

January 8, 2018

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

January 8, 2018

The North Carolina Auctioneer Licensing Board met on Monday, January 8, 2018 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, Daniel H. DeVane and Susan Rogers Holder. 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. All members stated there were none. Then Chairman Boyd welcomed Ms. Jane Spence-Edwards to the meeting.

Minutes of the meeting held on December 18, 2017 were approved as recorded on motion by Vice Chairman Lilly. Member Holder seconded the motion which carried unanimously.

The next item on the agenda for review was NCALB Recovery Fund Claim – Ms. Jane Spence-Edwards. Chairman Boyd offered the recovery fund claimant Ms. Spence-Edwards, the opportunity to make a brief statement of up to 5 minutes, if she would like to do so. Ms. Spence-Edwards made a brief statement. Then Chairman Boyd requested a motion to go into closed session pursuant to G.S. 143-318.11(a)(3) to receive advice from counsel regarding matters of potential litigation. **Vice Chairman Lilly made a motion to go into closed session. Member DeVane seconded the motion which carried unanimously.** The Board went into closed session at 10:05 a.m.

The Board returned to open session at 10:53 a.m. Member DeVane made the following

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motion: **Pursuant to G.S. 85B-4.5, the Board in its discretion declines to order that payment be made from the recovery fund on the grounds that: 1. The amount in question is not readily ascertainable without a judgment, but rather is speculative in nature; 2. There is no finding that the alleged loss is otherwise compensable under this chapter; and, 3. Based upon the evidence presented the board finds that justice would not be better served by allowing compensation to be paid without first requiring the aggrieved party to obtain a judgment from a court of competent jurisdiction. Member Holder seconded the motion which carried unanimously.** Chairman Boyd instructed staff to prepare a written notice to both parties of the Board's decision.

Then Ralph Southerland provided the investigative case log update as follows: seven (7) active cases and zero (0) cases under appeal.

At this time Director Diehl Next Director Diehl informed the Board we are at the stage of the readoption process of 21 NCAC – 4B where all the current rules need to be studied, reviewed and revised if necessary. Director Diehl requested each Board to take a NC Auctioneers Laws/Rules book home to read, make notes and prepare suggestions to be reviewed at the next board meeting. Board counsel will provide a report of legislatively mandated rules, which will have to be adopted. In addition, Director Diehl will provide a report of suggested rule changes that people have made over the years and suggestions by the staff that the board should consider.

Then Director Diehl reported that each board member's Statement of Economic Interest is due April 15 to the Ethics Commission and the form is in their packet. They may submit a hard copy by mail or file electronically.

Next Director Diehl reported on the Ad Violations and other Informal Investigations for the month of December. Then he presented the financial information concerning the individual month of December. Following review, **Vice Chairman Lilly made a motion to accept the financial information for the month of December. Member Brown seconded the motion which carried**

unanimously.

At this time Director Diehl provided the results of the December 7, 2017 auctioneer examination, which were as follows: eighteen (18) examinees with eleven (11) passing and seven (7) failing.

The next item on the agenda was the Consideration of New Continuing Education Course and Instructor – North Carolina Auctioneer Licensing Board – Course: NCALB Laws/Rules and Ethics and Custodial Account Management, Instructor Charles Diehl. Director Diehl reported that he will be presenting the course live at the Auctioneers Association of North Carolina (AANC) Convention and the Auction Professionals of NC (APNC) Convention and around the various locations pursuant the NCALB Funded CE course schedule. The course will also be available online in February at the Board's website for free, which staff will monitor to ensure compliance. A DVD will be provided to each approved Continuing Education Sponsor that wishes to present this course. **Vice Chairman Lilly made a motion to approve the course. Member Brown seconded the motion, which carried unanimously.**

Next Director Diehl provided each member a list of the NCALB Funded CE Courses. Director Diehl informed the Board that staff has received constructive feedback from the Northeastern quadrant of the state with concerns that there is not a class offered in the Williamston area. Director Diehl stated that the Board might wish to consider offering a course in Williamston, if possible. After discussion, **Member DeVane made a motion to add a continuing education course in Williamston and have staff work with the Continuing Education Provider on a date. Vice Chairman Lilly seconded the motion which carried unanimously.**

Then Director Diehl reported there are two informational articles in their packets concerning Occupational Licensing Boards.

Following the review and approval of applications for licensing, the Board confirmed the next regular meeting on Monday, February 12, 2018 at 10:00 a.m. in the Fuquay-Varina office.

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Member Brown made a motion to adjourn the meeting with Member DeVane seconding the motion which carried unanimously.

The meeting adjourned at 11:25 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer