

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

May 14, 2018

The North Carolina Auctioneer Licensing Board met on Thursday, May 14, 2018 in the Fuquay-Varina Office. The meeting was called to order at 10:00 a.m. Members present were Chairman Gary Boyd, Vice Chairman William B. Lilly, Jr., Lisa L. Brown, Daniel H. DeVane, and Susan R. Holder. Also present were Executive Director Charles F. Diehl, Administrative Officer Becky Stewart, Investigator Ralph Southerland, and Special Deputy Attorney General Anne Brown with the NC Department of Justice.

Chairman Boyd 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. Vice Chairman Lilly recused himself from consideration of the Probable Cause recommendation due to his attendance and participation in the Probable Cause Subcommittee meeting. Chairman Boyd recused himself from the Consideration for Approval of Applications for Course and Sponsor Renewal for Continuing Education for Stanly Community College-Carolina Auction Academy. Other members stated there were none.

Minutes of the meeting held on April 12, 2018 were approved as recorded on motion by Member DeVane. Member Holder seconded the motion, which carried unanimously.

Next Chairman Boyd recognized Vice Chairman Lilly regarding the matter from the Jane Spence-Edwards Hearing. Vice Chairman Lilly reported that Board Counsel was instructed to draft an Order, which is pending. As a follow up from last month's proceedings in the Jane Spence-Edwards Recovery Fund matter, **Vice Chairman Lilly made a motion that the Board direct staff pursuant to NCGS § 85B-3.1 and NCGS § 85B-4.5 to take no further action in regards to the recovery fund claim, beyond the April 12, 2018 payment directive. Member DeVane seconded the motion, which carried unanimously.**

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Then Ralph Southerland provided the investigative case log update as follows: seven (7) active cases and zero (0) cases under appeal.

Next the Board considered the Probable Cause Subcommittee recommendations and the following motion was made: **Member DeVane made a motion to accept the Probable Cause Subcommittee recommendations. Member Brown seconded the motion, which carried unanimously.** Prior to the motion or any discussion, Vice Chairman Lilly had recused himself from consideration of the Probable Cause recommendations due to his attendance and participation in the Probable Cause Subcommittee meeting.

Then Director Diehl presented the Consideration for Approval of Applications for Course and Sponsor Renewal for Continuing Education for the following: (a) All Star Training, Inc. – new courses: 1) Auction Advertising, 2) Types of Auctions; (b) At Home Prep; (c) Auction Professionals of North Carolina; (d) Auctioneers Association of North Carolina (AANC) – new courses and instructors: 1) Contract Auctions, instructor Dustin B. Rogers, 2) Auctions and the Law, instructor David Whitley, 3) How to Still Make Money with Small Estate Auctions, instructor David Whitley; (e) Dick Norwood Real Estate Seminars; (f) Easylr24 Online Training School, Inc.; (g) Mendenhall School of Auctioneering; (h) Mitchell Community College; (i) Nashville Auction School, LLC; (j) National Auctioneers Association; (k) North Georgia School of Auctioneering; (l) Southeastern School of Auctioneering; (m) Stanly Community College-Carolina Auction Academy; and, (n) William Kelley and Associates. **Member DeVane made a motion to approve Applications for Course and Sponsor Renewal for Continuing Education for items (a) through (l), and (n). Vice Chairman Lilly seconded the motion, which carried unanimously. Member Holder made a motion to approve Application for Course and Sponsor Renewal for Continuing Education for item (m). Vice Chairman Lilly seconded the motion, which carried unanimously.** Prior to the motion or any discussion, Chairman Boyd had recused himself from consideration of Application for item (m).

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Next Director Diehl presented the Consideration of the Application for Prior Approval for Reimbursement of Continuing Education Expenses for the Auctioneers Association of North Carolina (AANC) June 2018 Convention. **Member Brown made a motion to approve the Application Prior Approval for Reimbursement of Continuing Education Expenses for the AANC June 2018 Convention up to \$6,350.00, subject to verification by staff. Member Holder seconded the motion which carried unanimously.**

At this time Director Diehl provided the results of the April 5, 2018 auctioneer examination, which were as follows: eight (8) examinees with seven (7) passing and one (1) failing. Then Director Diehl reported on the Ad Violations and other Informal Investigations for the Month of April.

Then Director Diehl presented the financial information concerning the individual month of April. Following review, **Member DeVane made a motion to accept the financial information for the month of April. Member Brown seconded the motion, which carried unanimously.**

Next Director Diehl reported to the Board a potential recovery fund issue involving a former auctioneer. After discussion, **Member DeVane made a motion to have Board Counsel with Director Diehl contact the Buncombe County District Attorney's Office to discuss this matter. Vice Chairman Lilly seconded the motion, which carried unanimously.**

At this time a Hearing was held for Consideration for Approval of "Application for Auctioneer Recovery Fund" Richard W. Reardon – Auctioneer J Shan Huva Woodell dba Carolina Auctions & Estate Services, NCAL #10074. Following review and discussion, **Vice Chairman Lilly made a motion that pursuant to G.S. 85B-4.5, the Board in its discretion, declines to order that payment be made from the recovery fund on the grounds that; 1) The amount in question is not readily ascertainable without a judgment, but rather is speculative in nature; 2) The alleged loss is not one that is otherwise compensable under**

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this Chapter; and, 3) Based upon the evidence presented the Board finds that justice would not be better served by allowing compensation to be paid without first requiring the aggrieved party to obtain a judgment from a court of competent jurisdiction. Member Brown seconded the motion which carried unanimously.

Next Director Diehl reported there was recognition of National Auctioneers Day on May 1 in Albemarle, which he and Chairman Boyd attended. He also reported the AANC will be having their Summer Convention on June 15 and 16 in Cary.

At this time Director Diehl presented materials to the Board from auctioneers who provided comments/thoughts/concerns to the proposed text of 21 NCAC 4B Rules Re-adoption process. Then he presented materials from a licensee who wishes to propose a legislative change regarding the 30 day rule if it involves the auctioning of stamps or collectible coins. Director Diehl reported he informed Senator McInnis and the AANC concerning this matter. No related legislative bill has actually been filed on this issue, but Director Diehl will continue to monitor and keep the Board informed of any new development.

Following the review and approval of applications for licensing, the Board confirmed the next regular meeting on Monday June 11, 2018 at 10:00 a.m. in the Fuquay-Varina office. **Vice Chairman Lilly made a motion to adjourn the meeting with Member Holder seconding the motion which carried unanimously.**

The meeting adjourned at 10:50 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer