

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

June 8, 2020

The North Carolina Auctioneer Licensing Board met on Monday, June 8, 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. Member Pant recused herself from consideration of the Probable Cause recommendation due to her participation in Probable Cause Subcommittee meeting. Other members stated there were none.

Minutes of the meeting held on April 13, 2020 were reviewed again due to a distribution oversight prior to the May 11, 2020 Board meeting. **Member Pant made a motion to approve the minutes. Vice Chairman Lattimore seconded the motion, which carried.** Then, minutes of the meeting held on May 11, 2020 were reviewed. **Member Pant made a motion to approve the minutes. Vice Chairman Lattimore seconded the motion, which carried.**

At this time, the Board considered the Probable Cause Report. **Vice Chairman Lattimore made a motion to approve the Probable Cause Report. Member Johnson seconded the motion, which carried.** Prior to the motion or any discussion, Member Pant had recused herself from consideration of the Probable Cause Report due to her participation in the Probable Cause Subcommittee meeting.

Then, Director Diehl reported on staff investigations for the month of May. There were no ad violations.

Next, Director Diehl presented the financial report, and a discussion was held. **Member DeVane made a motion to approve the financial report for the month of May. Member Pant seconded the motion, which carried.**

At this time, Director Diehl reported he has received positive feedback from auctioneers for the Board extending the renewal deadline date until September 30, 2020. As requested by the Board, a letter was prepared and provided to each licensee in the renewal application package regarding the extended deadline date. Each Board member received a copy. He further reported that as of June 5, 107 licensees have already renewed for the fiscal year 2020/21. A total of 2,224 renewal applications were mailed.

Next, Director Diehl reported on the 21 NCAC 4B Readoption process. The Rules Review Commission (RRC) Counsel had submitted proposed technical changes for review. These proposed changes included word choices, updated citations, minor errors, and specific questions relating to certain rules. The Board's staff reviewed and made changes as recommended and addressed all the RRC Counsel's concerns. Director Diehl confirmed that each Board member had received a copy of the recent proposed rule changes prepared by staff. Then, he reported that the change in Rule .0402(d) will have an impact on the Board's operation. The Board does not appear to have statutory authority to require a licensee who has been in lapsed or suspended status in excess of 24 months to apply for a new license. Under the proposed revision, licensees in lapsed or suspended status in excess of 24 months would still have to meet the existing continuing education/auction school/examination standards in order to renew. A discussion was held. **Member DeVane made a motion to adopt Rule 21 NCAC 4B .0203, Extensions for Members of the Armed Forces, as published in Volume 34 of the North Carolina Register, Issue 10, on page 839 through 856 with the revisions for technical changes as presented, and to readopt**

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the other 37 21 NCAC 4B Rules (also found in that same NC Register Issue) that were presented by Board staff for approval as revised for technical changes. Member Johnson seconded the motion, which carried. The Rules will be presented at the June 18, 2020 Rules Review Commission meeting for consideration and should be readopted effective July 1, 2020. Director Diehl will provide a report by email shortly thereafter. Director Diehl and the Board thanked everyone for their hard work during this readoption process.

At this time, Director Diehl reported on recent legislation. H.B. 1079 – An Act to Make Various Sales and Use Tax Changes, as Recommended by the Revenue Laws Study Committee has been enacted. Part I of the statute addresses auctioneers and estate (tag) sale companies. Specifically, Section 1(a) states that animals and livestock sales are no longer tax exempt, and Section 1(d) allows a grace period where NCDOR will not take any action to assess a person for any tax due for a filing period beginning on or after February 1, 2020, and ending October 1, 2020 regarding the sale of personal property on behalf of the owner of the personal property, or the owner's estate, whether it is by auction or through the pricing of items (tag sale), and the sale was conducted at the owner's home or farm. The Board discussed two additional bills being considered by the General Assembly: S.B. 773 – Universal License Recognition Act proposes a universal recognition process for licensure, certification, or registration for individuals who establish residence in this state; and S.B. 712 – NC Freedom to Work Act, which would limit penalties by occupational licensing boards on licensees for violations of any executive orders, prohibitions or restrictions. He will continue to monitor these bills and report accordingly.

Next, the Board considered the applications for licensing. Chairman York acknowledged applicants for an auctioneer license as follows: William Franklin Beaver, Jr., Jeffrey Jon Brown, Kayla Ann Carder, Damian Duke Domingue, Zachary James Johnson, Denny Charles McLemore, Charles Brent Roberson, Calvin Sams, and Eric Brett Schaub. **Member DeVane made a motion to approve the auctioneer license applications. Member Pant seconded the motion, which**

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carried. Chairman York acknowledged applicants for an auction firm license as follows: Lighten the Attic LLC, Longleaf Auction LLC, Triangle Liquidators LLC, and Zapps Marketplace LLC. **Member Johnson made a motion to approve the auction firm license applications. Member DeVane seconded the motion, which carried.**

The Board confirmed the next regular meeting on Monday, July 13, 2020 at 10:00 a.m. **Vice Chairman Lattimore made a motion to adjourn the meeting. Member Johnson seconded the motion, which carried.**

The meeting adjourned at 10:38 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer