



March 2016

Chairman's Note

Dear licensed North Carolina Auctioneers,

As the Board reviews licensing exam results for prospective Auctioneers, it is consistently the Law and Rules sections that pose the highest degree of difficulty. These same Law and Rules sections make up the entire exam for Auction Firm Designated Person applicants. At the Board's direction, NCALB staff has reviewed all of the questions for applicability, subject matter fairness, and fairness in form. As a result, several questions were revised for clarity in order to avoid any "trick question" potential. A strong working knowledge of North Carolina's Auction Law and Rules is crucial to ensure Auctioneers' ability to operate legally in their dealings with the public, and we believe that while the exam is difficult, it is a fair and accurate gauge of licensee competence.

Prospective Auctioneers not pursuing the Apprentice route to licensure are taught Law and Rules by their respective Auctioneering schools. Those Apprentices and Designated Person applicants rely on the Law and Rules themselves and information that is available at the NCALB website as they prepare for the exam.

The rest of the Board and I are proud to share with you that NCALB commissioned a wonderful learning tool available to all prospective applicants as they prepare for their exams in the form of a 2-part, 40-minute video on the Law and Rules. It can be viewed at this link: <http://www.ncalb.org/practice-tips.cfm>. The video course is entitled, "*Tips for Taking the Designated Person/Auction Firm Exam*," and it is also an extremely helpful resource on Law and Rules for those taking the Auctioneer exam.

While viewing this video does not qualify existing licensees for Continuing Education credit, we highly recommend that EVERY Auctioneer and Designated Person watch this video as a refresher. Unfortunately, the Board consistently deals with licensees that either never knew or forgot a provision of the law, and those scenarios lead to aggrieved parties, complaints, investigations, and potential disciplinary action.

We want to avoid those situations, and the Board feels that it can best fulfill its duty and mission to protect the public by helping licensees know and follow the law. The complete listing of the NC Auctioneer Law and Rules can be found (and printed from) here: <http://www.ncalb.org/pdfs/LRBook07-15-09.pdf>. In addition to the video, the NCALB website includes a helpful Firm Exam Study Guide, newsletters with

compliance information, and Practice Tip articles submitted by the Board's Legal Counsel. All of these can be found at <http://www.ncalb.org/practice-tips.cfm>, and you are also encouraged to call on NCALB staff if you have any questions.

Enjoy the video, check out all of the resources, and have a profitable Spring!

Daniel H. DeVane
Chairman

2016/2017 LICENSE RENEWAL

The new fiscal year starts on July 1, 2016 and ends on June 30, 2017. Evidence of 4 hours of approved continuing education (CE) must be received in the NCALB office by May 15, 2016. Many CE providers report participants' CE hours to NCALB themselves. You may also fax (919-567-2865) or email (info@ncalb.org) your CE hours to NCALB. If you have carry over hours from last year, they will count toward the current requirement.

All NCALB approved CE courses whose scheduling NCALB has been advised of are listed on the NCALB website at <http://www.ncalb.org/contEd.cfm>. This list includes on-going online CE programs. Additionally, see the article below regarding free CEs held throughout the state.

By May 30, 2016, renewal applications will be mailed to those who have satisfied their CE requirements. PLEASE write legibly so that the correct information is documented for you.

Note: The Board has invested in the design, development, and implementation of Online License Renewals. When ready, this will give licensees the option of renewing and paying by computer in addition to the current method of hard copy renewal by mail. **The Online Renewal system may or may not be ready in time for the 2016 renewal period.** The developer needs sufficient time to do it correctly and make certain that it will work properly before it is available for use.

PRACTICE TIP

by Garris Neil Yarborough, NCALB Counsel

Occasionally, the Board Staff comes across violations of the NCALB's advertising regulations in newspaper, brochures, radio or even television advertising. This is relatively infrequent because most North Carolina licensed auctioneers are very familiar with the provisions of Section .0602 relating to "Advertising" in our regulations. However, in recent months, the Board Staff has noticed numerous violations of the NCALB's advertising regulations in free or paid "advertisements" in the electronic media such as Craigslist, EstateSales.net, AuctionZip and the like. Many of these infractions relate to the failure to include the auctioneer's license number. However, some are more serious such as improper absolute auction advertisements where the advertised transaction may not technically be an "absolute auction" under NCALB's regulations. This may come about from several reasons, but the primary one that the staff has encountered is the lack of appreciation by some auctioneers that something on Craigslist or EstateSales.net is "advertising" or, at least, they are not as meticulous in abiding with North Carolina Auctioneer Law when it comes to internet postings.

The American Heritage Dictionary defines "advertise" as "to make public announcement, especially to proclaim the qualities or advantages of a product or business so as to increase sales." North Carolina Case Law makes no difference in distinguishing print and electronic media in liability for advertising and

neither does the NCALB. The provisions in our administrative code [Section .0602(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) and (l)] regarding advertising are one of the most extensive sections in that code, covering the use of such words as "estate sale", "bankruptcy sale", "absolute", "urgent", "confiscated" and a variety of other specific advertising-related regulations. All of these requirements are designed to protect the integrity of the auction process and stem from the statutory prohibition against "Any false, misleading, or untruthful advertising." N.C. Gen. Stat. §85B-8(b)(4).

Please remember that as a North Carolina Licensed Auctioneer, you are required to comply with Section .0602 in our regulations regarding advertising whether in the free or paid print media or on the internet or otherwise.

Firearms Executive Actions and the Auction Industry

(This original piece initially appeared in the February 2016 issue of Auctioneer magazine and was reprinted with the permission of the National Auctioneers Association.)

Here's your no-frills need-to-know on where things stand.

By NAA Staff

In early January, President Barack Obama announced a series of executive actions aimed at reducing gun violence. Though this is still a work in progress, some announced actions could have a more immediate impact on your business if you sell firearms.

The National Auctioneers Association will continue to monitor this important issue moving forward.

1. "If you're in the business of selling firearms, you must get a license and conduct background checks."

The Department of Alcohol, Tobacco, Firearms and Explosives (ATF) has clarified that a background check through the National Instant Criminal Background System is required regardless of the location where firearms transactions are conducted, including at gun shows and online. Additionally, ATF continues to better define what it means to be "engaged in the business," but that definition is yet to be made fully clear. It said that a few transactions or guns sold could be sufficient evidence to establish that a person is engaged. Failure to be licensed and/or conduct background checks may be subject to prison time and/or fines.

2. Background checks will be required on the sale of most "dangerous weapons" and items purchased through a trust or corporation.

This pertains to National Firearms Act regulations that allowed individuals to avoid background checks when purchasing specific weapons through a trust or corporation.

3. Dealers must notify law enforcement about the theft or loss of guns.

While current laws say that federal firearms dealers and other licensees must already make such reports, the regulations were somewhat ambiguous about guns lost or stolen in transit. ATF has clarified that the licensee shipping a gun is responsible for notifying law enforcement upon discovery that it was lost or stolen in transit.

Also worth noting:

- The Federal Bureau of Investigation plans to overhaul the background check system to make it more effective and efficient. Envisioned improvements include 24/7 processing and improved notification to local authorities about potential threats.
- ATF has established an Internet Investigation Center to track illegal online firearms trafficking and will enhance the National Integrated Ballistics Information Network.

- The FBI will hire more than 230 new staff to help process background checks, while ATF hopes to add 200 new agents and investigators to enforce regulations and laws.
- The Social Security Administration and Department of Health and Human Services will work to improve mental health reporting incorporated into the background check system.

We encourage anyone who deals in the sale of firearms to get educated on how this could impact their business and to be appropriately licensed. You can read more about the proposed executive actions at: <https://www.whitehouse.gov/the-press-office/2015/09/15/fact-sheet-president-obama-signs-executive-order-white-house-announces>. You can also obtain information on obtaining your FFL at: <https://www.atf.gov/firearms/apply-license>.

UPDATE: Do you need a license to auction guns?

The ATF has material that provides more clarification on the necessity of a license for auction professionals. Read the entire document, but refer specifically to page 6 for an answer on "Do I need a license if I'm an auctioneer and simply auction guns for my customers?" Find it at: http://www.auctioneers.org/wp-content/uploads/atf_p_5310.2_web.pdf.

Agency websites contain beneficial information including contact specifics. Links to several relevant state and federal agencies can be found at this link from the NC Auctioneer Licensing Board website: <http://www.ncalb.org/ncAgencies.cfm>.

WELCOME NEW LICENSEES!

(December 1, 2015 – February 29, 2016)

AUCTIONEERS

Anderson, Michael Eugene - Abingdon VA
 Bitonti, James Anthony - Mooresville NC
 Christiansen, Robyn Ann - Concord NC
 Clark, Christopher Todd - Denver NC
 Cole, Nicholas Aaron - Suffolk VA
 Derrick, John Scott - Concord NC
 Edge, Tanya Michelle - Laurel Hill NC
 Evers, Bradley David - Morrisville NC
 Griffin, Shay Allen - Norwood NC
 Jamison, Willie Asbury - Winston-Salem NC
 Lambert, Eddie Ray - Lancaster SC
 Osian, Angela Yvonne - Gastonia NC
 Peele, Carrie Linn - Raleigh NC
 Peters, Joel Michael - Mountain City GA
 Pye, Justin Ryland - Charleston SC
 Ravan, Amelia Atkins - Charlotte NC
 Scruggs, David James - Winston-Salem NC
 Weeks, Jr., Ernest Wesley - Ninety Six SC
 Willard, Jacob Tyler A Pfafftown NC

APPRENTICES

Brunk, Lauren Lee - Asheville NC
 Hill, Jr., Samuel Jason - Kernersville NC

FIRMS

GAA Classic Cars, LLC - Greensboro NC
 GC5 Estate Services - Raleigh NC
 Jason's Auction - Kernersville NC
 Nation Auctions - Wilmington NC
 Premier Auction - Statesville NC

FREE CONTINUING EDUCATION

The following Continuing Education courses are funded by the North Carolina Auctioneer Licensing Board and are offered at NO CHARGE to licensees. These CE opportunities are planned, prepared, and presented by the sponsor of the courses, Auctioneers Association of North Carolina (AANC).

Completed

Tuesday, Feb. 2, 2016 - Fayetteville
Monday, February 22, 2016 - Jacksonville
Tuesday, March 1, 2016 - Hickory

Upcoming

Monday, March 14, 2016 - 12:30 pm - 4:30 pm - Winston-Salem
Fairview Moravian Church
6550 Silas Creek Parkway
Winston-Salem, NC 27106
Courses: Qualifying Your Client / Making the Most of Marketing

Monday, March 28, 2016 - 1:00 pm - 5:00 pm - Williamston
Martin Community College (Room 14)
1161 Kehukee Park Rd
Williamston, NC 27892
Courses: Testifying In Court / 3 D's of Auctioneering, Duty, Delegation and Designated Person

Tuesday, March 29, 2016 - 8:30 am - 12:30 pm - Kinston
Lenoir Community College
Administration Building Auditorium (Room 125)
231 Hwy 58 South
Kinston, NC 28504
Courses: Testifying In Court / 3 D's of Auctioneering, Duty, Delegation and Designated Person

Monday, April 4, 2016 - 8:30 am - 12:30 pm - Cherokee
Fairfield Inn
568 Painttown Rd
Cherokee, NC 28719
Courses: Gold And Silver Basics / 3 D's of Auctioneering, Duty, Delegation and Designated Person

Monday, April 25, 2016 - 8:15 am - 12:15 pm - Durham
Comfort Suites
5219 Page Rd
Durham, NC 27703
Courses: Social Media Tips for the Auctioneer/Proposals, Added Value to your Service

Monday, April 25, 2016 - 1:00 pm - 5:00 pm - Durham
Comfort Suites
5219 Page Rd
Durham, NC 27703
Courses: Proposals, Added Value to your Service/Frugal Marketing

For additional information, please contact the Auctioneers Association of North Carolina: www.northcarolinaauctioneers.org - (919) 876-0687.

(A registration form is available on the NC Auctioneer Licensing Board's website at www.ncalb.org, but the form must be submitted to AANC as directed on the bottom of the registration form.)

There is no charge for these classes, though you must sign up in advance through AANC. You must be on time and stay for the entire CE.

Due to space issues, only licensed auctioneers and designated persons for auction firms will be permitted in the classroom. Be sure to bring your license card with you for number verification. You must be present at the starting time to be given credit.

REPORTING REQUIREMENTS REMINDER

Among the licensee reporting requirements are the following:

21 NCAC 4B .0601 CHANGE OF ADDRESS OR BUSINESS NAME OR OWNERSHIP

(a) All licensees shall notify the Board in writing of each change or addition of **residence or business address** (including mailing address) and **change of trade name**, assumed name, or combination of names under which the licensee conducts business related to auctions.

...

(e) Any change in address, business name or ownership required by these Rules **shall be reported within 10 days** of the occurrence of such change.

21NCAC 4B .0405 INVOLVEMENT IN COURT ACTION OR ADMINISTRATIVE HEARING

(a) All auctioneers, apprentice auctioneers and auction firms, including their principals and designated person(s), shall report to the Board any and all **criminal arrests for, charges of or convictions of a misdemeanor that has as an essential element dishonesty, deceit, fraud or misrepresentations, or any arrests, charges or convictions of any felony**. Convictions include findings of guilt, guilty pleas, and pleas of nolo contendere. The Board must receive written notice of any such arrest, charge or criminal conviction **within 30 days** of the occurrence of any or all of these events.

(b) All auctioneers, apprentice auctioneers and auction firms, including their principals and designated person(s), shall report to the Board any and all **civil suits involving them that are based upon any allegation of gross negligence, dishonesty, fraud, misrepresentation or incompetency, or that in any way involve an auction sale or a transaction related to an auction matter or auctioneering**. The Board must receive written notice of any such civil suit **within 30 days** of the date the complaint in the suit is served on the defendant in the action, or the date a pleading containing one or more of these allegations is served on a party.

(c) All auctioneers, apprentice auctioneers and auction firms, including their principals and designated person(s), shall report to the Board any and all **administrative proceedings which are commenced against them which involve any potential revocation or suspension of, or other disciplinary action against, any auction license or auctioneer license that they hold in another state**. The Board must receive written notice of any such administrative proceeding **within 30 days** of the date the auctioneer, apprentice auctioneer or auction firm, including its principals and designated person(s), is notified of the administrative proceeding.

The complete rules can be viewed on the Board's website at: www.ncalb.org/pdfs/LRBook07-15-09.pdf.

2016 NCALB MEETING DATES

The NC Auctioneer Licensing Board meets monthly at the Board's office at 108 Ber Creek Drive, Fuquay-Varina, NC 27526. Licensees and the general public are encouraged to attend. Regular meetings are held on the 2nd Monday of each month, and the scheduled time for 2016 meetings is 10 am.

UPCOMING MEETINGS

March 14, 2016	10 am	August 8, 2016	10 am
April 11, 2016	10 am	September 12, 2016	10 am
May 9, 2016	10 am	October 10, 2016	10 am
June 13, 2016	10 am	November 14, 2016	10 am
July 11, 2016	10 am	December 12, 2016	10 am

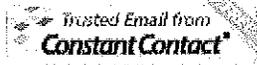


NC Auctioneer Licensing Board | 108 Ber Creek Drive | Fuquay-Varina | NC | 27526

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