

## MINUTES

## NORTH CAROLINA AUCTIONEER LICENSING BOARD

February 10, 2014

The North Carolina Auctioneer Licensing Board met on Monday, February 10, 2014, in the Fuquay-Varina office. The meeting was called to order at 9:00 a.m. Members present were: Chairperson Daniel H. DeVane, Vice Chairperson Randy B. Lee, Deborah Johnson, Moses Gallion, and Edward B. Webb. Also, present: Administrative Officer Becky J. Stewart and Garris Neil Yarborough, Counsel to the Board.

Chairperson 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 and each member indicated there were none. **Minutes of the meeting held on January 13, 2014, were approved as recorded on motion by Member Webb. Vice Chairperson Lee seconded the motion, which carried unanimously.** Then, Investigator Southerland provided a case log update.

At this time, Ms. Stewart provided the NCALB Cash Analysis Report. After review and discussion, **Member Johnson made a motion to accept the NCALB Cash Analysis Report. Member Webb seconded the motion, which carried unanimously.**

Next, Ms. Stewart presented the Consideration for Approval of NCAA's Request for Prior Approval for Reimbursement of Auctioneer Association Convention CE Class (es). After review and discussion, **Vice Chairperson Lee made a motion to approve the NCAA's Request for Prior Approval for Reimbursement with the understanding that a detail breakdown of the room rental rate be provided prior to final approval. Member Johnson seconded the motion, which carried unanimously.**

At this time, Ms. Stewart presented a question to the Board "Is a copy of the Mandatory

CE Courses “Ethics” and “NCALB Laws/Rules” DVDs available to the public, including any licensed auctioneer, apprentice auctioneer, and/or firm? **After discussion, Member Gallion made a motion that upon request by anyone, each mandatory CE DVD is available to purchase for \$10 each, but purchasing and viewing each mandatory CE DVD by an auctioneer, apprentice auctioneer, or firm does not meet the requirement of receiving the two mandatory CE credit hours. Member Johnson seconded the motion, which carried unanimously.** In addition, a discussion was held regarding knowledge of licensees availability to take the mandatory CEs online through our website, [www.ncalb.org](http://www.ncalb.org). **Member Johnson made a motion to have staff prepare and send a letter/memorandum to all licensees regarding the availability of obtaining the two (2) hours of mandatory CEs online through our website and the mandatory CE DVDs must be viewed in their entirety to receive proper credit. Member Gallion seconded the motion, which carried unanimously.**

Next, a discussion was held as it relates to the CE Sponsors showing the entire mandatory CE DVDs. **Member Johnson made a motion for Board Counsel Yarborough to prepare for Chairperson DeVane’s signature a formal letter to all CE Sponsors that each mandatory DVD, “Ethics” and “NCALB Laws/Rules”, must be viewed in its entirety to receive proper credit. Vice Chairperson Lee seconded the motion, which carried unanimously. In addition, the Board requested staff to notify all CE Sponsors informally by email of the same.**

At this time, Ms. Stewart presented a letter from Lenoir Community College and Mrs. Josie Graves concerning Mrs. Graves relinquished duties of the auction program and her replacement, Mr. Jack Bell. **Member Webb made a motion to accept Mr. Jack Bell as the new coordinator for Lenoir Community College’s Auction Program. Vice Chairperson Lee seconded the motion, which carried unanimously.**

Next, the Board considered the Probable Cause Subcommittee Recommendations and the following motion was made. **Vice Chairperson Lee moved to accept the Probable Cause Subcommittee Recommendations. Member Johnson seconded the motion, which carried unanimously.** Member Webb 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.

At this time, Ms. Stewart presented financial information concerning the individual month of January 2014. **After review, Member Johnson made a motion to accept the January 2014 Financial Report. Member Webb seconded the motion, which carried unanimously.**

Next, under other matters, Board Counsel Yarborough gave notice to the Board regarding the “Petition for Judicial Review and Petition for Declaratory Judgment, Adino Bryson, d/b/a WNC Auction House v. North Carolina Auctioneers Licensing Board, 13 CVS 00760 – Haywood County” that Mr. Jeff Gray, attorney, requested dismissal of their appeal and upon receipt of the dismissal, Board Counsel Yarborough will provide a copy to the Board.

At this time, Chairperson DeVane requested Board go into closed session to discuss personnel matters. **Member Gallion made a motion to go into closed session to discuss personnel matters at 9:40 a.m. Member Johnson seconded the motion, which carried unanimously. The Board returned to open session at 10:00 a.m. by motion of Vice Chairperson Lee and seconded by Member Webb, which carried unanimously.** A brief discussion was held concerning personnel matters.

The Administrative Hearing for North Carolina Auctioneer Licensing Board vs. John F. Pait, NCAL #1064, and John Pait & Associates, Inc., NCFL #5461 began at 10:10 a.m. Due to his participation on the Probable Cause Subcommittee, Member Gallion recused himself from

the Hearing. Chairperson DeVane presided at the Hearing, and then turned the proceeding over to Garris Neil Yarborough, Legal Counsel. The respondent, John F. Pait and John Pait & Associates, Inc., elected to proceed pro se. The Hearing concluded at 12:00 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 March 10, 2014, meeting and thereafter render a decision in this matter.

Following the hearing, the Board returned to discuss personnel matters. The Board requested that staff provide a copy of all staff's current job description and email the job descriptions to each Board member and directed staff to contact and request from the State Office of Personnel a set of guidelines for job descriptions.

Following the review and approval of applications for licensing, the Board confirmed the next meeting as Monday, March 10, 2014, at 9:00 a.m. in Fuquay-Varina, North Carolina. The meeting was adjourned at 12:40 p.m.

Respectfully Submitted,

Becky J. Stewart  
Administrative Officer