

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

July 11, 2016

The North Carolina Auctioneer Licensing Board met on Monday, July 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 Rogers Holder. Also, present were Charles F. Diehl, Executive Director, Becky Stewart, Administrative Officer, Ralph Southerland, Investigator, and Tim Smith of Yarborough, Winters & Neville, P.A., Counsel to the Board.

At this time Chairman DeVane welcomed visitors Ms. Kelly Nicholas and Mr. Rick Lashmit to the Board meeting.

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. Vice Chairman Boyd recused himself from item #1 on Probable Cause due to his participation on the Probable Cause Subcommittee meeting and Member Brown recused herself from items #2-7 due to her participation on the Probable Cause Subcommittee meeting. Other members stated there were none.

Minutes of the meeting held on June 13, 2016 were approved as recorded on motion by Vice Chairman Boyd. Member Holder seconded the motion, which carried unanimously. Then, Ralph Southerland provided the investigative case log update as follows: ten (10) active cases, four (4) internet cases, and two (2) cases under appeal.

Then Director Diehl informed the Board that he has submitted an Errors & Omissions Insurance Application and is waiting on quotes.

Next the Board considered the Probable Cause Subcommittee recommendations and the following motion was made: **Member Gallion made a motion to accept the Probable Cause Subcommittee recommendation for item #1. Member Holder seconded the motion, which**

carried unanimously. Vice Chairman Boyd, being the being the Probable Cause Member on item #1, did not participate in the discussion nor did he vote due to his participation on the Probable Cause Subcommittee. **Vice Chairman Boyd made a motion to accept the Probable Cause Subcommittee recommendations for items #2-7. Member Holder seconded the motion, which carried unanimously.** Member Brown, being the Probable Cause Member on items #2-7, did not participate in the discussion nor did she vote due to her participation on the Probable Cause Subcommittee.

At this time Director Diehl provided the results of the June 2, 2016, auctioneer examination, which were as follows: twenty (20) examinees with twelve (12) passing and eight (8) failing. Then Director Diehl reported on the Ad Violations and/or other Informal Investigations for the Month of June.

Next Director Diehl presented the financial information concerning the individual month of June 2016. Revenues for fiscal year exceeded expenditures by \$56,814.24, leaving an uncertified end of year operating balance of \$758,427.82. Following review, **Vice Chairman Boyd made a motion to accept the financial information for the month of June 2016. Member Gallion seconded the motion, which carried unanimously.** Then Director Diehl reported that as of July 5, 2016, 1700 licensees have renewed for the Year 16/17.

Director Diehl led a discussion on Real Estate Auction listings in MLS. After discussion, **Vice Chairman Boyd made a Motion that advertisements in MLS announcing the intention to sell by auction are considered advertisements pursuant to the North Carolina Auctioneer Licensing Law. Member Holder seconded the motion, which carried unanimously.**

Then Director Diehl provided the update that the bill at the NC General Assembly relating to Occupational Licensing Boards did not pass.

At this time Director Diehl informed the Board that the State Budget passed. Then Director Diehl recommended to the Board, for their consideration that since the Board is a Quasi

State Agency that it take advantage of its flexibility to address employee performance separately and apart from the State Legislature recommendations. **Then, Vice Chairman Boyd made a Motion to go into Closed Session to discuss a personnel matter at 10:45 a.m., with Member Brown seconding the motion, which carried unanimously. The Board returned to open session at 12:02 p.m. by motion from Vice Chairman Boyd with Member Gallion seconding the motion, which carried unanimously.** Director Diehl stated the following motions were made and carried unanimously during closed session: **1) Vice Chairman Boyd made a motion to assert the Board's allowed flexibility on compensation matters and decline to implement the proposed legislative increases when the state budget is passed. The motion was seconded by Member Gallion, which carried unanimously; 2) Vice Chairman Boyd made a motion based on performance and market comparisons to increase Mrs. Stewart's salary by 4% effective with the current pay period. Member Brown seconded the motion, which carried unanimously; 3) Member Gallion made a Motion based on performance and comparable salaries of other Boards and Commissions to increase the Executive Director's salary by 19.4% effective with the current pay period. Vice Chairman Boyd seconded the motion, which carried unanimously.**

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

The meeting adjourned at 12:15 p.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer