

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

March 10, 2014

The North Carolina Auctioneer Licensing Board met on Monday, March 10, 2014, in the Fuquay-Varina office. The meeting was called to order at 9:10 a.m. Members present were: Chairperson Daniel H. DeVane, Vice Chairperson Randy B. Lee, Deborah Johnson, and Edward B. Webb. Also, present: Administrative Officer Becky J. Stewart and Garris Neil Yarborough, Counsel to the Board. At this time, Chairperson DeVane welcomed Tim Smith, an attorney with Yarborough, Winters & Neville, P.A. and David Bailey in attendance on behalf of the Auctioneer 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 February 10, 2014, were approved as recorded on motion by Member Webb. Vice Chairperson Lee seconded the motion, which carried unanimously.** Then, Investigator Southerland provided a case log update.

At this time, Board Counsel Yarborough gave instructions to the Board regarding their rendering of the Final Agency Decision concerning John F. Pait, NCAL #1064, and John Pait & Associates, Inc., NCFL #5461. Following Mr. Yarborough's instructions, **Member Johnson moved to adopt the Proposed Findings of Fact and Conclusions of Law submitted by Board Counsel and revoke John F. Pait's individual auctioneer license and John Pait & Associates, Inc.'s auction firm license. Member Webb seconded the motion, which carried unanimously.** Member Gallion did not participate in the discussion nor did he vote on this matter due to his participation on the Probable Cause Subcommittee.

Next, the Board considered the Probable Cause Subcommittee Recommendations and the following motion was made. **Vice Chairperson Lee moved to accept the Probable Cause Subcommittee Recommendations. Member Johnson seconded the motion, which carried unanimously.** Member Webb 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. Administrative Officer Stewart then provided the results of the February 6, 2014, auctioneer examination, which were as follows: nine (9) examinees with eight (8) passing and one (1) failing.

At this time, Ms. Stewart presented Consideration for Approval of New CE Provider, Instructor, and Courses – William Kelley and Associates, William Kelley/The Auctioneers Guide to the Internal Service From 8700 and An Overview of the Uniform Commercial Code. Following review of the presented materials **Member Johnson made a motion to accept the New CE Provider, Instructor, and Courses. Vice Chairperson Lee seconded the motion, which carried unanimously.**

Next, Ms. Stewart led a discussion on the consideration of an assessment for the Recovery Fund during Fiscal Year 2014-2015. Following a discussion, **Vice Chairperson Lee moved that no assessment to the Recovery Fund take place during the renewal period for Fiscal Year 2014-2015. Member Webb seconded the motion, which carried unanimously.**

At this time, Ms. Stewart presented financial information concerning the individual month of February 2014. In addition, a brief discussion was held regarding continuing education. **After review of the financial information, Member Johnson made a motion to accept the February 2014 Financial Report. Member Webb seconded the motion, which carried unanimously.**

Next, under other matters, Ms. Stewart presented a letter from a fellow auctioneer

concerning continuing education and she provided an update on staff job descriptions. Then, the Board reviewed the Applications for Licensing.

The Administrative Hearing, North Carolina Auctioneer Licensing Board vs. David R. Mangum, Auctioneer Applicant began at 10:30 a.m. Due to her participation on the Probable Cause Subcommittee, Member Johnson recused herself from the Hearing. Chairperson DeVane presided at the Hearing, and then turned the proceeding over to Garris Neil Yarborough, Legal Counsel. The respondent, David R. Mangum 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 14, 2014, meeting and thereafter render a decision in this matter.

Following the hearing, a rules review session was held addressing concerns of specific rules. Board Counsel Yarborough was directed to prepare a preliminary revision of the rules discussed for Board review at the next monthly meeting. Following the rules review session the Board confirmed the next meeting as Monday, April 14, 2014, at 9:00 a.m. The meeting adjourned at 1:15 p.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer