

MINUTES**NORTH CAROLINA AUCTIONEER LICENSING BOARD****March 14, 2016**

The North Carolina Auctioneer Licensing Board met on Monday, March 14, 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, Lisa L. Brown, and Susan 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 welcomed auctioneer Kelly Nicholas to the meeting.

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. Member Brown recused herself from Probable Cause due to her participation on the Probable Cause Subcommittee meeting. Other members stated there were none.

Minutes of the meeting held on February 8, 2016 were approved as recorded on motion by Vice Chairman Boyd. Member Gallion seconded the motion, which carried unanimously. Then, Ralph Southerland provided the investigative case log update as follows: six (6) active cases, no internet cases, and two (2) cases under appeal.

At this time, Director Diehl reported to the Board there were about 100 attendees at the March 1, 2016 NCALB funded continuing education class held in Conover and about 50 at the February 22, 2016 held in Jacksonville, NC. In addition, Director Diehl informed the Board that 86 have pre-registered for the continuing education class scheduled for today at 12:30 in Winston-Salem where he will be traveling to attend upon conclusion of the Board meeting. Director Diehl stated the NCALB funded CE Course Program has been well received with good attendance. He is enjoying attending the classes and meeting auctioneers. Director Diehl also

informed the Board that Carolina Auction Academy and the Small Business Center of Stanly Community College will hold a special event on April 19, 2016 in honor of National Auctioneers Day and invited the Board. Following Director Diehl informed the Board he attended the Auction Professionals of North Carolina (APNC) Convention on Friday, March 11, 2016 in Salisbury where he made a presentation and met a lot of auctioneers.

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

Then Director Diehl presented to the Board for Consideration the Application for Approval of a new CE Course and Instructor for the AANC and Stanly Community College, "Technology – It's Coming – Get Over It!/David Bailey." After review of the presented materials, **Vice Chairman Boyd made a motion to approve the New CE Course for the AANC and Stanly Community College with Member Brown seconding the motion, which carried unanimously.**

The next item presented for Board's Consideration was the Request for Continuing Education Waiver for Year 2016/2017 – Kenneth H. Weddington, NCAL #392 and Hawley C. Klouse, NCAL #1462. After review of the presented materials, **Member Holder made a motion to approve the waiver of the 2016/2017 four (4) hours of continuing education for Kenneth H. Weddington and Hawley C Klouse. Member Gallion seconded the motion, which carried unanimously.**

At this time, Director Diehl provided the results of the February 4, 2016, auctioneer examination, which were as follows: eight (8) examinees with five (5) passing and three (3)

failing. Then Director Diehl reported on the Ad Violations for the month of February, which included a second warning for one auctioneer on a specific ad violation.

Next Director Diehl presented the financial information concerning the individual month of February 2016. Following review, **Vice Chairman Boyd made a motion to accept the financial information for the month of February 2016. Member Holder seconded the motion, which carried unanimously.** Following, Director Diehl informed the Board a new landscape company has been retained and will become in effect April 1 2016.

The Administrative Hearing for North Carolina Auctioneer Licensing Board vs. Brandon Desourdy, NCAL #9457/Piggybank Auctions, LLC, NCFL #9471 began at 10:30 a.m. Having served as the Probable Cause member for this case initially, Vice Chairman Boyd recused himself from the Hearing. Chairperson DeVane presided at the Hearing, and then turned the proceeding over to Garris Neil Yarborough, Legal Counsel. The respondent, Brandon Desourdy, elected to proceed pro se. The Hearing concluded at 11:30 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 April 11, 2016, meeting and thereafter render a decision in this matter.

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

The meeting adjourned at 11:45 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer