

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

February 14, 2022

The North Carolina Auctioneer Licensing Board met on Monday, February 14, 2022 in the Fuquay-Varina Office. The meeting was called to order at 9:00 a.m. Members present were Chairman Buck Lattimore, Vice Chairman Dan DeVane, Willie A. Johnson, Melinda Q. Porter, and T. Kyle Swicegood. Also, present were Executive Director Charles F. Diehl, Administrative Officer Becky Stewart, and Special Deputy Attorney General Anne Brown with the NC Department of Justice.

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 recommendation on items 1 and 2 due to his participation in the first of two Probable Cause Subcommittee meetings. Member Johnson recused himself from consideration of the Probable Cause recommendation on item 3 due to his participation in the second of two Probable Cause Subcommittee meetings. Other members stated there were none.

Minutes of the meeting held on January 10, 2022 were reviewed. **Vice Chairman DeVane made a motion to approve the minutes. Member Porter seconded the motion, which carried unanimously.**

Next, the Board considered the Probable Cause Report. **Member Johnson made a motion to approve items 1 and 2 on the Probable Cause Report. Vice Chairman DeVane seconded the motion, which carried unanimously. Member Swicegood made a motion to approve item 3 on the Probable Cause Report. Member Porter seconded the motion, which carried unanimously.** Prior to the motions or any discussions, Members Swicegood and Johnson had

recused themselves from consideration of portions of the Probable Cause Report due to their participation in the respective Probable Cause Subcommittee meetings.

Then, Director Diehl reported on the staff informal investigations, advertising violations, and formal complaints for the month of January. There were three (3) informal investigations, three (3) ad violations, and one (1) formal complaint currently under investigation. A discussion was held on advertisement violations. In addition to the Board's subscription to the Raleigh newspaper, Chairman Lattimore asked staff to purchase Sunday editions of other large newspapers from around the state on a quarterly basis for review of auction advertisements.

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

At this time, Member Swicegood recused himself from the Administrative Hearing – *In Re: Troy L. Hall*, because he is a current member of the Auctioneers Association of NC (AANC) Board of Directors with Mr. Hall. Also, Member Johnson recused himself due to his participation on the Probable Cause Subcommittee meeting for this matter.

Next, Director Diehl provided the results of the February 3, 2022 auctioneer examination, which were as follows: eight (8) examinees with six (6) passing and two (2) failing.

Then, Vice Chairman DeVane inquired about the status of Wake Tech Auctioneer Academy's first session. Chairman Lattimore reported there is a good group of students participating, and the program is going well.

Next, Director Diehl reported that staff received verbal notification that an appeal has been filed with the Clerk of Superior Court in Wake County regarding the Board's denial of an application for licensure following a previous Administrative Hearing. The matter is *In Re Bobby Carrol McLamb*. The applicant is appealing the denial and has filed a Petition for Judicial Review

in Wake County. Notice of the appeal should be received in the mail soon. Counsel Brown explained the process going forwarded.

Then, the Board reviewed and approved applications for licensure.

The next item on the agenda was the Administrative Hearing – *In Re: Troy L. Hall*. Prior to any discussions, Member Swicegood recused himself from this matter because he is a current member of the Auctioneers Association of NC (AANC) Board of Directors with Mr. Hall, and Member Johnson recused himself due to his participation on the Probable Cause Subcommittee meeting for this matter.

The Respondent, Troy L. Hall was represented by counsel Justin May with the Law Firm Michael Best and Friedrich LLP. Counsel May presented a Motion for Continuance to Chairman Lattimore. Counsel May acknowledged that he was recently hired and wishes to review and prepare for the case prior to the Administrative Hearing. Chairman Lattimore granted the Motion for Continuance. The Administrative Hearing – *In Re: Troy L. Hall* will be heard at 10:00 a.m. Monday, March 14, 2022.

The Board confirmed the next regular meeting on Monday, March 14, 2022 at 9:00 a.m. in the Fuquay-Varina office.

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

The meeting adjourned at 9:50 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer