

**MINUTES**

**NORTH CAROLINA AUCTIONEER LICENSING BOARD**

**June 17, 2024**

The North Carolina Auctioneer Licensing Board met on Monday, June 17, 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, Buck Lattimore, Melinda Q. 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. Chairman DeVane welcomed visitor Mr. Rick Lashmit to the meeting.

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 Porter recused herself from the Consideration of the Probable Cause Report due to her participation in the Probable Cause Subcommittee meeting. Member Lattimore recused himself from Items 3, 9 and 10 on the Probable Cause Report due to these applicants having attended Wake Tech Auctioneer Academy, of which Mr. Lattimore is the auction school facilitator. Vice Chairman Johnson recused himself from the Administrative Hearing *In Re: Tina Y. Willis* due to his participation in the February 8, 2024 Probable Cause Subcommittee Meeting. Other members stated there were none.

**Vice Chairman Johnson made a motion to approve the May 13, 2024 Board Meeting minutes. Member Swicegood seconded the motion, which carried unanimously.**

Director Diehl presented the financial report. **Member Porter made a motion to approve the financial report for the month of May. Member Lattimore seconded the motion, which carried unanimously.**

Director Diehl reported on the staff investigations and advertising violations for the

month of May. There was one informal investigation and one ad violation. There are two formal investigations, of which one is on the Probable Cause Subcommittee Report for consideration today.

Director Diehl presented for consideration a New Continuing Education Course for the Auctioneers Association of North Carolina (AANC) – *“Bidders and Sellers Contract Ingredients – Michal Parker and Matthew Parker (already approved instructors) – 1 hour.”* **Member Swicegood made a motion to approve the new continuing education course for the AANC. Vice Chairman Johnson seconded the motion, which carried unanimously.**

Director Diehl also presented for consideration and approval New Continuing Education Courses and Instructors for the AANC – *“Round Table/Panel Discussion Practical Auction Contracts – 4 hours consisting of the following; 1) Estate Auction and Contracts – Betty O’Neal (already approved instructor), 2) Real Estate Contracts – Mark Rogers (already approved instructor), 3) Heavy Equipment – Aaron Mayes, 4) Consignment Contracts – Bucky Hathcock, 5) Contract Auctioneers Contracts – Bucky Hathcock, 6) Online Auction Contracts – Randy Ligon, 7) Firearms Contracts – Josh Lowensteiner (already approved Instructor), and 8) Benefit Auction Contracts – George Franco.”* Director Diehl recommended that the Board consider approval of the course and instructors conditionally on a requirement that the sponsor make the following announcement at the beginning of the program: *“Contracts are legal instruments. The subject matter experts participating in this course are not licensed attorneys. The topics they will discuss are presented as general information only and it is not legal advice. Auctioneers should consult their own legal counsel regarding their specific situations.”* This proposed language was offered to protect the Board, the Sponsor, instructors, and auctioneers. **Member Swicegood made a motion to approve the AANC Round Table/Panel Discussion and instructors with the condition that the Sponsor make the announcement as described in the preceding paragraph. Member Lattimore seconded the motion, which carried unanimously.**

Director Diehl presented for consideration a New Continuing Education Course for CE Sponsor Matt Price, “*Auctioneering Ethics – Practices to Avoid Disciplinary Action, Matt Price (already approved instructor) – 2 hours.*” Director Diehl reported that Mr. Price has included in his slide presentation documentation addressing legal advice as noted above. **Member Porter made a motion to approve the new course. Vice Chairman Johnson seconded the motion, which carried unanimously.**

Under other matters, Director Diehl reported that Vice Chairman Johnson forwarded an email from the NC Association of Realtors regarding changes to their contracts and their auction forms. The changes include that contractual terms are now on the first page, clarification that broker compensation is not fixed by law and is negotiable, and required verbiage was added to the contract for the seller to understand that compensation is not required.

Director Diehl reported that the 2024/25 Renewals are coming in steadily, and they are being processed timely. A full report will be provided at the next Board meeting.

Director Diehl at a previous meeting reported that the Board’s server is obsolete/antiquated and will not support the functions needed. Staff has researched two options. One option is to continue using the Board’s currently contracted IT Administrator Mr. Vincent Miranda to purchase and build a new server, and to have Mr. Miranda continue providing hosting services. The proposed cost is \$6,800.00 plus tax initially, and \$6,800.00 plus tax when the project is completed. The other option is to utilize the North Carolina State’s IT Department (NCDIT). Staff’s outreach to NCDIT has not yielded specific cost estimates or responsive and consistent communications. **Member Lattimore made a motion to approve Mr. Miranda, NCALB’s current contract IT Administrator to purchase and build a new server and continue to provide support to the Board. Vice Chairman Johnson seconded the motion, which carried unanimously.**

Director Diehl provided the results of the June 6, 2024 auctioneer examination, which

were as follows: thirty-two examinees with 27 passing and five failing.

Chairman DeVane requested a motion to go into Closed Session to discuss Agenda Item *Agenda Item 7 – Review of Report from Probable Cause Subcommittee and to receive information and advice from Board Counsel*. **Member Swicegood made a motion to go into Closed Session. Vice Chairman Johnson seconded the motion, which carried unanimously.** The Board went into Closed Session at 9:35 a.m.

**Member Lattimore made a motion to return to Open Session. Member Swicegood seconded the motion, which carried unanimously.** The Board returned to Open Session at 9:55 a.m.

**Vice Chairman Johnson made a motion to accept the recommendation on Item 1 from the Probable Cause Report. Member Swicegood seconded the motion, which carried unanimously. Member Swicegood made a motion to accept the recommendation on Item 2 from the Probable Cause Report. Vice Chairman Johnson seconded the motion, which carried unanimously. Member Swicegood made a motion to accept the recommendation on Item 3 from the Probable Cause Report. Vice Chairman Johnson seconded, the motion, which carried unanimously. Member Lattimore made a motion to accept the recommendations on Items 4 and 5 from the Probable Cause Report. Vice Chairman Johnson seconded the motion, which carried unanimously. Member Lattimore made a motion to accept the recommendation on Item 6 from the Probable Cause Report. Member Swicegood seconded the motion, which carried unanimously. Vice Chairman Johnson made a motion to amend the recommendations from the Probable Cause Report on Items 7 and 8 and issue the licensees. Member Lattimore seconded the motion, which carried unanimously. Member Swicegood made a motion to accept the recommendation on Item 9 from the Probable Cause Report. Vice Chairman Johnson seconded, the motion, which carried unanimously. Vice Chairman Johnson made a motion to accept the**

**recommendation on Item 10 from the Probable Cause Report. Member Swicegood seconded the motion, which carried unanimously.** Member Porter recused herself from the Consideration of the Probable Cause Report due to her participation in the Probable Cause Subcommittee meeting. Member Lattimore recused himself from Items 3, 9 and 10 on the Probable Cause Report due to these applicants having attended Wake Tech Auctioneer Academy, of which Member Lattimore is the auction school facilitator.

The Board reviewed the applications for licensing.

The Board went into recess at 10:02 a.m. The Board returned from recess at 10:19 a.m. for the scheduled Administrative Hearing.

The Administrative Hearing – *In Re: Tina Y. Willis* began at 10:19 a.m. Vice Chairman Johnson Member recused himself from the Hearing due to his participation in the Probable Cause Subcommittee meeting on this matter.

Chairman DeVane presided over the Hearing, with Member Lattimore, Member Porter, and Member Swicegood serving on the panel. The NCALB was represented by Board Counsel, Special Deputy Attorney General Anne Brown. The Respondent, Tina Y. Willis elected to proceed *pro se*. Closing Arguments concluded at 11:23 p.m. **Member Lattimore made a motion for the Board to go into Closed Session. Member Swicegood seconded the motion, which carried unanimously.**

**Member Swicegood made a motion for the Board to return to Open Session. Member Latimore seconded the motion, which carried unanimously.** The Board returned to Open Session at 11.46 a.m. Chairman DeVane reported that the panel's Final Agency Decision is to approve Ms. Willis as a designated person. Board Counsel will prepare the Final Agency Decision Order. Chairman DeVane stressed that licensed auction firms and their designated person(s) are regulated by this Board, and subject to all of the auction laws and rules.

Chairman DeVane confirmed the next regular meeting on Monday, July 8, 2024 at 9:00 a.m. in the Fuquay-Varina office.

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

The meeting adjourned at 11:50 a.m.

Respectfully Submitted,

Becky J. Stewart  
Administrative Officer