

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

August 12, 2019

The North Carolina Auctioneer Licensing Board met on Monday, August 12, 2019 in the Fuquay-Varina Office. The meeting was called to order at 10:00 a.m. Members present were Vice Chairwoman Lisa D. York, Willie A. Johnson, Allison H. Pant, and Buck Lattimore. 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.

Vice Chairwoman York 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 Pant recused herself from consideration of the Probable Cause recommendations due to her participation in the Probable Cause Subcommittee meeting. Other members stated there were none.

At this time Vice Chairwoman York announced the funeral arrangements for Chairman Gary Boyd, who suddenly passed away on Friday, August 9, 2019. A moment of silence was held in his honor.

Minutes of the meeting held on July 8, 2019 were approved as recorded on motion by Member Pant. Member Johnson seconded the motion, which carried. Then Ralph Southerland provided the investigative case log update as follows: thirteen (13) active cases are under investigation.

Next the Board considered the Probable Cause Report. **Member Johnson made a motion to approve the Probable Cause Report. Member Lattimore seconded the motion, which carried.** Prior to the motion or any discussion, Member Pant had recused herself from

August 12, 2019

consideration of the Probable Cause Report due to her participation in the Probable Cause Subcommittee meeting.

At this time Director Diehl reported on the Informal Investigations and Ad Violations for the month of July. Then he presented the financial report concerning the individual month of July. Following review, **Member Pant made a motion to approve the financial report for the month of July. Member Lattimore seconded the motion, which carried.**

Next Director Diehl reported the auditors will in the office August 27 and 28 to perform the yearly audit.

Then Director Diehl presented to the board for review and consideration a draft “Request for CE Proposals for Year 2020/2021.” Following a review and discussion, **Member Lattimore moved to approve the draft “Request for CE Proposals” with recommended changes. Member Pant seconded the motion, which carried.**

Next the Board reviewed the Request for Approval of Application for Course and Sponsor for Continuing Education – Mendenhall School of Auctioneering. **Member Johnson made a motion to approve the Mendenhall School of Auctioneering Application for Course and Sponsor for Continuing Education. Member Lattimore seconded the motion, which carried.**

Then Director Diehl presented a Draft NC Auction Information for Consumers brochure for Board review. After review and discussion, **Member Pant made a motion to approve the Draft NC Auction Information for Consumers brochure for distribution to auctioneers and post on the Board’s website. Member Johnson seconded the motion, which carried.**

Next Director Diehl presented a copy of a proposed Consent Agreement in the matter of Eugene M. Ferguson, Case No. 19-5402-08. Director Diehl provided an overview of the case. **A motion was made by Member Johnson to approve the proposed Consent Order in the**

matter of Eugene M. Ferguson, Case No. 19-5402-08. Member Pant seconded the motion, which carried.

Next Director Diehl reported on the Rules Readoption schedule. Once the Board promulgates the proposed rules, a 60-day comment period is required during which there will need to be a public hearing. He further reported on required technical changes such as the avoidance of adverbs ending in “ly,” preferred use of pronouns, and the use of the “oxford comma.”

At this time the Board reviewed and discussed several substantive proposed rules changes. **Member Lattimore made a motion to strike through the proposed rule 21 NCAC 4B .0607 Auction Business (c) “except in the event of a medical emergency that is reported to the Board in writing within 3 business days of the auction sale.” Member Johnson seconded the motion, which carried. Member Johnson made a motion to amend the proposed rule 21 NCAC 4B .0819 Alternative Compliance to read: “(2) Successful completion of any Real Estate course accredited by a state Real Estate licensing body; to place a period (.) after the word “body;” and remove “(3) Publication of an article in professional journal of general circulation among the membership of the profession.” Member Lattimore seconded the motion, which carried. Member Lattimore made a motion to accept the proposed changes to 21 NCAC 4B .0202, .0502, .0604, and .0607 as presented, and 21 NCAC 4B .0819 with the addition of a period (.) after the word “body.” Member Johnson seconded the motion, which carried.**

The next item on the agenda, NCGS 93B Training on Board Procedures, was postponed until a later date for full Board participation.

At this time Vice Chairwoman York requested Director Diehl report on an issue regarding an auctioneer involving a potential criminal matter. The auctioneer has voluntarily

August 12, 2019

surrendered his auctioneer and auction firm licenses, thus eliminating the need to seek revocation of licenses. Director Diehl is currently working with a detective from the Town of Franklin Police Department. There does appear to be potential Recovery Fund exposure in this matter.

Following the review and approval of applications for licensing, the Board confirmed the next regular meeting on Monday, September 9, 2019 at 10:00 a.m. in the Fuquay-Varina office. There is currently a Hearing scheduled for the September meeting. **Member Lattimore made a motion to adjourn the meeting with Member Johnson seconding the motion, which carried.**

The meeting adjourned at 12:35 p.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer