

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

July 8, 2024

The North Carolina Auctioneer Licensing Board met on Monday, July 8, 2024 in the Fuquay-Varina Office. The meeting was called to order at 9:00 a.m. Members present were, Chairman Dan DeVane, Vice Chairman 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. Member Buck Lattimore participated by phone.

Chairman DeVane 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 Swicegood recused himself from the Consideration of the Probable Cause Report due to his participation in the Probable Cause Subcommittee meeting. Other members stated there were none.

Chairman DeVane recognized Director Diehl and asked that he conduct Board elections for the fiscal year ending June 30, 2025. The floor was opened for nominations for the position of Chairman. **Vice Chairman Johnson moved to nominate Dan DeVane as Chairman. The nomination was seconded by Member Porter. No other nominations for the position were offered. A vote was taken, and Mr. DeVane was unanimously re-elected as Chairman.**

Director Diehl returned the floor to Chairman DeVane. Chairman DeVane opened the floor for nominations for the position of Vice Chairman. **Vice Chairman Johnson moved to nominate Melinda Porter as Vice Chair. The nomination was seconded by Member Swicegood. No other nominations for the position were offered. A vote was taken, and Mrs.**

Porter was unanimously elected as Vice Chair.

Member Lattimore made a motion to approve the June 17, 2024 Board Meeting minutes. Member Johnson seconded the motion, which carried unanimously.

The Review of State Ethics Commission Evaluation of Statement of Economic Interest filed by Mr. Daniel H. DeVane was verbally presented by Director Diehl and recorded in the minutes pursuant to G.S. 183A-15(c). *“We (Ethics Commission) did not find an actual conflict of interest but found the potential for a conflict of interest. Mr. DeVane fills the role of a member nominated by the Auctioneers Association of North Carolina. He and his spouse own DeVane Realty & Auction RLLP. Because he serves on the licensing authority for members of his own profession, he has the potential for a conflict of interest. Therefore, Mr. DeVane should exercise appropriate caution in the performance of his public duties should issues involving DeVane Realty & Auctions RLLP, his certification or the certification of his employees come before the Board for official action.”*

The Review of State Ethics Commission Evaluation of Statement of Economic Interest filed by Mr. Buck Lattimore was verbally presented by Director Diehl and recorded in the minutes pursuant to G.S. 183A-15(c). *“We (Ethics Commission) did not find an actual conflict of interest but found the potential for a conflict of interest. Mr. Lattimore is a self-employed auctioneer. Because he serves on the licensing authority for members of his own profession, he has the potential for a conflict of interest. Therefore, Mr. Lattimore should exercise appropriate caution in the performance of his public duties should issues involving his certification come before the Board for official action.”*

The Review of State Ethics Commission Evaluation of Statement of Economic Interest filed by Mr. T. Kyle Swicegood was verbally presented by Director Diehl and recorded in the minutes pursuant to G.S. 183A-15(c). *“We (Ethics Commission) did not find an actual conflict of*

interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity. Mr. Swicegood fills the role of a member nominated by the Auctioneers Association of North Carolina. He is a board member of the National Auctioneer Association. He and his spouse are licensed by the Board and own the auction firm, The Swicegood Group, Inc. In addition, he owns a financial interest in Swicegood Wall & Associates Inc. Because he serves on the licensing authority for members of his own profession, he has the potential for a conflict of interest. Therefore, Mr. Swicegood should exercise appropriate caution in the performance of his public duties, should issues involving his certification The Swicegood Group, Inc., Swicegood Wall & Associates, Inc. or the certification of any employees come before the Board for official action.”

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

Director Diehl reported that approximately 1,800 licensees have currently renewed for the 2024/2025 year. Two-thirds renewed online, which is the highest rate for utilizing the online renewal service since it became available to licensees.

Director Diehl reported on the staff investigations and advertising violations for the month of June. There were three informal investigations and no ad violations. There is one formal complaint currently under investigation.

Chairman DeVane requested a motion to go into Closed Session to discuss Agenda Item 8 – 2024/25 Biennial State Budget (Personnel), Agenda Item – 9 Consideration of Proposed Consent Agreement In Re: Corner Market Auctions, Melyssa Faye Durren and Paul Spencer Andrus, Case No 24-9547-03, Agenda Item 10 – Review of Report from Probable Cause Subcommittee, a potential Board generated Complaint – Auctioneer License No. 7818, to discuss

ongoing litigation and matters of potential litigation, and to receive advice from Board Counsel. **Member Swicegood made a motion to go into Closed Session. Member Johnson seconded the motion, which carried unanimously.** The Board went into Closed Session at 9:20 a.m.

The Board returned to Open Session at 9: 53 a.m. **Vice Chair Porter made a motion to accept the *Proposed Consent Agreement In Re: Corner Market Auctions, Melyssa Faye Durren and Paul Spencer Andrus, Case No 24-9547-03.* Member Swicegood seconded the motion, which carried unanimously. Vice Chair Porter made a motion to accept the recommendations from the Probable Cause Report. Member Johnson seconded the motion, which carried unanimously.** Prior to the motion or any discussion, Member Swicegood had recused himself from consideration of the Probable Cause Report due to his participation in the Probable Cause Subcommittee meeting. **Member Johnson made a motion pursuant to N.C.G.S. 85B-8(e)(1), that The Commission upon its own motion hold a hearing and investigate the actions of any auctioneer, apprentice auctioneer, or auction firm, and authorize Director Diehl to open a formal complaint and investigate the matter of licensee no. 7818. Member Lattimore seconded the motion which carried unanimously. Member Swicegood made a motion to accept the 2024/2025 Biennial State Budget 3% legislative salary increase (LI) and provide an additional 2% salary increase for both Board employees for a total increase of 5%. Member Johnson seconded the motion, which carried unanimously.** Chaiman DeVane thanked the staff for the hard work. Staff also thanked the Board.

Under other matters, **Vice Chair Porter made a motion to allow licensees to have an option of a digital pocket card or a physical pocket card that is still mailed for the 2025/2026 renewal year. Member Johnson seconded the motion, which carried unanimously.**

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The Board discussed the announced retirement of its Counsel, Mrs. Anne Brown. The Board and staff thanked Mrs. Brown for her dedication and exemplary service to the Board.

The Board reviewed the applications for licensing.

Chairman DeVane confirmed the next regular meeting on Monday, August 12, 2024 at 9:00 a.m. in the Fuquay-Varina office.

Member Lattimore made a motion to adjourn the meeting. Member Swicegood seconded the motion, which carried unanimously.

The meeting adjourned at 10:02 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer