

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

April 13, 2020

The North Carolina Auctioneer Licensing Board met on Monday, April 13, 2020 telephonically due to Executive Orders limiting mass gatherings, which were issued to address the COVID-19 pandemic.

The meeting was called to order at 10:38 a.m. Members participating were Chairman Lisa D. York, Vice Chairman Buck Lattimore, Dan DeVane, Willie A. Johnson, and Allison H. Pant. Also participating were Executive Director Charles F. Diehl, Administrative Officer Becky Stewart, and Special Deputy Attorney General Anne Brown with the NC Department of Justice.

Chairman York inquired of each member if there were any known conflicts of interest or any appearance of conflicts with respect to any matters coming before the Board during this meeting. Member DeVane recused himself from consideration of the Probable Cause recommendation due to his participation in the Probable Cause Subcommittee meeting. Other members stated there were none.

At this time Attorney Brown addressed the Board regarding the open meetings law concerning situations where meetings do not start at their scheduled time. The NCALB staff had requested and secured a meet-me line number for Monday, April 13, 2020 at 10:00 a.m. for the monthly Board meeting. There was a scheduling conflict with the meet-me line number and the Board was unable to start the meeting at its schedule time of 10:00 a.m. Attorney Brown stated that if anyone from the public called the meet-me line number at 10:00 a.m. they would have realized that the meeting was not that of the NCALB. At the request of Director Diehl, Attorney Brown reviewed the open meetings law provisions and potential compliance concerns. After review, Attorney Brown requested whether the Board wished to continue the meeting or reschedule the meeting to a later date. A discussion was held. Chairman York called for a vote.

Member DeVane made a motion to continue with the meeting. Vice Chairman Lattimore seconded the motion, which carried by a vote of 4 –1, with Member Pant voting “No.”

Minutes of the meeting held on March 9, 2020 were reviewed. **Member Pant made a motion to approve the minutes. Member Johnson seconded the motion, which carried.**

Then Director Diehl reported that there are five (5) open complaint cases, of which one (1) case is being considered today from the Probable Cause report, and one (1) case awaiting a potential hearing request from the licensee. The other three (3) additional complaint cases are currently under investigation. He also reported on one informal investigation and the ad violations for the month of March.

Next Director Diehl presented the financial report. **Member Johnson made a motion to approve the financial report for the month of March. Vice Chairman Lattimore seconded the motion, which carried.**

At this time the Board considered the Probable Cause Report. **Vice Chairman Lattimore made a motion to approve the Probable Cause Report. Member Johnson seconded the motion, which carried unanimously.** Prior to the motion or any discussion, Member DeVane had recused himself from consideration of the Probable Cause Report due to his participation in the Probable Cause Subcommittee meeting.

At this time Director Diehl led a discussion on the consideration of an assessment for the Recovery Fund for the Fiscal Year 2020-2021 license period. Following discussion, **Member DeVane made a motion that no assessment to the Recovery Fund take place during the Fiscal Year 2020-2021 license period. Vice Chairman Lattimore seconded the motion, which carried.**

The next item on the agenda was the continuing education requirements for the Fiscal Year 2020-2021 license period. On March 13, 2020, Director Diehl had requested guidance from the Board concerning a CE Cancellation Proposal due the Governor’s Executive Order 117 regarding

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mass gatherings because of the COVID-19 pandemic. The Board members supported the proposal. Director Diehl requested that the Board formalize their decision to cancel the remaining continuing education classes previously scheduled and waive the 4 hours continuing education requirement for Fiscal Year 2020-2021 license period. Any person who has already completed their continuing education requirement for the Fiscal Year 2020-2021 license period and submitted to the Board will be given credit for future use. Two (2) of the continuing education scheduled classes have already occurred. **Member Pant made a motion to waive the 4 hours continuing education requirement for the Fiscal Year 2020-2021 license period. Member Johnson seconded the motion, which carried.**

Next the Board considered the continuing education requirements for Fiscal Year 2021-2022 license period. **Member DeVane moved to approve, as per 21 NCAC 4B .0801(d), four (4) hours of continuing education for the Fiscal Year 2021-2022 license period. Member Johnson seconded the motion, which carried unanimously.** A brief discussion was held.

Director Diehl reported that the adopted rules were submitted to the Rules Review Commission prior to the February 29, 2020 deadline. The Rules Review Commission Counsel has submitted proposed technical changes and the board staff is currently reviewing those proposed changes. A request for an extension of time to address them has been made. He will bring any issues that need attention to the Board.

Then Director Diehl reported that the NCDOR has mailed the directive regarding sales tax changes and the Auctioneer FAQ document to licensees. Additionally, there is a proposed legislative draft bill to delay the effective date of the sales tax changes from February 1, 2020 to July 1, 2020. He will monitor the legislation and report accordingly.

Next Attorney Brown presented a copy of a proposed Consent Order in the matter of Corner Market Auctions, Case No. 19-9547-09. Attorney Brown provided an overview of the case. **Member DeVane made a motion to approve the Consent Order for Corner Market Auctions,**

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Case No. 19-9547-09 as written. Member Johnson seconded the motion, which carried. Prior to the motion or any discussion, Member Pant had recused herself from consideration of the matter due to her attendance and participation in the Probable Cause Subcommittee meeting that was held on July 8, 2019.

Next the Board considered the applications for licensing. **Member Pant made a motion to approve the auction firm license application for Mecum Auction, Inc., which was addressed in the Probable Cause report. Member Johnson seconded the motion, which carried.** Prior to the motion or any discussion, Member DeVane had recused himself from consideration of this matter due to his participation in the Probable Cause Subcommittee meeting. **Then Member Pant made a motion to approve the reciprocal auctioneer license application for James Omar Landis, and the auction firm license applications for Fuquay Auction Company, Queen City Auction and Appraisal, LLC, Big Iron Auction Company, Inc., and Sunburst Realty, Inc. Vice Chairman Lattimore seconded the motion, which carried.**

The Board confirmed the next regular meeting on Monday, May 11, 2020 at 10:00 a.m. **Vice Chairman Lattimore made a motion to adjourn the meeting. Member DeVane seconded the motion, which carried.**

The meeting adjourned at 11:26 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer