

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

February 11, 2019

The North Carolina Auctioneer Licensing Board met on Monday, February 11, 2019 in the Fuquay-Varina Office. The meeting was called to order at 10:02 a.m. Members present were Chairman William B. Lilly, Jr., Vice Chairman Gary Boyd, Willie A. Johnson, Allison H. Pant, and Lisa D. York. 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. Members of the public present included Phil Burleson, Julie Mendenhall, Wayne Mendenhall, and Glenn Hayes.

Chairman Lilly 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 Johnson recused himself from consideration of the Probable Cause recommendations due to his attendance and participation in the Probable Cause Subcommittee meeting. Chairman Lilly and Vice Chairman Boyd recused themselves from the Administrative Hearing set today for Mendenhall Auction Co., Inc., NCFL #211, Forrest A. Mendenhall, NCAL #210 and F. Wayne Mendenhall, NCAL #3231. Other members stated there were none.

Chairman Lilly turned the meeting over to Member Johnson to preside over the Administrative Hearing. Member Johnson acknowledged Chairman Lilly and Vice Chairman Boyd recused themselves from the Hearing. The Administrative Hearing for Mendenhall Auction Co., Inc., NCFL #211, Forrest A. Mendenhall, NCAL #210, and F. Wayne Mendenhall, NCAL #3231 began at 10:05 a.m. Member Johnson recognized Special Deputy Attorney General Anne Brown, Counsel for the Board. The Respondents, Mendenhall Auction Co., Inc.,

NCFL #211, Forrest A. Mendenhall, NCAL #210, and F. Wayne Mendenhall, NCAL #3231 were represented by their attorney, Glenn Stuart Hayes. The Hearing concluded at 1:30 p.m.

The Board reconvened at 1:40 p.m. to Open Session, with Chairman Lilly presiding over the meeting.

Minutes of the meeting held on January 14, 2019 were approved as recorded on motion by Member York. Vice Chairman Boyd seconded the motion, which carried unanimously. Then Ralph Southerland provided the investigative case log update as follows: seven (7) active cases and one (1) case set for Hearing.

Director Diehl reported on the Ad Violations and other Informal Investigations for the Month of January. Then Director Diehl presented the financial report concerning the individual month of January. Following review, **Member York made a motion to accept the financial report for the month of January. Vice Chairman Boyd seconded the motion, which carried unanimously.**

At this time the Board considered the Probable Cause Report. Member Johnson recused himself due to his attendance and participation in the Probable Cause Subcommittee meeting. **Member York made a motion to accept the Probable Cause Report. Vice Chairman Boyd seconded the motion, which carried unanimously.**

Next Director Diehl presented for Consideration the Approval of New Continuing Education Course for Mitchell Community College, Auction Protocol – Mike Gatton, instructor. **Member York made a motion to accept the new continuing education course for Mitchell Community College. Vice Chairman Boyd seconded the motion, which carried**

unanimously.

Following the review and approval of applications for licensing, the Board confirmed the next regular meeting on Monday, March 11, 2019 at 10:00 a.m. in the Fuquay-Varina office.

At this time **Member York made a motion to go into Closed Session to consider the evidence presented and to render a decision for the Administrative Hearing with Member Johnson presiding over the meeting. Member Pant seconded the motion, which carried unanimously.** The Board went into Closed Session on 1:50 p.m.

The Board returned to Open Session at 2:50 p.m. to render its Final Agency Decision. **A Motion was made as follows: The Board's decision is to continue the case of Forrest A. Mendenhall, NCAL #210 until a future date, to revoke the auction firm license of Mendenhall Auction Co., Inc., NCFLE #211 and the auctioneer license of F. Wayne Mendenhall, NCAL #3231 for violations of N.C.G.S. 85B, and to direct staff to prepare the order for review and signature. The motion carried unanimously. Director Diehl was instructed to contact Board Counsel on the decision.**

Member York made a motion to adjourn the meeting with Member Pant seconding the motion, which carried unanimously.

The meeting adjourned at 2:55 p.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer