

**MINUTES**

**NORTH CAROLINA AUCTIONEER LICENSING BOARD**

**February 13, 2023**

The North Carolina Auctioneer Licensing Board met on Monday, February 13, 2023 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 Porter, and 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. Vice Chairman DeVane recused himself from agenda item 8 – Consideration of the Probable Cause recommendations due to his participation in the Probable Cause Subcommittee meeting. Member Porter recused herself from item 7 – Administrative Hearing – *In Re: Matthew Jordan Riggan*, due to her participation in the Probable Cause meeting relating to that case. Other members stated there were none.

**Vice Chairman DeVane made a motion to approve the January 9, 2023 minutes. Member Swicegood seconded the motion, which carried unanimously.**

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

Director Diehl reported on the staff investigations and advertising violations for the month of January. There are two active formal complaints currently being investigated. Five complaint cases are on the Probable Cause Report for the Board's consideration during the

meeting today. There were two informal investigations and zero ad violations.

Director Diehl presented for the Board's consideration the Application for New Auction School – *Auctioneer University (Puryear, TN)*. After review and discussion, **Member Swicegood made a motion to approve the new school application. Member Johnson seconded the motion, which carried unanimously.**

Director Diehl provided the results of the February 2, 2023 auctioneer examination, which were as follows: ten examinees with ten passing and zero failing.

Chairman Lattimore requested a motion to go into Executive Session to receive advice from counsel concerning matters in litigation and matters of potential litigation. **Member Swicegood made a motion to go into Executive Session. Member Johnson seconded the motion, which carried unanimously.** The Board went into Executive Session at 9:12 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 9:45 a.m.

**Vice Chairman DeVane made a motion to approve agenda item 9 – Consideration of Proposed Consent Order *In Re: Case #22-10295-06 – Associated Auction & Liquidation Co.* Member Swicegood seconded the motion, which carried unanimously.**

**Member Porter made a motion to accept the recommendations from the Probable Cause Report. Member Swicegood 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 Probable Cause Subcommittee meeting.

The Administrative Hearing – *In Re: Matthew Jordan Riggan* began at 10:10 a.m. Member Porter recused herself from the Hearing due to her participation on the Probable Cause

February 13, 2023

Subcommittee meeting on this matter. Chairman Lattimore presided over the Hearing, with Vice Chairman DeVane, Member Johnson, and Member Swicegood also serving on the panel. The NCALB was represented by Board Counsel, Special Deputy Attorney General Anne Brown. The Respondent, Matthew Jordan Riggan elected to proceed *pro se*. Closing Arguments concluded at 11:10 a.m., and the Board went into Closed Session to deliberate. The Board returned to Open Session at 11:45: p.m. Chairman Lattimore reported that the panel's Final Agency Decision is to deny the auctioneer application for Matthew Jordan Riggan.

Following the review and approval of applications for licensing, Chairman Lattimore confirmed the next regular meeting on March 13, 2023 at 9:00 a.m. in the Fuquay-Varina office.

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

The meeting adjourned at 11:59 a.m.

Respectfully Submitted,

Becky J. Stewart  
Administrative Officer