

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

April 9, 2019

The North Carolina Auctioneer Licensing Board met on Tuesday, April 9, 2019 in the Fuquay-Varina Office. The meeting was called to order at 10:00 a.m. Members present were Willie A. Johnson, Allison H. Pant, and Lisa D. York. Vice Chairman Gay Boyd participated by phone. Also, present were Executive Director Charles F. Diehl, Administrative Officer Becky Stewart, and, Investigator Ralph Southerland.

Member York presided at the meeting and 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. Member York recused herself from consideration of the Probable Cause recommendation due to her attendance and participation in the Probable Cause Subcommittee meeting. Other members stated there were none. Then Member York welcomed visitors Bill Forbes, Kelly Nicholas, and Phil Burleson.

Minutes of the meeting held on March 11, 2019 were approved as recorded on motion by Member Johnson. Member Pant seconded the motion, which carried unanimously. Then Ralph Southerland provided the investigative case log update as follows: four (4) active cases and several cases under appeal.

At this time Director Diehl reported on the Ad Violations and other Informal Investigations for the Month of March. Then Director Diehl presented the financial information concerning the individual month of March. Following review, **Member Pant made a motion to**

accept the financial information for the month of March. Member Johnson seconded the motion, which carried unanimously.

At this time the Board considered the Probable Cause Report. **Member Johnson made a motion to accept the Probable Cause Report. Member Pant seconded the motion, which carried unanimously.** Prior to the motion or any discussion, Member York had recused herself from consideration of the Probable Cause Report due to her attendance and participation in the Probable Cause Subcommittee meeting.

Next Director Diehl reported on three (3) proposed bills that have been introduced to the NC General Assembly; S.B. 305, S.B. 473, and, H.B. 484. Director Diehl reported S.B. 305 would remove the term “moral turpitude” from any Occupational Licensing Board enabling statute that references “moral turpitude” in that boards licensing qualifications. Currently, N.C.G.S. 85B-4(b) reads “.... been convicted of any felony or committed or been convicted of any act involving fraud or moral turpitude.” and N.C.G.S. 85B-8(a)(9) reads “.... where committed or convicted, or the commission of any act involving fraud or moral turpitude.” Director Diehl, being the Board’s Legislative Liaison, recommended that the Board consider seeking an amendment to the bill so that the language in N.C.G.S. 85B-4(b) and 85B-8(a)(9) will read “any felony or any offense involving breach of trust, fraud, or dishonesty” if the bill is enacted. After discussion, **Member Johnson made a motion to instruct Director Diehl to move forward on getting the language changed in N.C.G.S. 85B-4(b) and N.C.G.S. 85B-8(a)(9) as recommended. Member Pant second the motion, which carried unanimously.** Next Director Diehl reported that S.B. 473 proposes combining the NC Board of Barber Examiners and the NC Board of Electrolysis, and H.B. 484, which proposes to require all state

agencies and licensing boards to verify the immigration status of applicants by using the Systematic Alien Verification for Entitlement Program. Director Diehl will monitor these Senate Bills and report to the Board as necessary.

Then Director Diehl thanked each board member for completing their Statement of Economic Interest (SEI) and submitting their SEI to the State Ethics Commission well in advance of the April 15, 2019 deadline.

At this time Director Diehl provided an update report on the NCALB funding Continuing Education Programs. Classes were held on March 12, 2019 in Winston-Salem, March 27, 2019 in Williamston, and April 8, 2019 in Cherokee, each of which he attended. The AANC is doing a great job with teaching and administering the classes, and attendance has been good. The next classes are scheduled for April 10, 2019 in Kinston, April 11, 2019 in Jacksonville, and the last class is on April 30, 2019 in Durham. Director Diehl plans to attend these events. Additionally, Director Diehl will be attending Lenoir Community College tonight, April 9, 2019 to speak with the current students at the auctioneering class.

Next Director Diehl presented a copy of the proposed Consent Agreement in the matter of Mark JB Brigham, Case No. 18-8279-08. After review and discussion, **Vice Chairman Boyd made a motion to accept the proposed Consent Agreement by which the Auctioneer License of Mark JB Brigham is suspended for a period of thirty (30) days beginning on June 1, 2019 and continuing through June 30, 2019. The term of suspension may be fully abated to zero (0) days if the Respondent meets the following three (3) conditions prior to June 1, 2019: 1) Carefully read NCGS 85B and 21 N.C.A.C. 4B in their entirety; 2) Watch**

the NCALB 2018 Mandatory 2-hour Continuing Education video course on Auctioneering Law and Rules, Custodial Account Management, and Ethics; and, 3) Submit to the Commission a notarized affidavit that he has accomplished the suspension abatement conditions following the effective date of the Consent Agreement and prior to June 1, 2019. Member Johnson seconded the motion, which carried unanimously. Then Member Pant made a motion to allow Director Diehl to sign all Consent Agreements approved during this meeting as the Chairman's designee. Vice Member Johnson seconded the motion, which carried unanimously.

Director Diehl presented a copy of the proposed Consent Agreement in the matter of Jay Keith Norville, Case No. 18-UNL-15. After review and discussion, **Member Pant made a motion to accept the proposed Consent Agreement by which the Auctioneer License of Jay Keith Norville is suspended for a period of thirty (30) days beginning on June 1, 2019 and continuing through June 30, 2019. The term of suspension may be fully abated to zero (0) days if the Respondent meets the following three (3) conditions prior to June 1, 2019: 1) Carefully read NCGS 85B and 21 N.C.A.C. 4B in their entirety; 2) Watch the NCALB 2018 Mandatory 2-hour Continuing Education video course on Auctioneering Law and Rules, Custodial Account Management, and Ethics; and, 3) Submit to the Commission a notarized affidavit that he has accomplished the suspension abatement conditions following the effective date of the Consent Agreement and prior to June 1, 2019. Vice Chairman Boyd seconded the motion, which carried unanimously.**

Director Diehl presented a copy of the proposed Consent Agreement in the matter of James Keith Norville, Case No. 18-UNL-15. After review and discussion, **Member Pant made**

a motion to accept the proposed Consent Agreement by which the Auctioneer License of James Keith Norville is suspended for a period of ninety (90) days beginning on June 1, 2019 and continuing through August 30, 2019. The term of suspension may be fully abated to thirty (30) days if the Respondent meets the following three (3) conditions prior to June 1, 2019: 1) Carefully read NCGS 85B and 21 N.C.A.C. 4B in their entirety; 2) Watch the NCALB 2018 Mandatory 2-hour Continuing Education video course on Auctioneering Law and Rules, Custodial Account Management, and Ethics; and, 3) Submit to the Commission a notarized affidavit that he has accomplished the suspension abatement conditions following the effective date of the Consent Agreement and prior to June 1, 2019. Vice Chairman Boyd seconded the motion, which carried unanimously.

At this time Director Diehl led a discussion on the consideration of an assessment for the Recovery Fund during Fiscal Year 2019-2020. Following discussion, **Member Pant moved that no assessment to the Recovery Fund take place during the renewal period for Fiscal 2019-2020. Member Johnson seconded the motion, which carried unanimously.**

Next the Board considered the continuing education requirements for Fiscal Year 2020-2021. **Member Pant moved to approve, as per 21 NCAC 4B .0801(d), four (4) hours of continuing education for the Fiscal Year 2020-2021 license period. Vice Chairman Boyd seconded the motion, which carried unanimously.**

The next item on the agenda was the Consideration of New Application for Course Sponsor for Continuing Education, Cornerstone-edu.com (online), Ethics – James Drury and Using Storytelling Marketing Techniques in the Auction – James Drury. **Member Johnson**

made a motion to approve the new sponsor for continuing education courses and instructor. Member Pant seconded the motion, which carried unanimously.

Director Diehl presented for Consideration the Approval of New Continuing Education Courses and Instructors for the Auctioneers Association of North Carolina (AANC), Simulcast Auction Services – Andy Liados, and Selling Originals/Reproductions & Undetermined Items – Jimmy Johnson. **Member Johnson made a motion to accept the new continuing education courses and instructors for the AANC. Vice Chairman Boyd seconded the motion, which carried unanimously.** Then the Board considered the approval of new continuing education courses and instructors for the AANC and Stanly Community College (Carolina Auction Academy), Understanding the Court System as an Auctioneer – Dave Holland and Bid Calling Reminders and Tips – Allen Todd. **Member Pant made a motion to accept the new continuing education courses and instructors for the AANC and Stanly Community College. Vice Chairman Boyd seconded the motion, which carried unanimously.**

At this time Director Diehl presented for consideration the Application for Prior Approval for Reimbursement of Continuing Education Expenses for the Auctioneers Association of North Carolina (AANC) June 2019 Convention. **Vice Chairman Boyd made a motion to approve the Application for Prior Approval for Reimbursement of Continuing Education Expenses for the AANC June 2019 Convention up to \$1,850.00, subject to verification by staff. Member Johnson seconded the motion, which carried unanimously.**

Director Diehl reported Stanly Community College (Carolina Auction Academy) will be holding Auctioneer Appreciation CE Sessions on April 29, 2019 from 12:30 p.m. to 4:30 p.m.

Next Director Diehl reported that the office received a public records request from an attorney with Pacific Legal Foundation. He is currently gathering these records and will be providing pursuant to N.C.G.S. §§ 132, et seq.

Following the review and approval of applications for licensing, the Board confirmed the next regular meeting on Monday, May 13, 2019 at 10:00 a.m. in the Fuquay-Varina office, which is scheduled to include a hearing. **Member Pant made a motion to adjourn the meeting with Vice Chairman Boyd seconding the motion which carried unanimously.**

The meeting adjourned at 10:55 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer