

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

January 13, 2017

The North Carolina Auctioneer Licensing Board met on Friday, January 13, 2017, in the Fuquay-Varina Office. The meeting had been postponed from Monday, January 9, 2017 due to weather and travel concerns, and was called to order at 10:00 a.m. Members present were Chairman Gary Boyd, Vice Chairwoman Lisa L. Brown, Daniel H. DeVane, and William B. Lilly, Jr. Also present were Charles F. Diehl, Executive Director, Becky Stewart, Administrative Officer, Ralph Southerland, Investigator, and Assistant Attorney General Susannah (Susie) Holloway.

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

Chairman Boyd welcomed visitors Matt Price, Dale Young, and Kelly Nicholas to the Board meeting. Then Director Diehl introduced the new Board Counsel, Susannah (Susie) Holloway to the Board members. Ms. Holloway is an Assistant Attorney with the North Carolina Department of Justice. All Board members welcomed Ms. Holloway.

Minutes of the meeting held on December 12, 2016 were approved as recorded on motion by Member DeVane. Vice Chairwomen Brown seconded the motion which carried unanimously. Then Ralph Southerland provided the investigative case log update as follows: nine (9) active cases and zero (0) cases under appeal.

Then Director Diehl led a discussion on the 21 NCAC 4B-Periodic Reviews-Comment Review and Final Necessity Determinations. He reported to the Board the mandatory public

review comment period closed on January 5, 2017. Board members were provided copies of public comments for their review. After review and discussion, **Vice Chairwoman Brown made a Motion that based on its collective review of the comments submitted that the Board approve the initial responses sent by the NCALB Executive Director, and instruct the Executive Director to send a written Board response via email to each of the comment submitters to read as follows: “On behalf of the North Carolina Auctioneer Licensing Board, thank you for your comment regarding the Periodic Review activity for 21 NCAC 4B. Your input is appreciated, and will be considered as we enter the Re-adoption of the Rules process. A public comment period will be announced for consideration of any new rules or revisions to the existing rules once a time-line is determined.”** Member Lilly seconded the motion which carried unanimously.

Then Director Diehl informed the Board that the Final Necessity Determinations of 21 NCAC 4B should be considered at this time. After review and discussion, **Member DeVane made a Motion that based on the input submitted during the public comment period and an analysis of the existing rules, the Board now make Final Determinations that all of the rules within 21 NCAC 4B be categorized as “Necessary With Substantive Public Interest,” and that the Executive Director be instructed to submit these Final Determinations along with all submitted comments and responses to the Rules Review Commission prior to the scheduled Periodic Review deadline of February 15, 2017. Vice Chairwoman Brown seconded the motion which carried unanimously.**

Director Diehl reported to the Board the next procedural step will be for the Rules and Review Commission to review the Board’s Final Determinations and provide comments. The Joint Legislative Administrative Procedure Oversight Committee also has 60 days to provide comments. A timeline will then be established for the Board to re-adopt or amend any existing rules. This process may take one (1) year to fifteen (15) months.

Next Director Diehl reported that there were no Probable Cause Subcommittee recommendations. Then Director Diehl reported on the Ad Violations and other Informal Investigations for the Month of December.

Next Director Diehl presented the financial information concerning the individual month of December. Following review **Member Lilly made a motion to accept the financial information for the month of December. Member DeVane seconded the motion which carried unanimously.** Then Director Diehl provided the results of the December 1, 2016, auctioneer examination, which were as follows: four (4) examinees with three (3) passing and one (1) failing.

At this time the Board reviewed the NCALB Funded CE Course Schedule. In addition a discussion was held for an alternative April 10, 2017 Board meeting date due to a conflict with the CE schedule. **Member Lilly made a motion to reschedule the regular Board meeting from Monday, April 10, 2017 to Tuesday, April 11, 2017. Member DeVane seconded the motion which carried unanimously.**

Next Director Diehl led a discussion on the Legislative Administrative Procedures Oversight Study Committee and the upcoming long Session of the General Assembly.

Following the Legislative Administrative Procedures Oversight Study Committee update, Director Diehl reminded the Board their Statement of Economic Interest is due by April 15, 2017 to the State Ethics Commission.

The next items on the Agenda were a Review/Revise Administrative Hearing Procedure and Maintaining Board Impartiality. Ms. Holloway led a discussion on the Administrative Hearing Procedure and maintaining the Board's impartiality with comments from Director Diehl.

Under other items Director Diehl informed the Board a Newsletter will be distributed by email today. Also Director Diehl reported that he had been contacted about NCALB possibly providing information in a pending criminal case against a former licensee.

Following the review and approval of applications for licensing, the Board confirmed the next regular meeting on Monday, February 13, 2017 at 10:00 a.m. in the Fuquay-Varina office. **Member Lilly made a motion to adjourn the meeting with Member DeVane seconding the motion which carried unanimously.**

The meeting adjourned at 11:11 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer