

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

JUNE 8, 2009

The North Carolina Auctioneer Licensing Board met on Monday, June 8, 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, 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 May 11, 2009, and May 26, 2009, were approved as recorded on motion by Vice Chairperson Meeks. Member Pierce seconded the motion which carried unanimously.

Next, Vice Chairperson Meeks provided an update on the Board's new office construction and advised that the Board would be performing a walk through of the new office at the end of the meeting. Mr. Meeks also presented the fifth and final "Application and Certificate for Payment" from Freedom Constructors, Inc., in the amount of \$50,500.67 for processing and payment. Discussion was held concerning the scheduling of a "Ribbon Cutting Ceremony" and "Open House." **Member Pierce moved that a "Ribbon Cutting Ceremony" and "Open House" be scheduled for the October 2009 Board Meeting and that staff make the necessary arrangements for such. Vice Chairperson Meeks seconded the motion which carried unanimously.**

At this time, Board Counsel Yarborough continued the discussion of his report on auction firms from the March 9, 2009, Board meeting and input that had been received from Board Members

regarding his proposed changes. Mr. Yarborough advised that he would prepare the necessary rules for presentation at the July 2009 meeting for the Board's review and approval.

Chairperson Meekins moved to go into Closed Session pursuant to G.S. 143-318.18 to discuss prior closed session and attorney/client privilege. Member O'Neal seconded the motion which carried unanimously. The Board went into Closed Session at 10:40 a.m. and returned to Open Session at 11:40 a.m. Following the return to Open Session, **Member O'Neal moved to unseal the Minutes of the Closed Session General Account for Board Meetings September 23, 2008; October 21, 2008; November 18, 2008; December 16, 2008; January 16, 2009; February 2, 2009; and, March 9, 2009, with the various redactions. Member Pierce seconded the motion which carried unanimously.**

The Board next considered the Probable Cause Subcommittee Recommendations and the following motion was made. **Member Pierce moved to accept the recommendations of the Probable Cause Subcommittee. Vice Chairperson Meeks seconded the motion which carried unanimously.** Member O'Neal 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.

Next, discussion was held concerning the consideration of Board Counsel Yarborough's Retainer Agreement with the Board. Following this discussion, **Member Pierce moved to approved Board Counsel Yarborough's Retainer Agreement in the amount of \$35,000.00 for the time period of July 1, 2009, through June 30, 2010. Member O'Neal seconded the motion which carried unanimously.**

Discussion was also held concerning the consideration of the Neopost Mailing Machine Lease Agreement. Following this discussion, **Chairperson Meekins moved to approve the Neopost IS350 Digital Mailing Machine Lease Agreement for a term of 39 months. Vice**

Chairperson Meeks seconded the motion which carried unanimously.

Director Watson presented a request from AANC for consideration of the following new CE courses, “Getting Started in the Auction Business” and “The Phone Rings – Now What?” and the consideration of a new CE instructor, Harry E. Mullis. Following review of the provided materials, **Vice Chairperson Meeks moved to approve the addition of the two new CE courses and the addition of Mr. Mullis as a CE instructor for AANC. Member O’Neal seconded the motion which carried unanimously.**

Next, Ms. Watson provided the results of the June 4, 2009, auctioneer examination which were as follows: 29 examinees with 23 passing and six failing. “Exit” Evaluation Forms were also provided and reviewed from the June exam. As directed at the April 13, 2009, Board meeting, staff presented a draft of the “North Carolina Auctioneer Licensing Board Newsletter” for their review and input. The decision was reached for the Newsletter to be mailed out to licensees during July 2009.

Consideration of the Audit Contract submitted by Shelton L. Hawley, C.P.A., P.A., was presented for approval. **Chairperson Meekins moved to approve the “Audits of State-Affiliated Organizations Contract” submitted by Mr. Hawley for fiscal years 2009, 2010, 2011, 2012 and 2013. Member O’Neal seconded the motion which carried unanimously.**

At this time, Board Member Agenda Items were discussed. Chairperson Meekins led a discussion on the allotted time allowed to complete the auctioneer examination. Following this discussion, **Chairperson Meekins moved to increase the allotted time allowed to complete the auctioneer examination by 30 minutes to begin October 1, 2009. Vice Chairperson Meeks seconded the motion which carried unanimously.** Next, Mr. Meekins led a discussion concerning the timeframe of posting of disciplinary action on the Board’s website. Following this discussion, **Vice Chairperson Meeks moved that the posting of disciplinary action on the Board’s website**

be as follows: a) For Letters of Reprimand, the posting would be for a time period of one (1) year after acceptance of the Letter; b) For Assessments of Civil Penalties, the posting would be for a time period of two (2) years after the payment of a civil penalty; c) For Suspension of a License, the posting would be for a time period of three (3) years after a suspension is completed; and, d) For Voluntary Surrender of a License and the Revocation of a License, the posting would be indefinitely. Member O'Neal seconded the motion which carried unanimously.

Chairperson Meekins then led a discussion on the proposed topics to be covered during the "Updates from NCALB" which will be presented Saturday, June 20, 2009, at the AANC Convention in Concord, North Carolina. Mr. Meekins also led a discussion on requiring one (1) hour of Law and Rules as a topic for CE Sponsors. Following this discussion, **Chairperson Meekins moved to instruct staff to send a letter to all approved CE Sponsors requesting that one (1) hour of Law and Rules be used as a topic for their upcoming CE courses during Fiscal Year July 1, 2010, through June 30, 2011. He further moved that staff advise the approved CE Sponsors that the one (1) hour of Law and Rules as a topic would be mandated for Fiscal Year July 1, 2011, through June 30, 2012. Member Pierce seconded these motions which carried unanimously.**

At this time, financial information concerning the individual month of May 2009 was reviewed by the Board and discussion was held concerning the lifting of budget management restrictions as they pertain to Board travel.

Following the review and approval of applications for licensing, **Vice Chairman moved to confirm the next meeting as Monday, July 6, 2009, at 9:00 a.m. in the Fuquay-Varina Office. Member Pierce seconded the motion which carried unanimously.** The Board recessed the meeting being conducted at 602 Stellata Drive at 1:05 p.m. and reconvened the meeting at 108 Ber Creek Drive at 1:15 p.m.

A walk through of the new office was conducted by the Board Members, Ernie Tart of Freedom Constructors, Inc. of Dunn and Floyd Taylor, Construction Manager. Following the walk through, **Vice Chairperson Meeks moved to accept the new office building located at 108 Ber Creek Drive, Fuquay-Varina, North Carolina. Member O'Neal seconded the motion which carried unanimously.** Mr. Tart thanked the Board on behalf of Freedom Constructors, Inc. of Dunn.

Also at this time, proposals from local landscaping services provided by Construction Manager Taylor as requested at the May 11, 2009, Board meeting were reviewed. **Chairperson Meekins moved to request that Mr. Taylor obtain additional quotes for the services of a landscaping company for a time period of one year. Member O'Neal seconded the motion which carried unanimously. Vice Chairperson Meeks moved that Investigator Southerland perform landscaping duties, effectively immediately, until proposals for landscaping services could be reviewed at the July 6, 2009, Board meeting. Mr. Meeks further moved that Mr. Southerland purchase the necessary equipment needed to perform these duties. Member O'Neal seconded the motions which carried unanimously.**

Next, Construction Manager Taylor presented quotes for signage for the new office as directed at the May 11, 2009, Board meeting. Following a review of these quotes, **Vice Chairperson Meeks moved that signage in the amount of \$2,325.00 be provided by Signs Unlimited. Chairperson Meekins seconded the motion which carried unanimously.** Lastly, **Member Pierce moved that staff be directed to obtain window blinds for the new office location. Vice Chairperson Meeks seconded the motion which carried unanimously.**

The meeting was adjourned at 2:15 p.m.

Respectfully Submitted,

Teresa L. Watson
Executive Director