

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

JULY 8, 2013

The North Carolina Auctioneer Licensing Board met on Monday, July 8, 2013, in the Fuquay-Varina office. The meeting was called to order at 9:10 a.m. Members present were: Vice Chairperson Daniel H. DeVane, Moses T. Gallion, Deborah Johnson, Randy B. Lee and Edward B. Webb. Also present: Executive Director Teresa L. Watson and Garris Neil Yarborough, Counsel to the Board. Vice Chairperson DeVane welcomed and congratulated new Member Gallion on his appointment to the Board.

Vice Chairperson 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 and each member indicated there were none. **Minutes of the meeting held on June 10, 2013, were approved as recorded on motion by Member Lee. Member Johnson seconded the motion which carried unanimously.**

At this time, Board Counsel Yarborough gave instructions to the Board regarding their rendering of the Final Agency Decision concerning WNC Auction House, Auction Firm Applicant. Following Mr. Yarborough's instructions, **Member Lee moved to adopt the Proposed Findings of Fact and Conclusions of Law submitted by Board Counsel and deny the auction firm application of WNC Auction House. Member Johnson seconded the motion which carried unanimously.** Vice Chairperson DeVane did not participate in the discussion nor did he vote on this matter due to his participation on the Probable Cause Subcommittee.

At this time, Board Counsel Yarborough gave instructions to the Board regarding their rendering of the Final Agency Decision concerning Michael Edward Teal, Auctioneer Applicant.

Following Mr. Yarborough's instructions, **Vice Chairperson DeVane moved to adopt the Proposed Findings of Fact and Conclusions of Law submitted by Applicant Teal and approve the auctioneer application of Michael Edward Teal. Member Webb seconded the motion which carried with Member Lee voting "nay."** Member Johnson did not participate in the discussion nor did she vote on this matter due to her participation on the Probable Cause Subcommittee.

Investigator Southerland then provided a case log update and Member Lee led a discussion on a recently viewed television ad regarding "penny auctions." Investigator Southerland was directed to start an investigation into this televised advertisement.

Next, the Board considered the Probable Cause Subcommittee Recommendations and the following motions were made. **Member Lee moved to accept the Probable Cause Subcommittee Recommendations. Member Johnson seconded the motion which carried unanimously.** Member Webb 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.

Director Watson then provided the results of the June 6, 2013, auctioneer examination which were as follows: five (5) examinees with five (5) passing. Ms. Watson then presented for the Board's consideration the "Renewal of Accreditation for Texas Auction Academy." Following a review of the presented materials, **Member Johnson moved to approve the "Renewal of Accreditation for Texas Auction Academy."** Member Webb seconded the **motion which carried unanimously.**

Concerning the review of apprentice auctioneer applicants and their sponsors' written summary of their background and experience in the auction profession, **Member Johnson moved to approve the apprentice application for Charles Franklin Ross and proposed**

sponsor, Fred F. Watson, NCAL #3785. Member Webb seconded the motion which carried unanimously. Concerning the review of their sponsors' written summary of their background and experience in the auction profession, **Member Webb moved to approve the proposed sponsor, Charles Worth Morse, NCAL #5305, for apprentice auctioneer, Dwight David Burrell, NCAL #8996. Member Lee seconded the motion which carried unanimously.**

As instructed at the June 10, 2013, Board Meeting, staff presented procedures which would tighten the prior approval of CE classes held during conventions for the Board Members' review and approval. Following a review of the presented procedures, **Member Lee moved to accept the "Procedures for Prior Approval for Reimbursement of Auctioneer Association Convention CE Class(es)" and revoke any prior policy/motion. Member Johnson seconded the motion which carried unanimously.**

At this time, financial information concerning the individual month of June 2013 was reviewed by the Board and Director Watson informed the Board that as of July 5, 2013, 2,172 licensees had renewed their 2013-2014 licenses. Ms. Watson also advised the Board that she had been in contact with the Rules Review Commission as instructed at the June 10, 2013, Board Meeting and was given directions regarding the pre-review of any updates to the Board's Rules/Regulations.

Next, Director Watson advised the Board that she had been in contact with the NC Justice Center as instructed at the June 10, 2013, Board Meeting and advised Staff Attorney Daniel Bowes that the Auctioneer Licensing Board is already in compliance with S.L. 2013-24, "An Act To Require That Occupational Licensing Boards Consider Certain Factors Before Denying Licenses To Applicants With Criminal Records, As Recommended By The Joint Legislative Administrative Procedure Oversight Committee" which became effective July 1, 2013.

The election of Chairperson and Vice Chairperson for the coming year was held at this

time. **Member Lee moved to nominate Dan DeVane for the Chairperson's position with Member Webb seconding the nomination. Director Watson called for a vote with Vice Chairperson DeVane being elected Chairperson. Next, Member Webb moved to nominate Randy Lee for the Vice Chairperson's position with Member Johnson seconding the nomination. Chairperson DeVane called for a vote with Member Lee being elected Vice Chairperson.**

Following the review and approval of applications for licensing, the Board confirmed the next meeting as Monday, August 12, 2013, at 9:00 a.m. in Fuquay-Varina, North Carolina, with Vice Chairperson Lee advising that he would not be present for the August meeting. The meeting was adjourned at 10:55 a.m.

Respectfully Submitted,

Teresa L. Watson
Executive Director