

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

August 12, 2024

The North Carolina Auctioneer Licensing Board met on Monday, August 12, 2024 in the Fuquay-Varina Office. The meeting was called to order at 9:00 a.m. Members present were, Chairman Dan DeVane, Vice Chair Melinda Porter, Willie A. Johnson, Buck Lattimore, and Kyle Swicegood. Also, present were Executive Director Charles F. Diehl, and Administrative Officer Becky Stewart.

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 Johnson 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.

Member Swicegood made a motion to approve the July 8, 2024 Board Meeting minutes. Member Lattimore seconded the motion, which carried unanimously.

Director Diehl presented the financial report. **Member Lattimore made a motion to approve the financial report for the month of July. Member Johnson seconded the motion, which carried unanimously.**

Director Diehl reported that the NC Auctioneer Licensing Board last year honored those auctioneers who had been active for 50 years since 1973, which was the year the Board was established, with a plaque and invited them to attend a Board meeting for this recognition. He inquired if the Board wishes to continue this recognition on an ongoing basis for active licensees with 50 years of licensure. There are approximately twenty-one currently active licensees for the

2024 year that have been continuously licensed since 1974. **Vice Chair Porter made a motion to continue this recognition yearly to honor those licensees who have continuously been active for 50 years with a plaque and invite those licensees to attend a subsequent Board meeting for recognition. Member Swicegood seconded the motion, which carried unanimously.**

Director Diehl reported on the staff investigations and advertising violations for the month of July. There were three informal investigations and one ad violation. There had been one formal Board-generated Complaint Case under investigation. Director Diehl reported that this auctioneer voluntarily surrendered his license.

Chairman DeVane requested a motion to go into Closed Session to discuss Agenda Item 6 – *Consideration of Proposed Consent Agreement In Re: Mt. Airy Livestock Exchange, Case No. 24 – 10165 – 06*, Agenda Item 7 – *Review of Report from Probable Cause Subcommittee, and to discuss ongoing litigation and matters of potential litigation. Member Swicegood made a motion to go into Closed Session. Member Lattimore seconded the motion, which carried unanimously.* The Board went into Closed Session at 9:15 a.m.

Vice Chair Porter made a motion to return to Open Session. Member Swicegood seconded the motion, which carried unanimously. The Board returned to Open Session at 9: 25 a.m. **Member Swicegood made a motion to accept the *Proposed Consent Agreement In Re: Mt. Airy Livestock Exchange, Case No. 24 – 10165 – 06*. Member Johnson seconded the motion, which carried unanimously. Vice Chair Porter made a motion to accept the recommendations from the Probable Cause Report. Member Lattimore seconded the motion, which carried unanimously.** Prior to the motion or any discussion, Member Johnson had recused himself from consideration of the Probable Cause Report due to his participation in the Probable Cause Subcommittee meeting.

Under other matters, Director Diehl provided each Board Member with Bill Draft 2023-MUZ-61[v.3]. He reported that the General Statutes Committee does not propose substantive changes, but they are responsible for updating the General Statutes to maintain uniform formatting. There are no subjective changes in this Draft Bill. It is proposed to make technical corrections that will reorder the definitions in G.S. 85B-1 alphabetically and modernize their format. Director Diehl reported he will continue to monitor this Draft Bill. He also reported that he has discussed this technical corrections bill with Senator McInnis. **Member Lattimore made a motion to inform the General Statutes Committee that the Board accepts these changes as it reads and requests that the Board be informed prior to any additional changes. Member Johnson seconded the motion, which carried unanimously.**

Director Diehl provided the results of the August 1, 2024 auctioneer examination, which were as follows: ten examinees with nine passing and one failing.

Director Diehl reported that he has a meeting with Ms. Anne Brown and her former boss Tuesday at the NC Department of Justice to discuss legal counsel for the Board. Ms. Brown retired August 1, 2024. He also reported that Ms. Brown was very appreciative of the plaque presented to her in recognition of her service as Board Counsel.

Mr. Johnson reported that he was notified by the Governor's office that a new appointment is being made, and this is his last day serving on the Board. Mr. Johnson served two consecutive three-year terms and pursuant to the law cannot serve more than two consecutive terms. The Board and staff thanked Mr. Johnson for his time and dedication to this Board. This was reciprocated.

The Board reviewed the applications for licensing.

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

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Vice Chair Porter made a motion to adjourn the meeting. Member Lattimore seconded the motion, which carried unanimously.

The meeting adjourned at 9:42 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer