

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

January 21, 2020

The North Carolina Auctioneer Licensing Board met on Tuesday, January 21, 2020 in the Fuquay-Varina Office. The meeting was called to order at 10:00 a.m. Members present were Chairman Lisa D. York, Vice Chairman Buck Lattimore, Dan DeVane, Willie A. Johnson, and Allison H. Pant. 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.

Chairman York 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 consideration of the Probable Cause recommendations on items 1 through 3 due to his attendance and participation in the first of two Probable Cause Subcommittee meetings. Member DeVane recused himself from consideration of the Probable Cause recommendation on item 4 due to his attendance and participation in the second of two Probable Cause Subcommittee meetings. Other members stated there were none.

Minutes of the meeting held on December 9, 2019 were reviewed. Member DeVane made a motion to accept the December 9, 2019 minutes. Vice Chairman Lattimore stated that he voted in opposition to the Consent Order referenced in the December 9 meeting minutes because he believed that the case called for a more substantial penalty than the resulting Letter of Reprimand. **Member Johnson seconded the motion, which carried.** Then Ralph Southerland provided the investigative case log update as follows: four (4) active cases are under investigation and two (2) cases for possible hearings.

Next Executive Director Diehl reported that 21 NCAC 04B Rules Readoption deadline is

due February 29, 2020. The Board is now in a position to adopt the proposals subject to review of any comments made either at public hearing, which were none, and any written comments during the 60-day comment period. There was one written comment submitted. Director Diehl provided a copy of the written comment to each board member for consideration. A discussion was held. The written comment made no suggestion of altering the proposed rules. Member DeVane acknowledged for the record that during the 60-day comment period regarding the Rules Readoption proposals for 21 NCAC 04B, the Board received no comments on the proposals at the public comment hearing that was held on December 9, 2019, and that the Board received only one written comment. Further, he also acknowledged for the record that the Board has reviewed the one written comment that was submitted, and that the Board considered that comment prior to making any final decisions regarding the Rules Readoption proposals. **With these acknowledgements, Member DeVane offered a motion that this Board formally adopt the full set of Rules Readoption proposals for 21 NCAC 04B as they were published in Volume 34 of the North Carolina Register, Issue 10, on page 839 through 856. Member Johnson seconded the motion, which carried.**

Next Board Counsel Anne Brown presented a copy of a proposed Consent Order regarding Case No. 19-9396-12, Lazy Lyon Auctions/Richard Lyons, Jr., NCAL 19-1348. She provided an overview of the case, which was discussed by the Board. **Member Johnson made a motion to accept the proposed Consent Order as presented for Chairman York's signature. Member DeVane seconded the motion, which carried.**

Then Director Diehl reported on the Informal Investigations and Ad Violations for the month of December.

Next the Board considered the Probable Cause Report. **Member Pant made a motion to approve items 1 through 3 on the Probable Cause Report. Member DeVane seconded the motion, which carried. Member Johnson made a motion to approve item 4 on the Probable**

Cause Report. Vice Chairman Lattimore seconded the motion, which carried. A discussion was held concerning what facts may be included in the Probable Cause Report for full Board review. Board Counsel Brown stated that the Board is entitled to know the facts of these cases before they go to hearing, however what is problematic legally is if a Board member has a particular bias in a case. The Board requested staff to include additional facts on each case in the Probable Cause Subcommittee Reports. Prior to the motions or any discussions, Member Johnson and Member DeVane had recused themselves from consideration of the applicable items in the Probable Cause Report due to their participation in the Probable Cause Subcommittee meetings.

Then Director Diehl provided the results of the December 9, 2019 auctioneer examination, which were as follows: sixteen (16) examinees with fourteen (14) passing and two (2) failing.

Next Director Diehl presented the financial report concerning the individual month of December. **Member Pant made a motion to approve the financial report for the month of December. Vice Chairman Lattimore seconded the motion, which carried.**

At this time Director Diehl provided each member with a copy of the NCALB Funded CE Course Schedule. He plans to attend all classes. Chairman York plans to attend most of the classes as well. However, there is a possibility Director Diehl may not be able to attend the March 17, 2020 class due to a meeting at the Rules Review Commission.

Then Director Diehl reminded each Board member that they need to complete their NC Board of Ethics 2020 Statement of Economic Interest by April 15, 2020.

Next Director Diehl reported that the Board will need to consider payment from the Recovery Fund on the claims in the Franklin, NC complaint case. A worksheet will be provided at the February 10 Board meeting for review and discussion.

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Following the review and approval of applications for licensing, the Board confirmed the next regular meeting on Monday, February 10, 2020 at 10:00 a.m. in the Fuquay-Varina office.

Member Pant made a motion to adjourn the meeting. Vice Chairman Lattimore seconded the motion, which carried.

The meeting adjourned at 11:19 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer