Auctioneers - Seven Springs NC
Billigham & Tavernay, Inc. - Huntersville NC
Blackyard Auto Auctions, LLC - Charlotte NC
Capps Auction Firm - Robbinsville NC
Eagle Springs Ventures, Inc. dba Caring Transitions of Jordan Lake NC - Durham NC
EBTH.Com, LLC - Cincinnati OH
Hamilton Group, LLC - Clinton CT
Haw River Junktion - Graham NC
Hwy 18 Auction - Kings Mountain NC
JDK Real Estate Group, LLC - Mebane NC
JDV dba Raleigh Diamond - Raleigh NC
John Campen - Gainesville FL
Michael Parker Benefit Auctions - Carthage NC
nTrustent, Inc. - Trinity NC
Realty Bid Int. - Rainbow City AL
Rebel Auction Company, Inc. - Hazlehurst GA
REZ Auctions East Coast dba restaurantauctions.com - Indian Trail NC
Target Auction & Lane Co., Inc. - Gadsden AL
The Auction Group, LLC - Lexington SC
Track Side Auction - Rose Hill NC
Whittington Auction & Appraisal, LLC - Wilkesboro NC

FREE CONTINUING EDUCATION

Be on the lookout for details and registration information for the free continuing education programs available to you. These courses are funded by the NCALB, and they will be held in multiple locations throughout North Carolina.

ONLINE AUCTION ADVERTISEMENTS

Please be aware that online classified ads/postings at online sites such as Craigslist, EstateSales.Net, AuctionZip, etc. are subject to the same standards for auction advertising as traditional print advertisements. NCALB staff has encountered a large number of ads recently at these sites that fail to include license numbers or other required information.

2016 NCALB MEETING DATES

The NC Auctioneer Licensing Board meets monthly at the Board's office at 108 Ber Creek Drive, Fuquay-Varina, NC 27526. Licensees and the general public are encouraged to attend. Regular meetings are held on the 2nd Monday of each month, and the scheduled time for 2016 meetings is 10 am.

UPCOMING MEETINGS

December 14, 2015	9 am	July 11, 2016	10 am
January 11, 2016	10 am	August 8, 2016	10 am
February 8, 2016	10 am	September 12, 2016	10 am
March 14, 2016	10 am	October 10, 2016	10 am
April 11, 2016	10 am	November 14, 2016	10 am
May 9, 2016	10 am	December 12, 2016	10 am

June 13, 2016


10 am



NC Auctioneer Licensing Board | 108 Ber Creek Drive | Fuquay-Varina | NC | 27526

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