

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

MARCH 9, 2009

The North Carolina Auctioneer Licensing Board met on Monday, March 9, 2009, in the Fuquay-Varina office. The meeting was called to order at 9:00 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 February 2, 2009, were approved as recorded on motion by Member O'Neal. Vice Chairperson Meeks seconded the motion which carried.

Chief Investigator Dutko advised that all absolute auction advertisement responses are current and up-to-date and provided a "February 2009 Production Statistics Report." Following discussion on the absolute auction advertisement monitoring, the decision was made to continue the monitoring.

Next, Vice Chairperson Meeks and Construction Manager Floyd Taylor provided an update on real estate. Mr. Taylor presented the second "Application and Certificate for Payment" from Freedom Constructors, Inc., in the amount of \$136,527.58 for processing and payment. He also presented four "Contract Change Orders" totaling \$12,348.49 which will be added to the original contract price of \$499,900.00. Following a review of "Contract Change Order 1, 2 and 3", **Vice Chairperson Meeks moved to approve "Contract Change Order 1, 2 and 3" as presented. Member O'Neal seconded the motion which carried.** After further review of "Contract Change

Order 4,” **Chairperson Meekins moved to approve “Contract Change Order 4” as amended. Vice Chairperson Meeks seconded the motion which carried.** A discussion was also held concerning the date for moving the Board’s office and the process for obtaining bids from moving companies.

At this time, Kimberly Ray Belk, who had previously submitted an auctioneer application, appeared before the Board to discuss the status of his application. Following Mr. Belk’s presentation, **Chairperson Meekins moved to go into Closed Session pursuant to G.S. 143-318.18 to discuss Mr. Belk’s application status. Member O’Neal seconded the motion which carried.** The Board went into Closed Session at 9:30 a.m. and returned to Open Session at 9:45 a.m.

Upon returning to Open Session, Board Counsel Yarborough informed Mr. Belk that he must 1) resolve his IRS lien; 2) attend and complete an accredited auction school; 3) submit a complete auctioneer application package; and, 4) obtain a passing score on the auctioneer examination before his auctioneer application could be presented for Board approval.

Next, Board Counsel Yarborough presented a report on auction firms as instructed at the January 16, 2009, Board Meeting. A lengthy discussion was held concerning auction firms and in particular “Non-Auction Firm Businesses,” 21 NCAC 4B .0607 of the Rules and Regulations. Following this discussion, **Member O’Neal moved to table this discussion and continue at a later time. Vice Chairperson Meeks seconded the motion which carried.**

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

At this time, the Board reviewed the updated “Initial and Renewal Applications for Schools of Auctioneering” which included the requirement that instructors provide proof of education qualification which was voted upon and approved at the February 2, 2009, Board Meeting.

The next item for consideration was the renewal accreditation for Carolina Auction Academy and World Wide College of Auctioneering. After reviewing the “Renewal Application for Schools of Auctioneering” for Carolina Auction Academy and World Wide College of Auctioneering, **Vice Chairperson Meeks moved to approve the two-year renewal accreditation for both schools. Member Pierce seconded the motion which carried.**

Director Watson provided the results of the February 5, 2009, auctioneer examination which were as follows: 14 examinees with 11 passing and three failing. “Exit” Evaluation Forms were also provided and reviewed from the February exam.

At this time, N.C.G.S. 85B-4.1(c), Auctioneer Recovery Fund, was reviewed and discussion was held regarding the use of the contents of the Fund which are as follows: (1) To promote education and research in the auctioneer profession, in order to benefit persons licensed under this Chapter and to improve the efficiency of the profession; (2) To underwrite educational seminars, training centers, and other forms of educational projects for the use and benefit of licensees; (3) To sponsor, contract for, or underwrite education and research projects in order to advance the auctioneer profession in North Carolina; and, (4) To cooperate with associations of auctioneers, or other groups, in order to promote the enlightenment and advancement of the auctioneer profession in North Carolina..

Ms. Watson advised that the AANC has submitted the appropriate paperwork to the Virginia Auctioneers Board to obtain approval for seminars that will be offered at the June 2009 Convention. Following this discussion, **Chairperson Meekins moved that at least six (6) hours of the**

continuing education seminars offered during the AANC June 2009 Convention be taught by a NAA approved instructor. Member Pierce seconded the motion which carried.

Also at this time, Director Watson asked for an effective date for the motion made during the February 2, 2009, Board Meeting regarding the magazine published quarterly by the AANC and the Board's monetary contribution towards each issue. **Chairperson Meekins moved that the effective date for this motion be March 9, 2009, to suspend any monetary contribution towards the magazine published quarterly by the AANC. Vice Chairperson Meeks seconded the motion which carried.**

Next, Ms. Watson led a discussion on the consideration of an assessment for the Recovery Fund during Fiscal Year 2009-2010. Following the discussion, **Member O'Neal moved that no assessment to the Recovery Fund take place during the renewal period for Fiscal Year 2009-2010. Member Pierce seconded the motion which carried.**

Then, Director Watson presented a request from James H. Parker, Jr., NCAL #1025, for an exemption from the continuing education requirement due to a significant health issue. Following a review of this request, **Vice Chairperson Meeks moved to approve Mr. Parker's exemption from the continuing education requirement due to health reasons for the Fiscal Year 2009-2010 renewal period. Member O'Neal seconded the motion which carried.**

At this time, an "Open House" was held for the Schools of Auctioneering. In attendance were Ms. Betty O'Neal, Carolina Auction Academy; Ms. Josie Graves and Mr. Reid Taylor, Lenoir Community College; and, Forrest and Wayne Mendenhall, Mendenhall School of Auctioneering. A "round table" discussion was held concerning the auctioneer examination and the continuing education requirements for licensee renewal. Regarding the auctioneer examination, concerns were expressed that the auctioneer examination stay current with 21 NCAC 4B .0502 – Requirements for Approval/Minimum Standards in regards to Supplemental Instruction Areas and regarding the

continuing education requirements for licensee renewal, concerns were expressed that continuing education seminars include any new Law and Rule changes.

During this "Open House," discussion was held concerning continuing education distance learning training. Both Ms. O'Neal and Mr. Taylor were familiar with distance learning training and webinars and information was exchanged concerning contacts within the community college system. Staff was instructed to research the distance learning training program and report findings at the next meeting. Chairperson Meekins thanked the school representatives for coming and participating in the "Open House."

Next, financial information concerning the individual months of January and February 2009 were reviewed by the Board. Director Watson then presented information on the upcoming 2009 NAA Convention which will be held in Overland Park, Kansas. Following a review of the presented material, a decision will be made at the April 2009 Board Meeting as to Board attendance.

Following the review and approval of applications for licensing, the Board confirmed the next meeting as Monday, April 13, 2009, at 9:00 a.m. in the Fuquay-Varina office. The meeting was adjourned at 1:20 p.m.

Respectfully Submitted,

Teresa L. Watson
Executive Director