

MINUTES**NORTH CAROLINA AUCTIONEER LICENSING BOARD****June 13, 2016**

The North Carolina Auctioneer Licensing Board met on Monday, June 13, 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, and Susan Rogers Holder. Also, present were Charles F. Diehl, Executive Director, Becky Stewart, Administrative Officer, Ralph Southerland, Investigator, and Garris Neil Yarborough, Counsel to the Board.

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 Probable Cause due to his participation on the Probable Cause Subcommittee meeting. Other members stated there were none.

Minutes of the meeting held on May 9, 2016 were approved as recorded on motion by Vice Chairman Boyd. Member Gallion seconded the motion, which carried unanimously.

At this time the election of Chairperson and Vice Chairperson for the year beginning July 1, 2016 was held. **Member Gallion moved to re-elect Daniel H. DeVane as Chairman with Member Holder seconding the motion, which carried unanimously. Member Holder moved to re-elect Gary Boyd as Vice Chairman with Member Gallion seconding the motion, which carried unanimously.** Then, Ralph Southerland provided the investigative case log update as follows: eleven (11) active cases, no internet cases, and two (2) cases under appeal.

Then Director Diehl informed the Board that the 10:30 a.m. Hearing scheduled for today, North Carolina Auctioneer Licensing Board v. David L Hubbard, NCAL #9479/Another's Treasure House, NCFL #9314 has been continued until the July 11, 2016 Board Meeting.

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 recommendations. Member Holder seconded the motion, which carried unanimously.** Vice Chairman Boyd, being the Probable Cause Member did not participate in the discussion nor did he vote due to his participation on the Probable Cause Subcommittee.

At this time Director Diehl presented a request from Otilie Buntain for Consideration for Approval “Application for Auctioneer Recovery Fund – Henderson Auction Gallery, NCFL #9664 (Surrendered).” Following a review and discussion, **Member Holder made a motion to pay Ms. Buntain the amount of \$2,500 from the recovery fund, provided she submits the required Waiver of Claims/Subrogation of Rights form. Member Gallion seconded the motion, which carried unanimously.**

Next Director Diehl reported on the Ad Violations and Informal Staff Investigations for the month of May. Director Diehl stated that one violator continued to offer items for sale by auction after repeated communication by staff to either come in compliance or stop offering items for sale by auction. Director Diehl had requested assistance from the Board Counsel in which Board Counsel sent a letter with a deadline date of June 15, 2016 to stop holding itself out as an auctioneer/auction firm or become in compliance. After discussion, **Vice Chairman Boyd made a motion if the violator has not become in compliance by June 15, 2016, Director Diehl and Board Counsel are to seek injunctive relief. Member Gallion second the motion, which carried unanimously.**

Then Director Diehl presented the financial information concerning the individual month of May 2016. Following review, **Vice Chairman Boyd made a motion to accept the financial information for the month of May 2016. Member Holder seconded the motion, which carried unanimously.**

At this time Director Diehl gave an update that as of Friday June 13, 2016, 811 licensees have renewed. Then Director Diehl led a discussion that the Board currently does not have Errors

& Omissions insurance coverage to protect the Board/Staff. He has begun the process of getting quotes and will provide a report at a future Board meeting. He also informed the Board that the Board's letterhead has changed to reflect no home addresses.

Next Director Diehl provided an update on the NC General Assembly/Administrative Procedure Oversight Committee regarding pending statutory proposals relating to Occupational Licensing Boards. In addition, he informed the Board that he will be attending the AANC Convention Friday, June 17 and June 18, which will be held in Cary, NC.

Following the review and approval of applications for licensing, the Board confirmed the next regular meeting on Monday, July 11, 2016 at 10:00 a.m. in the Fuquay-Varina office.

The meeting adjourned at 10:50 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer