

**MINUTES**

**NORTH CAROLINA AUCTIONEER LICENSING BOARD**

**July 12, 2021**

The North Carolina Auctioneer Licensing Board met on Monday, July 12, 2021 in the Fuquay-Varina Office. The meeting was called to order at 9:00 a.m. Members present were Chairman Lisa York, Vice Chairman Buck Lattimore, Willie A. Johnson, and Dan DeVane. 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. Member Allison Pant was not able to attend.

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 DeVane recused himself from consideration of the Probable Cause recommendation due to his participation in the Probable Cause Subcommittee meeting. Other members stated there were none.

Minutes of the meeting held on June 14, 2021 were reviewed. **Member DeVane made a motion to approve the minutes. Vice Chairman Lattimore seconded the motion, which carried unanimously.**

Next, Director Diehl reported on the staff informal investigations and advertising violations for the month of June. There were two (2) informal investigations and one (1) ad violation. There are no formal complaints currently under investigation, and two (2) formal complaints for which probable cause has been found and will have hearing dates set.

At this time, the Board considered the Probable Cause Report. **Member Johnson made a motion to approve the Probable Cause Report. Vice Chairman Lattimore seconded the motion, which carried unanimously.** Prior to the motion or any discussion, Member DeVane

had recused himself from consideration of the Probable Cause Report due to his participation in the Probable Cause Subcommittee meeting.

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

Next, Director Diehl reported to the Board that as of July 9, 2021 a total of 1,880 licenses had renewed for the 2021/2022 license year.

At this time, Director Diehl reported on a recent development in the Gregory Vernelson Recovery Fund Claim cases in which he attended Mr. Vernelson's court hearing in the Western part of the state. There is the potential for the recovery fund to be reimbursed for payments made from the fund to aggrieved parties that had filed a claim.

Next, Director Diehl reported that at a previous meeting, the Board had approved the Application for Prior Approval for Reimbursement of Continuing Education Expenses for the Auctioneers Association of North Carolina June 2021 Convention up to \$8,100.00, subject to verification by staff. Staff has verified the expenses incurred were \$5,943.00. Pursuant to N.C.G.S. 85B-4.1, the Board may elect to use the Recovery Fund balance in excess of \$200,000 for continuing education purposes. Director Diehl requested that the Board consider utilizing its option to pay these continuing education expenses from the Recovery Fund as authorized by N.C.G.S. 85B-4.1. **Member Johnson made a motion to pay the AANC continuing expenses of \$5,943.00 from the Recovery Fund. Member DeVane seconded the motion, which carried unanimously.**

Then, Chairman York reported that the Administrative Hearing for Bobby Carroll McLamb has been continued until the August 9, 2021 Board meeting.

Next, Director Diehl reported on the attendance requirements and how attendance is

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monitored during the online pre-licensing instruction classes at the approved auction schools. The NC Community College programs all have attendance requirements. The other schools approved for online pre-license instruction do not specifically have any attendance requirements, but each reports that they expect 100% attendance and participation, and get 100% attendance and participation. One school reported that a student did miss a class, and they worked with the student to make up the class. Director Diehl contacted an attorney at the Rules Review Commission to inquire as to whether this Board, under N.C.G.S. 85B, has the statutory authority to dictate school attendance requirements. The unofficial opinion is that N.C.G.S. 85B, does not appear to provide statutory authority to this Board to issue a proposed rule for auction school attendance requirements. Additionally, Director Diehl reported that the NC Real Estate Commission has statutory authority that allows them to have an administrative rule regarding school attendance, which is 80%.

Following the review and approval of applications for licensing, the Board confirmed the next regular meeting on Monday, August 9, 2021 at 9:00 a.m. in the Fuquay-Varina office.

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

The meeting adjourned at 9:50 a.m.

Respectfully Submitted,

Becky J. Stewart  
Administrative Officer