

**MINUTES**

**NORTH CAROLINA AUCTIONEER LICENSING BOARD**

**July 13, 2020**

The North Carolina Auctioneer Licensing Board met on Monday, July 13, 2020 telephonically due to Executive Orders limiting mass gatherings, which were issued to address the COVID-19 pandemic.

The meeting was called to order at 10:00 a.m. Members participating were Chairman Lisa D. York, Vice Chairman Buck Lattimore, Dan DeVane, Willie A. Johnson, and Allison H. Pant. Also participating were Executive Director Charles F. Diehl, Administrative Officer Becky Stewart, 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. Members stated there were none.

At this time, Chairman York recognized Director Diehl and asked that he conduct Board elections for the fiscal year ending June 30, 2021. The floor was opened for nominations. Member Johnson moved to nominate Lisa York as Chairman. The nomination was seconded by Vice Chairman Lattimore. At Member DeVane's request, Member Johnson agreed to amend his nominating motion to also include Buck Lattimore to serve as Vice Chairman. No other nominations for the positions were offered. A vote was taken, and Ms. York and Mr. Lattimore were unanimously re-elected as Chairman and Vice Chairman, respectively.

Minutes of the meeting held on June 8, 2020 were reviewed. **Vice Chairman Lattimore made a motion to approve the minutes. Member Johnson seconded the motion, which carried unanimously.**

Then, Director Diehl reported on the staff investigations for the month of June. There were no ad violations. There are currently five (5) formal complaint cases under investigation.

July 13, 2020

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

Next, Director Diehl provided the results of the May 21, 2020 auctioneer examination, which were as follows: Six (6) examinees with five (5) passing and one (1) failing. This exam had been scheduled in April but was postponed due to the Executive Order relating to COVID-19. He also reported on the June 4, 2020 auctioneer examination results, which were as follows: Six (6) examinees with four (4) passing and two (2) failing.

Then, Director Diehl reported that as of July 9, 2020 approximately 1,200 licensees have already renewed for the year 2020/2021 even though the Board extended the renewal deadline date to September 30, 2020. Last year, with the traditional June 30 deadline in place, approximately 1,800 licensees had renewed by the second week of July.

Next, Director Diehl presented information from Southeastern School of Auctioneering requesting Temporary Approval of Online Classes/Distance Learning due to COVID-19 for an August 15 – 22, 2020 session. **Member Johnson made a motion to authorize temporary approval to Southeastern School of Auctioneering for online classes/distance learning for the pre-license auctioneer education. Vice Chairman Lattimore seconded the motion, which carried unanimously.**

Then, Director Diehl presented information from Stanly Community College – Carolina Auction Academy for Temporary Approval of Hybrid Classes (Online/In-Person) due to COVID-19 for an August – October, 2020 session. **Member Pant made a motion to authorize temporary approval to Stanly Community College – Carolina Auction Academy for hybrid classes for the pre-license auctioneer education. Vice Chairman Lattimore seconded the motion which carried unanimously.**

Next, Director Diehl presented for the Board's consideration New Instructors for

July 13, 2020

Mendenhall School of Auctioneering: Jeff Cockman; Julie Mendenhall; and Myers Jackson.

**Member DeVane made a motion to approve the new instructors for Mendenhall School of Auctioneering. Member Johnson seconded the motion, which carried unanimously.**

At this time, Director Diehl reported on N.C. Session Law 2019-209, HB 226. This was the budget bill passed in 2019 that addressed state employee compensation for last year and also for the second biennial fiscal year, 2020-2021. Section 3.1.(a1) states that effective July 1, 2020 state employees are awarded a legislative salary increase in the amount of 2.5% of annual salary in the 2020-2021 fiscal year. Because this law was enacted, NCALB must either adopt what the legislature has put in place for state employees or formalize any variance. This provision involves the Board's two full-time employees and staff will report the Board's decision to the Office of State Budget Management and the Office of State Human Resources. **Member DeVane made a motion to apply the 2.5% legislative salary increase for both NCALB full-time employees. Member Pant seconded the motion, which carried unanimously.** Director Diehl and Mrs. Stewart thanked the Board.

Next, a discussion was held on COVID-19 and auctions. The NCALB office, as well as Board Members are receiving calls about this topic. Director Diehl reported that the office has received approximately 100 calls regarding auctions and the COVID-19 Executive Orders. Most of the calls have been from auctioneers, but others have been from members of the public. Director Diehl stated that the Executive Orders are shared with the licensees through the online newsletters and are posted on the Board's website. The staff does not interpret the Executive Orders and encourages auctioneers to contact their local law enforcement and public health agencies for guidance. The staff has been informed by auctioneers that some localities are not enforcing the Executive Orders, and some others have threatened citations for violations of the Orders. A discussion was held. Board Counsel Brown advised the Board that interpreting the Executive Orders should be through the Governor's Office and the Board does not have jurisdiction over

July 13, 2020

criminal matters outside of G.S. 85B. Additionally, the Board is not in a position to offer legal advice about potential civil liability. **Member DeVane made a motion for Director Diehl and Board Counsel Brown to develop a notice addressing the COVID-19 Executive Orders as they relate to auctions. Member Johnson seconded the motion, which carried unanimously.**

Next, Director Diehl reported that the rules readoption process for 21 NCAC 4B is complete, and the rules are effective July 1, 2020. Staff is awaiting the final version from the Office of Administrative Hearings/Rules Review Commission staff. Upon receipt, a newsletter will be emailed to all licensees. The newsletter will also include information on the Governor's Executive Orders regarding COVID-19.

At this time, the Board considered the applications for licensing. Chairman York acknowledged applicant Brian Lee Brockman for an auctioneer license and Gregory James Capps for an apprentice auctioneer license. **Member Pant made a motion to approve the auctioneer and apprentice auctioneer license applications. Member Johnson seconded the motion, which carried unanimously.** Chairman York acknowledged applicants for an auction firm license as follows: AgStar Auctions and Realty LLC; Bang Auctions; Gander & Gavel Auction Co., LLC; and Mountain Heirloom Estate Services, LLC. **Member Pant made a motion to approve the auction firm license applications. Vice Chairman Lattimore seconded the motion, which carried unanimously.**

Next, Vice Chairman Lattimore noted that many boards and other groups are conducting their meetings by Zoom. After a discussion about Wi-Fi and office computers, the Board requested that staff look into the utilization of Zoom and other similar platforms for Board meetings. Then, Chairman York requested Director Diehl report on office procedures with the Executive Orders in place. He reported that he and Mrs. Stewart have been alternating working from home, keeping in touch throughout the day. Barb Phillips was not working during the initial Stay at Home Order period, but now with the implementation of Phase 2, Phillip's is working two days a week, 1:00

July 13, 2020

p.m. to 5:00 p.m. Anytime there is more than one person in the office, face masks must be worn. When exams are administrated, masks are required. The Board requested that staff continue with these procedures. A discussion was held. **Vice Chairman Lattimore made a motion for Director Diehl to investigate options that best meet the needs of this office as to whether to purchase new monitors with camera/video, add a second laptop computer, and arrange for office Wi-Fi access, and to authorize Director Diehl to purchase as needed and report. Member Johnson seconded the motion, which carried unanimously.**

The Board confirmed the next regular meeting on Monday, August 10, 2020 at 10:00 a.m. **Member Pant made a motion to adjourn the meeting. Vice Chairman Lattimore seconded the motion, which carried.**

The meeting adjourned at 11:10 a.m.

Respectfully Submitted,

Becky J. Stewart  
Administrative Officer