

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

JUNE 9, 2014

The North Carolina Auctioneer Licensing Board met on Monday, June 9, 2014, in the Fuquay-Varina office. The meeting was called to order at 9:20 a.m. Members present were: Chairperson Daniel H. DeVane, Vice Chairperson Randy B. Lee, Moses Gallion, Deborah Johnson and Edward B. Webb. Also present: Administrative Officer Becky J. Stewart and Garris Neil Yarborough, Counsel to the Board. Mr. DeVane welcomed Allen Todd and Bill Cox in attendance on behalf of the North Carolina Auctioneers Association and Gary and Wanda Boyd and Don Horton in attendance on behalf of the Auctioneers Association of North Carolina.

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 May 12, 2014, were approved as recorded on motion by Member Johnson. Member Webb seconded the motion, which carried unanimously. Next, Investigator Southerland provided a case log update.

At this time, Board Counsel Yarborough informed the Board William Douglas Franklin NCAL #9242 has withdrawn his appeal and agreed to accept his punishment as imposed by the Board pursuant to the Consent Order. **Member Webb made a motion to accept the Consent Order as submitted. Member Johnson seconded the motion, which carried unanimously.** Member Gallion did not participate in the discussions nor did he vote on this matter due to his participation on the Probable Cause Subcommittee.

Next, Chairperson DeVane recognized Mr. Allen Todd and Mr. Bill Cox to speak on behalf of the North Carolina Auctioneers Association (NCAA). Mr. Todd informed the Board

that the NCAA changed its name to the Auction Professionals of North Carolina (APNC) to eliminate confusion from the Auctioneers Association of North Carolina (AANC) and the North Carolina Auctioneer Licensing Board. Additionally, Mr. Todd stated the APNC has issues with funding for continuing education and plans to hold one conference in March or April 2015 and request the Board to fund the continuing education courses including mail outs. Mr. Todd further stated that their image as an organization would focus on charity work and charity auctions for organizations, such as the homeless, etc. Further, Mr. Todd stated they are currently in a membership drive and trying to promote the auction industry as a marketing tool. Mr. Yarborough explained pursuant to NCGS 85B-4.1(c) that the Board supports educational purposes, but a mailing for a conference is not considered part of the continuing education even though the organization elects to offer continuing education at the conference. Following Mr. Cox addressed the Board with concerns about tag sales and sales requesting bids, such as Blue Moon and Caring Transitions. Mr. Yarbrough explained that the Board has the same concerns and the Board is currently addressing these issues in rules review sessions held after each Board meeting to clarify/define such matters and that after due process will be submitted to the NC Rules Review Commission. Further Mr. Yarborough explained that the Board currently has a process in which “potential” company(ies)/person(s) offering items for sale by auction via the internet or other such means is notified and investigated. The Board advised Mr. Southerland to monitor/investigate Blue Moon accordingly. Additionally, the Board informed the APNC and the AANC that they may file a formal complaint against such company(ies)/person(s). Next, Don Horton invited the Board members to the upcoming AANC Convention to be held in Charlotte June 20 – 21, 2014.

The Board then considered the Probable Cause Subcommittee Recommendations and the following motion was made. **Member Gallion moved to accept the Probable Cause**

Subcommittee Recommendations. **Member Webb 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. Then, Ms. Stewart provided the results of the May 1, 2014, auctioneer examination, which were as follows: sixteen (16) examinees with sixteen (16) passing and zero failing.

At this time, a discussion was held concerning the Legal Counsel's Retainer Agreement for the upcoming year. Mr. Yarborough stated that his retainer agreement would remain the same for Fiscal Year 2014/2015. Following review, **Member Johnson moved to retain Garris Neil Yarborough to provide legal representation for the North Carolina Auctioneer Licensing Board for Fiscal Year 2014/2015 at the annual fee of \$36,000.00.** **Vice Chairperson Lee seconded the motion which carried unanimously.**

The election of Chairperson and Vice Chairperson for the coming year 2014/2015 was held at this time. **Member Webb moved to reelect Daniel H. DeVane for the Chairperson's position with Vice Chairperson Lee seconding the motion, which carried unanimously.** **Member Gallion moved to reelect Randy B. Lee for the Vice Chairperson's position with Member Webb seconding the motion, which carried unanimously.**

Next, Ms. Stewart presented financial information concerning the individual month of May 2014. Following review of the financial information, **Vice Chairperson Lee made a motion to accept the May 2014 Financial Report. Member Johnson seconded the motion, which carried unanimously.**

At the time, Ms. Stewart informed the Board that as of June 6, 2014, 749 licensees had renewed their 2014/2015 license.

Following the review and approval of applications for licensing the Board confirmed the

next meeting as Monday, July 14, 2014, at 9:00 a.m. in the Fuquay-Varina office. The meeting was adjourned at 10:20 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer