

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

April 8, 2024

The North Carolina Auctioneer Licensing Board met on Monday, April 8, 2024 in the Fuquay-Varina Office. The meeting was called to order at 9:00 a.m. Members present were Chairman Dan DeVane, Vice Chairman Willie A. Johnson, Buck Lattimore, Melinda Q. Porter, and Kyle Swicegood. Also, present were Executive Director Charles F. Diehl and Administrative Officer Becky Stewart. Special Deputy Attorney General Anne Brown with the NC Department of Justice participated by phone.

Chairman DeVane 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 Lattimore recused himself from the Consideration of the Probable Cause Report due to his participation in the Probable Cause Subcommittee meeting. Other members stated there were none.

Vice Chairman Johnson made a motion to approve the March 11, 2024 Board Meeting minutes. Member Lattimore seconded the motion, which carried unanimously.

Director Diehl reported on the staff investigations and advertising violations for the month of March. There was one informal investigation and no ad violations. There are two formal investigations, which one is on the Probable Cause Report for today and the other one is currently under investigation. There were two additional formal complaints filed recently, but in both cases the issues were resolved. Both complainants requested in writing that the complaints be withdrawn.

Director Diehl presented the financial report. **Member Swicegood made a motion to approve the financial report for the month of March. Member Porter seconded the motion,**

which carried unanimously.

Director Diehl led a discussion on the consideration of an assessment for the Recovery Fund for the Fiscal Year 2024-2025 license period. **Member Lattimore made a motion that no licensee assessment for the Recovery Fund take place during the Fiscal Year 2024-2025 license period. Vice Chairman Johnson seconded the motion, which carried unanimously.**

Director Diehl presented for the Board's consideration the Renewal Application for Nashville Auction School. **Member Swicegood made a motion to accept the Renewal Application for Nashville Auction School. Member Lattimore seconded the motion, which carried unanimously.**

Chairman DeVane requested a motion to go into Closed Session to discuss matters of potential litigation from Board Counsel for Agenda Item 7 – *Consideration of Proposed Consent Agreement – In Re: Case No. 23-10589-08 Refined Spaces NC, LLC and In Re: Case No. 24-9399-01 Broken Arch Auction, LLC, and John Travis Wilson*, and Agenda Item 8 – *Review of Report from Probable Cause Subcommittee*. **Member Porter made a motion to go into Closed Session. Vice Chairman Johnson seconded the motion, which carried unanimously.** The Board went into Closed Session at 9:09 a.m.

Vice Chairman Johnson made a motion to return to Open Session. Member Lattimore seconded the motion, which carried unanimously. The Board returned to Open Session at 9:23 a.m.

Member Porter made a motion to accept the Proposed Consent Agreement *In Re: Case No. 23-10589-08 Refined Spaces NC, LLC*. Vice Chairman Johnson

n seconded the motion, which carried unanimously. Member Swicegood made a motion to accept the Proposed Consent Agreement *In Re: Case No. 24-9399-01 Broken Arch Auction, LLC, and John Travis Wilson*. Member Lattimore seconded the motion, which carried unanimously. Member Swicegood made a motion to accept the recommendations

from the Probable Cause Report. Vice Chairman Johnson seconded the motion, which carried unanimously. Prior to the motion or any discussion, Member Lattimore had recused himself from consideration of the Probable Cause Report due to his participation in the Probable Cause Subcommittee meeting.

Director Diehl provided the results of the April 4, 2024 auctioneer examination, which were as follows: seven examinees with six passing and one failing.

The Board reviewed the applications for licensing.

Mr. Rick Lashmit was not on the agenda, but he requested to address the Board. Mr. Lashmit's request was approved, and he offered comments regarding concerns about the level of professionalism of those appearing before this Board.

Chairman DeVane confirmed the next regular meeting on Monday, May 13, 2024 at 9:00 a.m. in the Fuquay-Varina office.

Member Swicegood made a motion to adjourn the meeting. Member Lattimore seconded the motion, which carried unanimously.

The meeting adjourned at 9:50 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer