

**MINUTES****NORTH CAROLINA AUCTIONEER LICENSING BOARD****January 11, 2016**

The North Carolina Auctioneer Licensing Board met on Monday, January 11, 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 Holder. Also, present were Charles F. Diehl, Executive Director, Becky Stewart, Administrative Officer, Ralph Southerland, Investigator, and Garris Neil Yarborough, Counsel to the Board.

Next, 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. Each member indicated there were none.

**Minutes of the meeting held on December 15, 2015 were approved as recorded on motion by Vice Chairman Boyd. Member Gallion seconded the motion, which carried unanimously.** Following, Chairman DeVane welcomed Phil Burleson in attendance on behalf of the Auctioneers Association of North Carolina.

At this time, Director Diehl provided the NCALB Funded CE Course Schedule and informed the Board that staff emailed the CE Course Schedule to licensees, provided a link of the CE registration form on the Board's website and Facebook, and posted a notice on Twitter. Director Diehl further stated, the AANC (sponsor) posted the CE schedule on their website and is mailing licensees the CE registration form. He also informed the Board that the two classes scheduled in Durham will be provided later for approval with the potential topics being, Basic Technology for the Benefit of Auctioneers and Social Media Tips for Marketing – Friend or Foe.

Next, a discussion was held on the Designated Person Training Resource DVD.

Chairman DeVane stated the DVD was good and Mrs. Betty O'Neal did an outstanding job. Director Diehl informed the Board it is on the Board's website as a learning resource for those needing to take the firm exam as well as for auctioneers, but it is not to be used for continuing education credit.

The next item presented for Board Consideration was the Application for Approval of New CE Course and Instructor for the Auction Professionals of North Carolina aka NCAA – Auctioneers Working with Real Estate Brokers/ Randall R. Gooding (William Q. Cox assisting). After review of the presented materials, **Member Brown made a motion to approve the New CE Course and Instructor for the Auction Professionals of North Carolina aka NCAA with Member Gallion seconding the motion, which carried unanimously.** Then, Director Diehl provided the results of the December 3, 2015, auctioneer examination, which were as follows: thirteen (13) examinees with ten (10) passing and three (3) failing. Two of those failing the exam were taking it for the second time.

Next, Director Diehl led a discussion on Ad Violations for the month of December. As discussed at previous meetings, Craigslist and Esatesales.net postings/listings are subject to the law the same as newspapers and online advertisements. With additional monitoring of those advertisements, violations have increased. Director Diehl further stated that those violations should decrease once it is realized they are subject to the law. Following, Director Diehl presented an "Ad Violation Template Letter" which is mailed to offenders. Director Diehl requested direction from the Board regarding repeat offenders of advisement violations. After a lengthy discussion of this matter, the following **motion was made by Vice Chairman Boyd to adjust the language in the initial letter to read "...does not constitute disciplinary action at this time."** Second letters should include the words "Second Notice" and "Warning" and mention that a third violation will result in a review by the Board's Probable Cause

**Subcommittee for potential disciplinary action. Member Gallion second the motion, which carried unanimously.** Pursuant to the Board, Director Diehl was instructed to use his judgment as to a reasonable time frame within which ad violations should be grouped.

At this time, Director Diehl presented the financial information concerning the individual month of December 2015. Following review, **Vice Chairman Boyd made a motion to accept the financial information for the month of December 2015. Member Gallion seconded the motion, which carried unanimously.**

Then, Director Diehl updated the Board on the Joint Legislative Administrative Procedure Oversight Committee, and also on potential changes in Firearm Regulations. At this time, Phil Burleson invited the Board to the 2016 AANC Winter Convention in Greensboro January 15 – 16 and presented a handout of scheduled continuing education classes and other activities.

Next, Ralph Southerland provided the investigative case log update as follows: five (5) active cases, six (6) internet cases, and one (1) case under appeal. In addition, Director Diehl informed the Board one Auctioneer recently surrendered his license at staff's request due to his guilty plea and conviction of a crime involving theft of funds.

Under other Board Matters, Director Diehl informed the Board there is currently an online issue of which staff is aware and facts are being gathered. Mr. Yarborough reiterated what constitutes an auction pursuant to N.C. G. S. §85B-1(8). Following a discussion regarding auction firm applications, Director Diehl requested that Ms. Stewart explain the auction firm process. Director Diehl then stated that there are steps taken to ensure compliance in the auction firm application process that mirror the auctioneer application process.

Following the review and approval of applications for licensing, the Board confirmed the next regular meeting on Monday, February 8, 2016 at 10:00 a.m. in the Fuquay-Varina office.

The meeting adjourned at 11:20 a.m.

Respectfully Submitted,

Becky J. Stewart  
Administrative Officer