

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

June 14, 2021

The North Carolina Auctioneer Licensing Board met on Monday, June 14, 2021 in the Fuquay-Varina Office. The meeting was called to order at 10:10 a.m. Members present were Chairman York, Vice Chairman Buck Lattimore, Willie A. Johnson, Allison Pant, and Dan DeVane. Also, present were Executive Director Charles F. Diehl and Administrative Officer Becky Stewart. Special Deputy Attorney General Anne Brown with the NC Department of Justice participated by phone.

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 Johnson recused himself from consideration of the Probable Cause recommendations due to his participation in the Probable Cause Subcommittee meeting. Vice Chairman Lattimore recused himself from the Consideration for Approval of Initial Application for Wake Tech Auctioneer Academy due to his collaboration with Wake Technical Community College staff. Other members stated there were none.

Minutes of the meeting held on May 10, 2021 were reviewed. **Member Johnson 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 May. There were five (5) informal investigations and six (6) ad violations. There is one (1) formal investigation case that is being considered today from the Probable Cause Report, and one (1) formal complaint case currently being investigated.

At this time, the Board considered the Probable Cause Report. **Member Pant made a**

motion to approve the Probable Cause Report. Member DeVane seconded the motion, which carried unanimously. In response to a question, Director Diehl clarified that on item # 1 on the Probable Cause Report, there is not an issue with whether or not the auctioneer or the auctioneer's agent was permitted to place bids, rather it involved how the bidding allegedly occurred. Prior to the motion or any discussion, Member Johnson 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. **Member Pant made a motion to approve the financial report for the month of May. Member Johnson seconded the motion, which carried unanimously.**

At this time, Director Diehl provided the results of the June 13, 2021 auctioneer examination, which were as follows: twenty-one (21) examinees with sixteen (16) passing and five (5) failing.

Then, Director Diehl presented for the Board's consideration the Initial Auctioneer School Application for Wake Tech Auctioneer Academy. Vice Chairman Lattimore reported that Wake Tech is excited to pursue this auctioneer school program. Wake Tech has developed the curriculum for the program and a roster of instructors, and has worked closely with the NCALB staff to ensure compliance. They anticipate the program starting in late August or September, which will be offered at night at the North Raleigh Campus. Director Diehl reported that the program will include an online delivery component. He reported that there has not been a previous initial request from an Auction School that included online delivery. **Member DeVane made a motion to approve the Auctioneer School Application for Wake Tech Auctioneer Academy. Member Johnson seconded the motion.** A discussion was held concerning the attendance, monitoring, and the online delivery method for pre-licensing courses. Anne Brown, the Board's attorney provided the definition of curriculum, and it appears this Board is limited on how it can

require the delivery of courses. Director Diehl reported that per NCGS 85B, this Board has the statutory authority to approve the course curriculum and the instructors of auction schools, but not to approve or accredit the schools themselves. However, if there are additional curriculum specifics that the Board wishes to dictate, the Board could pursue issuing a new rule through the rule making process. The Board discussed the three previously approved schools that have received temporary approval through December 31, 2021 for online pre-licensing instruction. It is the school's responsibility to teach the curriculum effectively so the students can pass the state auctioneer test and become successful auctioneers. Member DeVane "called the question on the motion," and Chairman York called for a vote. **The motion carried, with a vote of 3 to 1, with Member Pant voting "no."** Member Pant stated that her vote was not based on the merits of Wake Tech, but on the general issue of online delivery and attendance monitoring. Director Diehl was instructed to contact the previously approved schools that offer online pre-licensing instruction to determine their attendance requirements and how attendance is monitored during the online classes. Additionally, Mr. Diehl will contact the staff attorney at the Rules Review Commission to inquire if this Board, under N.C.G.S. 85B, has the statutory authority to dictate school attendance requirements and the approval or disapproval of online instruction. He will also inquire as to whether a new rule proposed to dictate these requirements would exceed this Board's statutory authority. Then, **Member DeVane made a motion to authorize those schools who have previously been approved through December 31, 2021 to continue to allow online pre-licensing courses. Vice Chairman Lattimore seconded the motion.** Following discussion, Member DeVane withdrew his motion.

Next, Director Diehl presented for the Board's consideration the Initial Auctioneer School Application for Continental Auctioneers School. This school has two separate auction school programs, a live program and an online program. The online program involves a self-paced study. The school does have time limits for the lectures. The school has weekly live Zoom meetings for

discussion and questions on the topics viewed, including weekly quizzes, which counts toward their final grade. A concern was raised whether the NCALB staff would know which program, live or online, the potential applicant attended. Staff does not but can request this information from schools. The NCALB staff does maintain records of all schools' pass/fail rates, but they are not published. However, if someone requests this information, it is provided. **Member DeVane made a motion to approve the Auctioneer School Application for Continental Auctioneers School including their online program. Vice Chairman Lattimore seconded the motion, which carried.** Staff will request the Board-approved auction schools that offer online pre-licensing classes to differentiate between students' participation in the live school program and the online program to determine pass/fail rates.

Then, **Member DeVane made a motion to authorize those schools who have previously been approved through December 31, 2021 to continue to offer their online pre-licensing courses permanently. Vice Chairman Lattimore seconded the motion.** The motion carried, with a vote of 3 to 1, with Member Pant voting "no." Staff will poll the schools regarding how they are monitoring their attendance.

Then Director Diehl reported to the Board that as of Thursday, June 10, 2021 approximately 1,100 licensees had renewed for the 2021/2022 license year.

At this time, Director Diehl reminded the Board the Auctioneers Association of North Carolina Summer Conference will be held Friday, June 18, 2021 and Saturday, June 19, 2021 at the Embassy Suites in Greensboro. He plans to attend.

Next, Director Diehl reported that Shelton Hawley, owner of Shelton L. Hawley Certified Public Account Firm, PA recently passed away. The firm currently performs the Board's yearly audit.

Following the review and approval of applications for licensing, the Board confirmed the

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next regular meeting on Monday, July 12, 2021 at 10:00 a.m. in the Fuquay-Varina office.

Member Pant made a motion to adjourn the meeting. Member Johnson seconded the motion, which carried unanimously.

The meeting adjourned at 11:57 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer