

**MINUTES**

**NORTH CAROLINA AUCTIONEER LICENSING BOARD**

**March 13, 2023**

The North Carolina Auctioneer Licensing Board met on Monday, March 13, 2023 in the Fuquay-Varina Office. The meeting was called to order at 9:00 a.m. Members present were Chairman Buck Lattimore, Vice Chairman Dan DeVane, 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.

Chairman Lattimore 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 agenda item 6 – Consideration of the Probable Cause Report, due to his participation in the Probable Cause Subcommittee meeting. Other members stated there were none.

**Vice Chairman DeVane made a motion to approve the February 13, 2023 minutes. Member Johnson seconded the motion, which carried unanimously.**

Director Diehl presented the financial report. **Member Swicegood made a motion to approve the financial report for the month of February. Member Porter 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 one ad violation.

Director Diehl presented for the Board's consideration a Request for Continuing Education Waiver. After review and discussion, **Member Swicegood made a motion to deny the continuing education waiver and requested staff to send an email to the licensee**

**identifying CE opportunities that are available after normal business hours. Member Johnson seconded the motion, which carried unanimously.**

Chairman Lattimore requested a motion to go into Executive Session to receive advice from counsel concerning matters in litigation and matters of potential litigation for agenda item 6 – Review of Probable Cause Report and agenda item 7 – Consideration of Proposed Consent Agreements: *In Re: Case #22-9306-08 A-Z Auctions; In Re: Case #23-6922-03 Michael Houston Hutchens; In Re: Case #23-9700-04 Ricky Dale Higgins; In Re: Case #23-7862-05 Harold Lawrence Hicks; and In Re: 22-5707-07 Joseph Brent Hoggard d/b/a The Red Barn Antiques, which also has a related Recovery Fund Claim pending.* **Member Porter made a motion to go into Executive Session. Member Swicegood seconded the motion, which carried unanimously.** The Board went into Executive Session at 9:16 a.m.

**Vice Chairman DeVane made a motion to return to Open Session. Member Johnson seconded the motion, which carried unanimously.** The Board returned to Open Session at 9:41 a.m.

**Member Porter made a motion to accept the recommendations from agenda item 6 on the Probable Cause Report. Vice Chairman DeVane 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 Swicegood made a motion to approve each of the proposed Consent Orders listed in agenda item 7, specifically *In Re: Case #22-9306-08 A-Z Auctions; In Re: Case #23-6922-03 Michael Houston Hutchens; In Re: Case #23-9700-04 Ricky Dale Higgins; In Re: Case #23-7862-05 Harold Lawrence Hicks; and In Re: 22-5707-07 Joseph Brent Hoggard d/b/a The Red Barn Antiques.* Member Johnson seconded the motion, which carried unanimously.**

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Director Diehl reported that the Auctioneers Association of North Carolina January 2023 Annual Convention invoice for continuing education expenses has been received. The total is \$5,321.36 and staff has reviewed and verified the expenditures. He reported that the Board had previously approved the AANC January 2023 Application for Prior Approval for Continuing Education Expenses up to \$7,000.00, subject to review and verification by NCALB staff. Director Diehl requested guidance as to whether the invoice should be paid from the NCALB Operating Account or the Recovery Fund, pursuant to the Board's discretion as authorized by NCGS 85B – 4.1(c). **Vice Chairman DeVane made a motion to reimburse the AANC for its 2023 Annual Convention continuing education expenses of \$5,321.36 from the Recovery Fund as authorized by NCGS 85B – 4.1(c). Member Swicegood seconded the motion, which carried unanimously.**

Director Diehl reminded each Board member that their Statement of Economic Interest (SEI) is due to the NC Ethics Commission by April 15. He will send a link regarding the SEI information to the Board members. He also reported that mandatory Ethics Training is due every two years. Each Board Member's Ethics Training is due at different times. He will send reminders.

Following the review and approval of applications for licensing, Chairman Lattimore confirmed the next regular meeting on April 10, 2023 at 9:00 a.m. in the Fuquay-Varina office.

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

The meeting adjourned at 10:00 a.m.

Respectfully Submitted,

Becky J. Stewart  
Administrative Officer