

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

January 9, 2023

The North Carolina Auctioneer Licensing Board met on Monday, January 9, 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. Member Porter recused herself from agenda item 5 – Consideration of the Probable Cause recommendation due to her participation in the Probable Cause Subcommittee meeting. Other members stated there were none.

Vice Chairman DeVane made a motion to approve the December 12, 2022 minutes. Member Swicegood seconded the motion, which carried unanimously.

Director Diehl reported on the staff investigations and advertising violations for the month of December. There are three active formal complaints currently being investigated. One complaint case is on the Probable Cause Report for the Board's consideration during the meeting today. There were zero informal investigations and two ad violations.

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

Director Diehl reminded the Board that the Auctioneers Association of NC Annual Convention will be held on Friday, January 20, 2023 and Saturday, January 21, 2023 in Winston-Salem. He plans to attend the convention and will be providing an NCALB update. Staff was instructed to prepare a letter to the AANC commending their apparent decision to have a single convention each year.

Chairman Lattimore requested a motion to go into Executive Session to receive advice from counsel concerning matters in litigation and matters of potential litigation. **Vice Chairman DeVane made a motion to go into Executive Session. Member Johnson seconded the motion, which carried unanimously.** The Board went into Executive Session at 9:07 a.m.

Member Swicegood made a motion to return to Open Session. Member Johnson seconded the motion, which carried unanimously. The Board returned to Open Session at 9:22 a.m.

Member Johnson made a motion to accept the recommendation from the Probable Cause Report. Member Swicegood seconded the motion, which carried unanimously. Prior to the motion or any discussion, Member Porter had recused herself from consideration of the Probable Cause Report due to her participation in the Probable Cause Subcommittee meeting.

Member Porter made a motion to approve agenda item 6 – Consideration of Proposed Consent Orders *In Re: Case #22-9309-04 – IronPlanet, Inc., and In Re: Case #22-6980-05 – Ritchie Bros. Auctioneers (America) Inc.* Member Swicegood seconded the motion, which carried unanimously.

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 Porter seconded the motion, which carried unanimously.** The Board went into Executive Session at 9:34 a.m.

Vice Chairman DeVane made a motion to return to Open Session. Member

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Swicegood seconded the motion, which carried unanimously. The Board returned to Open Session at 9:38 a.m.

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

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

The meeting adjourned at 9:42 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer