

## MINUTES

## NORTH CAROLINA AUCTIONEER LICENSING BOARD

JUNE 10, 2013

The North Carolina Auctioneer Licensing Board met on Monday, June 10, 2013, in the Fuquay-Varina office. The meeting was called to order at 9:00 a.m. Members present were: Chairperson Ernest Clegg Grady, Jr., Vice Chairperson Deborah Johnson, Daniel H. DeVane, Randy B. Lee and Edward B. Webb. Also present: Executive Director Teresa L. Watson and Garris Neil Yarborough, Counsel to the Board.

Chairperson Grady 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 13, 2013, were approved as recorded on motion by Vice Chairperson Johnson. Member DeVane seconded the motion which carried unanimously.** Investigator Southerland then provided a case log update. Also at this time, Board Members reviewed the matter of Rex Venture Group, LLC, NCFL #9401, and confirmed the Board action that took place on April 8, 2013, which was the revocation of the firm license for three counts of violation of 21 NCAC 4B .0405(b).

Next, as directed at the May 13, 2013, Board Meeting, Director Watson presented copies of Board Minutes regarding CE reimbursement, a copy of Legal Counsel's clarification letter outlining what expenses would be covered for future planning of CE classes for the Board's review and again presented the NCAA's request for reimbursement of the April 2013 Convention. Following a lengthy discussion, **Member DeVane moved that the North Carolina Auctioneer Licensing Board would pay the NCAA in the amount of \$750.00, pursuant to CE guidelines, for providing continuing education classes at their April 2013**

**Convention. Member Lee seconded the motion which carried unanimously.** Staff was instructed to establish procedures which would tighten the prior approval of CE classes held during conventions and present at the next Board meeting.

Next, the Board considered the Probable Cause Subcommittee Recommendations and the following motions were made. **Member Webb moved to accept the Probable Cause Subcommittee Recommendations. Vice Chairperson Johnson seconded the motion which carried unanimously.** Member Lee 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 May 2, 2013, auctioneer examination which were as follows: 14 examinees with 14 passing. As directed at the May 13, 2013, Board Meeting, Ms. Watson presented for the Board's review a letter addressed to all the accredited Schools of Auctioneering and all approved CE Sponsors regarding the Board's concerns with the high ratio of incorrect answers on the auctioneer examination in regards to the Law/Rules. The letter was amended to include the following, "As you know copies of the Law and Rules/Regulations will be provided to you by the Board upon request." Staff was instructed to make the amendment and mail.

Also as directed at the May 13, 2013, Board Meeting, a Board discussion was held regarding the requirements of CE Schools, CE Instructors and CE Courses. The Board Members were provided copies of 21 NCAC 4B .0800 – Continuing Education, "Application for Course and Sponsor for Continuing Education," and "Application for Course and Sponsor Renewal for Continuing Education." Staff was instructed to contact the N.C. Ethics Commission and inquire on an Ethics Speaker.

Next, discussion was held concerning the Legal Counsel Retainer Agreement. Following

a review of the proposed Retainer Agreement, **Vice Chairperson Johnson moved to retain Garris Neil Yarborough to provide legal representation for the North Carolina Auctioneer Licensing Board for Fiscal Year 2013/2014 at the annual fee of \$36,000.00. Member DeVane seconded the motion which carried unanimously.**

The Administrative Hearing for WNC Auction House, Auction Firm Applicant, began at 10:00 a.m. Due to his participation on the Probable Cause Subcommittee, Member DeVane recused himself from the Hearing. Chairperson Grady presided at the Hearing, and then turned the proceeding over to Garris Neil Yarborough, Legal Counsel. The respondent, Adino Bryson, was represented by Jeffrey P. Gray, Bailey & Dixon, LLP. The Hearing concluded at 10:40 a.m. with the record being held open for the submission of proposed Findings of Fact and Conclusions of Law from each party. 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 8, 2013, meeting and thereafter render a decision in this matter.

The Administrative Hearing for Michael Edward Teal, Auctioneer Applicant, began at 10:50 a.m. Due to her participation on the Probable Cause Subcommittee, Vice Chairperson Johnson recused herself from the Hearing. Chairperson Grady presided at the Hearing, and then turned the proceeding over to Garris Neil Yarborough, Legal Counsel. The respondent, Michael Edward Teal, elected to proceed pro se. The Hearing concluded at 11:10 a.m. with the record being held open for the submission of proposed Findings of Fact and Conclusions of Law from each party. 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 8, 2013, meeting and thereafter render a decision in this matter.

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

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

Next, Betty O'Neal presented a request from Carolina Auction Academy for the Board's consideration to allow interactive video conferencing session for up to 12 of their 96 hours of pre-licensing schedule on a student-by-student basis. Following this presentation, a discussion was held and Board Members were in agreement that this request could be allowed as long as the 80 hour minimum in-classroom requirement spelled out in 21 NCAC 4B .0502(a) is met.

At this time, financial information concerning the individual month of May 2013 was reviewed by the Board and Chairperson Grady advised that the "Resolution of Appreciation" signed at the May 13, 2013, Board Meeting for Licensee Josie P. Graves, NCAL #89, had been presented to Ms. Graves who expressed her sincere thanks to the Board.

Next, Director Watson informed the Board that as of June 7, 2013, 810 licensees had renewed their 2013-2014 licenses. Also at this time, Board Members reviewed a letter from the NC Justice Center dated May 27, 2013, regarding S.G. 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 becomes effective July 1, 2013. Following a review of this letter, determination was made that the Auctioneer Licensing Board is already in compliance with said Law and staff was directed to relay such determination to the NC Justice Center. A discussion was also held at this time in regards to updating the Board's Rules/Regulations and

staff was directed to check with the Rules Review Commission regarding their assignment of staff to assist our agency in this endeavor.

Following the review and approval of applications for licensing, the Board confirmed the next meeting as Monday, July 8, 2013, at 9:00 a.m. in Fuquay-Varina, North Carolina. The meeting was adjourned at 12:05 p.m.

Respectfully Submitted,

Teresa L. Watson  
Executive Director