

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

July 10, 2023

The North Carolina Auctioneer Licensing Board met on Monday, July 10, 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 the Consideration of the Probable Cause Report due to her participation in the Probable Cause Subcommittee meeting. Other members stated there were none.

Chairman Lattimore recognized Director Diehl and asked that he conduct Board elections for the fiscal year ending June 30, 2024. Prior to the elections, Chairman Lattimore stated it has been a privilege and honor to be Chairman and he thanked the Board for their confidence during the past two years as Chairman. Director Diehl also thanked Chairman Lattimore for his availability, hard work, and dedication to this Board. The floor was opened for nominations for the position of Chairman. **Member Porter moved to nominate Member DeVane as Chairman. There were no other nominations offered for this position. Chairman Lattimore made a motion to close the nominations for the Chairman position. Member Swicegood seconded the motion, which carried unanimously.** A vote was taken, and Vice Chairman DeVane was unanimously elected as Chairman.

Director Diehl continued and opened the floor for nominations for the position of Vice Chairman. **Member Swicegood moved to nominate Willie Johnson as Vice Chairman. There were no other nominations offered for this position. Chairman DeVane made a motion to close the nominations for the Vice Chairman position. Member Swicegood seconded the motion, which carried unanimously.** A vote was taken, and Member Johnson was unanimously elected as Vice Chairman. Chairman DeVane and Vice Chairman Johnson thanked the Board.

Member Swicegood made a motion to approve the June 12, 2023 Board Meeting minutes. Vice Chairman Johnson seconded the motion, which carried unanimously. Member Lattimore made a motion to approve the June 28, 2023 Special Board Meeting minutes. Member Porter seconded the motion, which carried unanimously.

Director Diehl reported on the staff investigations and advertising violations for the month of June. There was one informal investigation and one ad violation.

Director Diehl presented the financial report. **Vice Chairman Johnson made a motion to approve the financial report for the month of June. Member Lattimore seconded the motion, which carried unanimously.**

Director Diehl presented for the Board's consideration a request from Lenoir Community College to offer a "Remote-Access/Hybrid" enhancement to their Pre-Licensing Auctioneer Program. After review, **Member Swicegood made a motion to approve Lenoir Community College's request. Vice Chairman Johnson seconded the motion, which carried unanimously.**

Chairman DeVane requested a motion to go into Closed Session to receive advice from counsel concerning matters in litigation and matters of potential litigation for Agenda Item 8 – *Consideration of Proposed Consent Order: In Re: Aimee Belle Cozad d/b/a Think Pink Auction, Case No. 23-9417-01, In Re: Aaron Timothy Maye – ATM Auction & Realty LLC, Case No. 23-*

10321-07, and Agenda Item 9 – *Review of Probable Cause Report*. **Member Porter made a motion to go into Closed Session. Member Swicegood seconded the motion, which carried unanimously.** The Board went into Closed Session at 9:19 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 9:32 a.m.

Member Swicegood made a motion to accept the Proposed Consent Orders in the matters of *In Re: Aimee Belle Cozad d/b/a Think Pink Auction, Case No. 23-9417-01 and In Re: Aaron Timothy Maye – ATM Auction & Realty LLC, Case No. 23-10321-07*. Vice Chairman Johnson seconded the motion, which carried unanimously. Vice Chairman Johnson 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, Member Porter had recused herself from consideration of the Probable Cause Report due to her participation in the Probable Cause Subcommittee meeting.

Director Diehl reported that AANC has submitted their invoice for the 2023/2024 CE Program which is \$15,520.00. Staff has reviewed. Director Diehl reported the Statute allows, in the Board’s discretion, contents of the Recovery Fund in excess of two hundred thousand dollars (\$200,000) to be used for distribution for various reasons per N.C.G.S. 85B-4.1(c), including continuing education support. Director Diehl requested guidance as to whether the invoices should be paid from the Operating Account or the Recovery Fund. **Member Swicegood made a motion to pay the AANC invoice for the 2023/2024 CE from the Recovery Fund. Vice Chairman Johnson seconded the motion, which carried unanimously.**

Director Diehl reported that approximately 1,848 licensees have currently been renewed for the 2023/2024 year.

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The Board reviewed and approved the applications for licensing.

Chairman DeVane requested a motion to go into Closed Session again to receive advice from counsel concerning the matter *In Re: Matthew Jordan Riffin*.

Member Porter made a motion to go into Close Session. Member Lattimore seconded the motion, which carried unanimously. The Board went into Closed Session at 9:43 a.m.

Member Swicegood made a motion to return to Open Session. Member Lattimore seconded the motion, which carried unanimously. The Board returned to Open Session at 9:49 a.m.

Chairman DeVane confirmed that the next meeting date is August 14, 2023.

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

The meeting adjourned at 10:50 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer