

## MINUTES

## NORTH CAROLINA AUCTIONEER LICENSING BOARD

JUNE 14, 2010

The North Carolina Auctioneer Licensing Board met on Monday, June 14, 2010, in the Fuquay-Varina office. The meeting was called to order at 9:00 a.m. Members present were: Chairperson Jesse G. Meeks, Vice Chairperson Keith J. Pierce, William B. Lilly and Jean W. Woolard. Also present: Executive Director Teresa L. Watson and Garris Neil Yarborough, Counsel to the Board.

Chairperson Meeks 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 10, 2010, were approved as recorded on motion by Member Woolard. Member Lilly seconded the motion which carried unanimously.** Next, Investigator Southerland provided a case log update.

As instructed at the May 10, 2010, Board meeting, Board Counsel Yarborough gave an update on the investigation into whether Iron Planet needs to obtain an auction firm license. He advised that after a review of the response submitted by Iron Planet and a review of their website, his opinion is that Iron Planet does need to obtain an auction firm license. **Member Woolard moved to instructed Board Counsel Yarborough to respond to Iron Planet and refute their allegations that an auction firm license is not needed in their case and to advise them to obtain an auction firm license. Member Lilly seconded the motion which carried unanimously.**

Also at this time, a discussion was held regarding “trading assistants” on e-Bay. Following this discussion, **Member Woolard moved to instruct Investigator Southerland to prepare a list for Board Counsel Yarborough of all “trading assistants” on e-Bay that use the terms**

**“auction” or “auctioneer” in some form or fashion in the title of their business and for Board Counsel to respond to each by letter informing each of the Auctioneer Law and Rules regarding licensure in the State of North Carolina. Member Lilly seconded the motion which carried unanimously.** Mr. Yarborough then requested that the FAQ “Are timed internet auctions regulated by the N.C. Auctioneer Licensing Board” which is on the Board’s website be removed. **Member Lilly moved to remove the above-referenced FAQ from the Board’s website. Vice Chairperson Pierce seconded the motion which carried unanimously.**

The Board then considered the Probable Cause Subcommittee Recommendations and the following motion was made. **Member Lilly moved to accept Probable Cause Subcommittee Recommendations. Vice Chairperson Pierce seconded the motion which carried unanimously.** Member Woolard did not participate in the discussions nor did she vote on these matters involving the Probable Cause Subcommittee Recommendations due to her participation on the Probable Cause Subcommittee. Next, Director Watson provided the results of the June 3, 2010, auctioneer examination which were as follows: nine examinees with seven passing and two failing.

Next, discussion was held concerning the consideration of Board Counsel Yarborough’s Retainer Agreement with the Board. Mr. Yarborough advised that his Retainer Agreement would remain at \$35,000.00/year. Following a discussion on this matter, **Member Woolard moved to continue Board Counsel Yarborough’s Retainer Agreement for three months. Ms. Woolard further moved that at the end of the three months, a decision would be reached regarding placing the Legal Counsel Retainer Agreement out for bids. Member Lilly seconded the motions which carried with Vice Chairperson Pierce voting “nay.”**

Director Watson presented a request from Walter R. Sheppard, Jr., NCAL #2212, for an exemption from the continuing education requirement. Following a review of his request, **Chairperson Meeks moved to approve Mr. Sheppard’s exemption from the continuing**

**education requirement due to health reasons for the Fiscal Year 2010-2011 renewal period. Member Woolard 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, **Chairperson Meeks moved to approve the apprentice application for Clinton Franklin Lewis and proposed sponsor, Robert A. Foley, NCAL #1513. Member Lilly seconded the motion which carried unanimously.**

At this time, Director Watson informed the Board that as of June 9, 2010, 989 licensees had renewed their 2010-2011 licenses. Next, financial information concerning the individual month of May 2010 was reviewed by the Board. Following the review and approval of applications for licensing, the Board confirmed the next meeting as Tuesday, July 13, 2010, at 9:00 a.m. in Greensboro, North Carolina.

The Administrative Hearing for Christopher Beshara, NCAL #7443, began at 10:00 a.m. Due to his participation on the Probable Cause Subcommittee, Vice Chairperson Pierce recused himself from the Hearing. Chairperson Meeks presided at the Hearing, and then turned the proceeding over to Garris Neil Yarborough, Legal Counsel. The respondent, Christopher Beshara, elected to proceed pro se. The Hearing concluded at 11:50 a.m. with the record being held open for the submission of proposed Findings of Fact and Conclusions of Law from each party by July 6, 2010. The recording of the proceeding will be made available to both parties upon request, and the Board will consider the Findings of Fact and Conclusions of Law submitted by each party at the July 13, 2010, meeting and thereafter render a decision in this matter.

The meeting was adjourned at 12:00 noon.

Respectfully Submitted,

Teresa L. Watson  
Executive Director