

July 8, 2019

## MINUTES

### NORTH CAROLINA AUCTIONEER LICENSING BOARD

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The North Carolina Auctioneer Licensing Board met on Monday, July 8, 2019 in the Fuquay-Varina Office. The meeting was called to order at 10:05 a.m. Members present were Willie A. Johnson, Allison H. Pant, Lisa D. York, and Buck Lattimore. Vice Chairman Gary Boyd participated by phone. 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.

Vice Chairman Boyd called the meeting to order and welcomed the members and visitors to the meeting. At Vice Chairman Boyd's request, Member Pant inquired of each member if there were any known conflicts of interest or an appearance of conflicts with respect to any matters coming before the Board during this meeting. Member Pant recused herself from consideration of the Probable Cause recommendations due to her participation in the Probable Cause Subcommittee meeting. Other members stated there were none.

At this time Vice Chairman Boyd recognized Director Diehl and asked that he conduct Board elections for the year ending June 30, 2020. The floor was opened for nominations. **Member York nominated Mr. Gary Boyd as Chairman. The nomination was seconded by Member Lattimore. No other nominations for this position were offered. A vote was taken, and Mr. Boyd was unanimously elected as Chairman. Then Chairman Boyd nominated Ms. Lisa York to serve as Vice Chairwoman. Member Johnson seconded the nomination. No other nominations for this position were offered. A vote was taken, and**

**Ms. York was unanimously elected as Vice Chairwoman.**

The floor was turned over to Vice Chairwoman York, who presided over the meeting from that point forward.

**Minutes of the meeting held on June 10, 2019 were reviewed and amended for corrections. Member Johnson made a motion to approve the minutes as amended. Member Pant seconded the motion, which carried unanimously.** Then Ralph Southerland provided the investigative case log update as follows: four (4) active cases are under investigation.

At this time Vice Chairwoman York thanked visitors Phil Bureson, Jill Bryan, Reba Bureson, Sonya Capps, Chris Capps, Kelly Nicholas, Dale Young, Mike Sayers, Rick Lashmit, and Fuquay-Varina Mayor John Byrne for attending the Board meeting.

At this time the NC Board of Elections & Ethics Enforcement's Evaluation of Statement of Economic Interest Filed by Mr. Buck Lattimore was verbally presented by the Vice Chairwoman and recorded in the minutes pursuant to G.S. 183A-15(c). Each Board Member was presented with a flier entitled, "State Government Ethics Act – Education Requirements for Public Servants."

Next the Board considered the Probable Cause Report. **Member Johnson made a motion to approve the Probable Cause Report. Member Lattimore seconded the motion, which carried unanimously.** Prior to the motion or any discussion, Member Pant had recused

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herself from consideration of the Probable Cause Report due to her participation in the Probable Cause Subcommittee meeting.

At this time Director Diehl reported on the Informal Investigations and Ad Violations for the month of June.

Then he presented the financial report concerning the individual month of June. Following review, **Member Pant 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 June 6, 2019 auctioneer examination, which were as follows: Twelve (12) examinees with eleven (11) passing and one (1) failing.

Then he reported to the Board that as of July 4, 2019, 1,846 licensees have renewed for the new year 2019/2020, with 54% renewing online.

Next Director Diehl presented a copy of a proposed Consent Agreement in the matter of Best Tree Realty & Auctions, LLC, Case No. 18-10020-13 and Michael Eric Best, Case No. 18-10001-13. Director Diehl provided an overview of the case. **Member Pant made a motion to go into Closed Session to receive advice from counsel regarding matters of potential litigation. Member Johnson seconded the motion.** The Board went into Closed Session at 10:30 a.m. The Board returned to Open Session at 10:55 a.m. **A motion was made by Member Pant to approve the Consent Order in the matter of Best Tree Realty & Auctions, LLC, Case No. 18-10020-13 and Michael Eric Best, Case No. 18-10001-13. Member Johnson**

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**seconded the motion, which carried unanimously.** Chairman Boyd designated Vice Chairwoman York to sign the Consent Agreement.

At this time Member Pant proposed to the Board for consideration a short disclosure document or brochure on Auction Basics to be provided to auctioneers and the public for educational purposes. Director Diehl was instructed to draft a sample for Board review.

At this time Director Diehl reported on matters currently before the General Assembly. House Bill 300 proposes to extend the time that an auctioneer has to pay a seller from 30 to 90 days if third-party authentication is required. The Bill passed the House and is currently in the Senate Rules Committee. Director Diehl will continue to monitor and report to the Board as necessary. House Bill 770 passed and has been ratified. It puts additional requirements on all Boards to provide advisory opinions when requested for prospective licensees that have criminal convictions before making investments in professional or occupational training. The resulting advisory opinions may be appealed.

Next Director Diehl reported on the rules re-adoption process for 21 NCAC 4B. He has presented a draft to the staff attorney at the Rules Review Commission for review. Director Diehl requested the Board consider strengthening the rule to address buyer's premium language in contracts. He will present a draft of this proposed rule change to the Board for their review.

Following the review and approval of applications for licensing, the Board confirmed the next regular meeting on Monday, August 12, 2019 at 10:00 a.m. in the Fuquay-Varina office. There is currently a Hearing scheduled for the August meeting. **Member Pant made a motion**

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**to adjourn the meeting with Member Lattimore seconding the motion, which carried unanimously.**

The meeting adjourned at 11:10 a.m.

Respectfully Submitted,

Becky J. Stewart  
Administrative Officer