

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

JULY 6, 2009

The North Carolina Auctioneer Licensing Board met on Monday, July 6, 2009, in the Fuquay-Varina office. The meeting was called to order at 10:05 a.m. Members present were: Chairperson Lloyd (Mickey) Meekins, Jr., Vice Chairperson Jesse G. Meeks, Yolanda Mason-Smith, William M. O'Neal and Keith J. Pierce. Also present: Executive Director Teresa L. Watson and Garris Neil Yarborough, Counsel to the Board.

Chairperson Meekins 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 June 8, 2009, were approved as recorded on motion by Vice Chairperson Meeks. Member O'Neal seconded the motion which carried unanimously.

Next, Vice Chairperson Meeks provided an update on the Board's new office construction and informed the Board that he had spoken with the broker for Neil Morris, Berkshire Partners, LLC, concerning the Board's move on July 29, 2009. Mr. Meeks advised that Berkshire Partners would not be able to forgo the rent that is due through the end of our lease term. Also at this time, additional proposals from local landscaping services were provided by Construction Manager Floyd Taylor as requested at the June 8, 2009, Board meeting. Following a review of these proposals, **Member Mason-Smith moved that Joseph Knight be awarded the contract to provide landscaping services for the Board's new office following Legal Counsel's review of Mr. Knight's contract. Member Pierce seconded the motion which carried unanimously.** Mr. Taylor also reported that Signs Unlimited had started work on the signage for the new office which was approved at the June 8, 2009, Board meeting.

At this time, the Board reviewed the “Renewal Application for Schools of Auctioneering” for Texas Auction Academy. After reviewing the renewal application, **Vice Chairperson Meeks moved to approve the two-year renewal accreditation for Texas Auction Academy. Chairperson Meekins seconded the motion which carried unanimously.**

Then, Director Watson presented a request from James T. Berryhill, NCAL #5231, for an exemption from the continuing education requirement. Following a review of this request, **Member Pierce moved to approve Mr. Berryhill’s exemption from the continuing education requirement due to health reasons for the Fiscal Year 2009-2010 renewal period. Vice Chairperson Meeks seconded the motion which carried unanimously.**

Next, Ms. Watson presented “Initial Application for Course and Sponsor for Continuing Education” for Mitchell Community College, Credibility as an Auctioneer, and Mike Gatton, NCAL #4191. Following this presentation, **Member O’Neal moved to accept the application for Mitchell Community College, Credibility as an Auctioneer, and Mike Gatton, NCAL #4191. Vice Chairperson Meeks seconded the motion which carried unanimously.**

The Board next considered the Probable Cause Subcommittee Recommendations and the following motion was made. **Vice Chairperson Meeks moved to accept the recommendations of the Probable Cause Subcommittee. Member O’Neal seconded the motion which carried unanimously.** Member Pierce 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, Director Watson provided the “cash balances” for the Board’s Operating and Recovery Fund Accounts for Fiscal Year ending June 30, 2009, and advised that as of July 1, 2009, 2,098 licensees had renewed their 2009-2010 licenses. A discussion was also held concerning employees’ salaries and preparing the “Employee Performance Appraisals” for the next Board

meeting.

Next, other Board matters were discussed. Chairperson Meekins led a discussion on “tie bids’ and UCC 25-2-328 – Sale by auction. A determination was made that this issue should be addressed in a licensee’s contract, in the “terms & conditions” and be announced before the auction begins as to how the licensee is going to handle any bid disputes.

A discussion was then held concerning a request received from a licensee regarding selling firearms at auction and having a federal firearms license holder on site during the auction. A determination was made that this issue is not regulated by the North Carolina Auctioneer Licensing Board’s Law and Rules but rather by federal law.

Next, a discussion was held concerning continuing education and the recent request for CE sponsors to provide a one (1) hour Law and Rules topic during Fiscal Year 2010/2011 and the mandating of a one (1) hour Law and Rules topic during Fiscal Year 2011/2012. Following a lengthy discussion on this topic, **Chairperson Meekins moved to instruct Legal Counsel Yarborough to contact Steve Proffitt and discuss the making of a one (1) hour Law and Rules CE video. Member Pierce seconded the motion which carried unanimously.** Staff was also instructed to provide the Board with a listing of all currently approved CE Sponsors and their Instructors.

The election of Chairperson and Vice Chairperson for the coming year was held at this time. **Member Pierce moved to nominate Jesse G. Meeks for the Chairperson’s position. Member Mason-Smith seconded the motion which carried unanimously. Member Mason-Smith moved to nominate Keith J. Pierce for the Vice Chairperson’s position. Vice Chairperson Meeks seconded the motion which carried unanimously.** There being no further nominations, **Chairperson Meekins moved that nominations be closed and the Chairperson and Vice Chairperson be elected by acclamation. The motion carried.**

Following the review and approval of applications for licensing, the Board confirmed the next meeting as Monday, August 10, 2009, at 9:00 a.m. at the 108 Ber Creek Drive office. The meeting was adjourned at 12:10 p.m.

Respectfully Submitted,

Teresa L. Watson
Executive Director