

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

August 8, 2022

The North Carolina Auctioneer Licensing Board met on Monday, August 8, 2022 in the Fuquay-Varina Office. The meeting was called to order at 9:00 a.m. Members present were Chairman Buck Lattimore, Willie A. Johnson, Melinda Porter, Kyle Swicegood, and Vice Chairman Dan DeVane who participated by phone. 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 was available by phone.

Chairman Lattimore 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 Swicegood recused himself from consideration of the Probable Cause recommendations on items 1 through 2 due to his participation in the first of two Probable Cause Subcommittee meetings. Vice Chairman DeVane recused himself from consideration of the Probable Cause recommendation on item 3 due to his participation in the second of two Probable Cause.

Member Swicegood made a motion to approve the July 11, 2022 minutes. Member Porter seconded the motion, which carried unanimously.

Director Diehl reported on the staff investigations and advertising violations for the month of July. There were two ad violations and two informal investigations. There are currently three formal complaint investigations. One case is in the investigative stage, and one case has a Probable Cause finding for which a proposed Consent Agreement is scheduled for the Board's consideration during the meeting today. The investigation in the third case is in the concluding stages, and should be presented at a Probable Cause meeting in September.

The financial report was presented. **Vice Chairman DeVane made a motion to approve the financial report for the month of July. Member Johnson seconded the motion, which carried unanimously.**

Director Diehl reported the CPA will be onsite the week of August 22 to perform and prepare the Board's yearly audit. He also reported that as of Friday, August 5, 2022, there are 1,894 active licensees, up from 1,880 at this time in 2021.

A Report was presented to the Board from the AANC Education Committee regarding the 2022 Continuing Education sessions. The AANC reduced its original contract amount from \$20,000 and \$10 for each licensee in attendance to \$18,000 and \$10 for each licensee in attendance due to lower expenses incurred than had been expected. A discussion was held. Director Diehl reported the Statute allows, in the Board's discretion, contents of the Recovery Fund in excess of two hundred thousand dollars (\$200,000) can be used for distribution for various reasons per N.C.G.S. 85B-4.1(c), including continuing education support. In previous years, even though there was statutory authority for the payment to come from the Recovery Fund, the Board had been paying the AANC and the previous other association that had been in existence from the NCALB Operating Account. Last year, the Board voted to pay the CEs from the Recovery Fund. Staff recently received an invoice from the AANC June 2022 Convention. Staff will review and pay subject to verification up to what the Board had previously authorized. An additional invoice for the live NCALB funded CE sessions will be forthcoming. Director Diehl requested guidance as to whether the invoices should be paid from the Operating Account or the Recovery Fund. **Member Swicegood made a motion to pay the AANC invoices for CE from the Recovery Fund. Member Johnson seconded the motion, which carried unanimously.**

The Board reviewed and discussed a report from the AANC Education Committee

regarding the NCALB funded live Continuing Education programs, as well as an analysis of the NCALB funded live CE program that staff had been instructed to prepare.

Director Diehl provided the results of the August 4, 2022 auctioneer examination, which were as follows: fourteen examinees with twelve passing and two failing.

Chairman Lattimore requested a motion to go into Executive Session to discuss ongoing litigation, and the matters of potential litigation and personnel matters on the agenda. **Member Swicegood made a motion to go into Executive Session. Member Porter seconded the motion, which carried unanimously.** The Board went into Executive Session at 9:40 a.m.

Member Swicegood made a motion to return to Open Session. Member Porter seconded the motion, which carried unanimously. The Board returned to Open Session at 10:17 a.m.

Member Porter made a motion to accept the recommendations from the Probable Cause Report on items 1 through 2. Member Johnson seconded the motion, which carried unanimously. Prior to the motion or any discussion, Member Swicegood had recused himself from consideration of the Probable Cause Report due to his participation in one of two Probable Cause Subcommittee meetings.

Member Porter made a motion to accept the recommendation from the Probable Cause Report on item 3. Member Johnson seconded the motion, which carried unanimously. Prior to the motion or any discussion, Vice Chairman DeVane had recused himself from consideration of the Probable Cause Report due to his participation in the second of two Probable Cause Subcommittee meetings.

Member Johnson made a motion to accept the proposed Consent Agreement Re: Case #22-10253-01 – Nolan Reese Rudisill. Vice Chairman DeVane seconded the motion, which carried unanimously.

August 8, 2022

Member Porter made a motion to approve the increase of the salaries of the two NCALB employees by 3.5% effective July 1, 2022 per the recently enacted Legislative Increase (Session Law 2022-74), and to authorize an additional 0.5% increase for both employees effective September 1, 2022. Member Swicegood seconded the motion, which carried unanimously. Chairman Lattimore cited the Board's desire to increase staff in case something happens to either of the current staff members, and instructed Director Diehl to present a plan to expand the office staff.

Following the review and approval of applications for licensing, the Board confirmed the next regular meeting on September 12, at 9:00 a.m. in the Fuquay-Varina office.

Member Swicegood reported that he would not be in attendance at the October meeting due to a previously scheduled conflict.

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

The meeting adjourned at 10:30 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer