

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

March 11, 2024

The North Carolina Auctioneer Licensing Board met on Monday, March 11, 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 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. Member Buck Lattimore participated by phone. Chairman DeVane welcomed visitor Phil Burleson 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 Swicegood recused himself from the Administrative Hearing *In Re Phillips Matthew Ledbetter* due to his participation in the January 4, 2024 Probable Cause Subcommittee Meeting. Other members stated there were none.

Member Swicegood made a motion to approve the February 11, 2024 Board Meeting minutes. Member Lattimore seconded the motion, which carried unanimously.

Director Diehl reported on the staff investigations and advertising violations for the month of February. There were two informal investigations and two ad violations. There are two formal investigations currently under investigation.

Director Diehl presented the financial report. **Vice Chairman Johnson made a motion to approve the financial report for the month of February. Member Porter seconded the**

motion, which carried unanimously.

Director Diehl presented a Request for Continuing Education Waiver for the 2024/25 Renewal Year from John E. Thomas, NCAL 6235. After review, **Member Lattimore made a motion to approve the 2024/25 CE Waiver. Vice Chairman Johnson seconded the motion, which carried unanimously.**

Chairman DeVane requested a motion to go into Closed Session to discuss ongoing litigation and matters of potential litigation from Board Counsel for Agenda Item 6 – *Review of Report from Probable Cause Subcommittee*. **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 9:12 a.m.

Vice Chairman Johnson made a motion to return to Open Session. Member Swicegood seconded the motion, which carried unanimously. The Board returned to Open Session at 9:15 a.m.

Vice Chairman Johnson made a motion to accept the recommendations from the Probable Cause Report. Chairman DeVane seconded the motion, which carried unanimously. Prior to the motion or any discussion, Member Porter had recused herself from consideration of the Probable Cause Report due to her participation in the Probable Cause Subcommittee meeting.

The Board reviewed the applications for licensing. Chairman DeVane confirmed the next regular meeting on Monday, April 8, 2024 at 9:00 a.m. in the Fuquay-Varina office and reported that there is a potential for a hearing.

The Board went into recess at 9:21 a.m. The Board returned from recess at 10:00 a.m. for the scheduled Administrative Hearing.

The Administrative Hearing – *In Re: Phillips Matthew Ledbetter* began at 10:00 a.m. Member Swicegood 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 Vice Chairman Johnson, and Member Porter also serving on the panel. The NCALB was represented by Board Counsel, Special Deputy Attorney General Anne Brown. The Respondent, Phillips Matthew Ledbetter elected to proceed *pro se*. Closing Arguments concluded at 12:25 p.m., and the Board went into Closed Session to deliberate. The Board returned to Open Session at 12:58 p.m. Chairman DeVane reported that the panel's Final Agency Decision is to assess a civil penalty of \$500.00, and to suspend Mr. Ledbetter's auctioneer license for a period of three months, to be followed by a probationary period of nine months. Board Counsel was instructed to prepare the Final Agency Decision Order. The hearing concluded at 1:02 p.m.

Member Porter made a motion to adjourn the meeting. Vice Chairman Johnson seconded the motion, which carried unanimously.

The meeting adjourned at 1:02 p.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer