

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

May 8, 2023

The North Carolina Auctioneer Licensing Board met on Monday, May 8, 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 Porter recused herself from the Consideration of the Probable Cause Report for items 1 – 3, due to her participation in the first of two Probable Cause Subcommittee meetings. Member Johnson recused himself from the Consideration of the Probable Cause Report for item 4, due to his participation in the second of two Probable Cause Subcommittee meetings. Other members stated there were none.

Member Johnson made a motion to approve the April 10, 2023 minutes. Member Swicegood seconded the motion, which carried unanimously.

The Board considered the Continuing Education Waiver Request from John E. Thomas, NCAL #6235. **Member Johnson made a motion to approve the CE waiver request for the 2023/2024 renewal year. Member Porter seconded the motion, which carried unanimously.**

Following a procedural introduction by Director Diehl, Chairman Lattimore requested a motion concerning an investigation. **Member Porter made a motion, *nunc pro tunc*, that the Commission on its own motion and consistent with G.S. § 85B-8, to direct Mr. Diehl to**

investigate whether Mr. Troy L. Hall has been holding himself out as an auctioneer while Mr. Hall's auctioneer license is in suspended status. The foregoing language shall be deemed for all purposes as an official directive by the Board to its Executive Director directing him to initiate and promptly complete the investigation referred to above; and the foregoing language shall also be deemed to be an adoption and ratification by this Board of the investigative actions taken by the Executive Director as referred to above. 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 April. Member Porter seconded the motion, which carried unanimously.**

A discussion was led concerning the 2023/2024 renewal applications. Continuing Education is required to be reported to the Board by May 15. The renewal applications will be mailed at the end of May/June 1. Licensees have the option to return their renewal application by mail with a check or renew online with a credit card.

Director Diehl reported on the staff investigations and advertising violations for the month of April. There were three informal investigations and no ad violations.

Director Diehl presented for consideration the Auction School Renewal Applications for *Western College of Auctioneering* and *Reppert Auction School*. **Member Swicegood made a motion to approve the auction school renewal applications. Vice Chairman DeVane seconded the motion, which carried unanimously.**

Director Diehl presented for consideration the Approval of Applications for Course and Sponsor Renewal for Continuing Education for the following: (a) *All Star Training, Inc. – new course – Firearms (1 hr.)*; (b) *At Home Prep – a Division of Stautzenberger College*; (c) *Auctioneers Association of North Carolina (AANC)*; (d) *Dick Norwood Real Estate Seminars*; (e)

EasyLr24 Online Training School, Inc.; (f) *Nashville Auction School*; (g) *National Auctioneers Association*; (h) *Southeastern School of Auctioneering – new courses – Antiques and Trends (2 hrs.)*; *Social Media Marketing: Cutting Through the Noise (2 hrs.)*, *Capturing the Details (2hrs.)*; *Knowing What to Look For (2hrs.)*; and (i) *Stanly Community College – Carolina Auction Academy*. **Vice Chairman DeVane made a motion to approve the Course and Sponsorship Renewal Applications for Continuing Education. Member Johnson seconded the motion, which carried unanimously.**

Chairman Lattimore requested a motion to go into Closed Session to receive advice from counsel concerning matters in litigation and matters of potential litigation for *agenda item 8 – Review of Probable Cause Report, Real Estate at Auction, In Re: Bobby McLamb Case, and In Re: Matthew Jordan Riggin Case*. **Member Swicegood made a motion to go into Closed Session. Member Porter seconded the motion, which carried unanimously.** The Board went into Closed Session at 9:35 a.m.

Member Swicegood made a motion to return to Open Session. Member Johnson seconded the motion, which carried unanimously. The Board returned to Open Session at 9:56 a.m.

Vice Chairman DeVane made a motion to accept the recommendation from the Probable Cause Report for item 1. Member Swicegood seconded the motion, which carried unanimously. Member Swicegood made a made a motion to accept the recommendation from the Probable Cause Report for item 2. Member Johnson seconded the motion, which carried unanimously. Vice Chairman DeVane made a motion to accept the recommendation from the Probable Cause Report for item 3. Chairman Lattimore seconded the motion, which carried unanimously. Prior to the motions or any discussion, Member Porter had recused herself from consideration of the Probable Cause Report on items 1–

3 due to her participation in the first of two Probable Cause Subcommittee meetings.

Member Porter made a motion to accept the recommendation from the Probable Cause Report for item 4. Vice Chairman DeVane seconded the motion, which carried unanimously. Prior to the motion or any discussion, Member Johnson had recused himself from consideration of the Probable Cause Report on item 4 due to his participation in the second of two Probable Cause Subcommittee meetings.

Board Counsel Brown addressed the Board and reported that there will be no Administrative Hearing during this meeting, and that no court reporter is present for that purpose. Michael D. Parker, Esq., attorney for The Respondent, Troy L. Hall, appeared at the meeting to request a Motion to Continue his client's hearing. Both parties agreed that a court reporter was not needed for this morning. A Motion to Continue was presented to the Board and to Ms. Brown.

Consideration of issues pertaining to the case *In Re: Troy L. Hall* began at 10:09 a.m. with Chairman Lattimore presiding. Mr. Parker stated that he has been retained to represent Mr. Hall and presented a Motion to Continue the Hearing. Mr. Parker also stated that he understands that his client will need to reapply to get his license back at the end of the suspension that is currently in place.

Ms. Brown addressed the Board and responded that instead of a reapplication of Mr. Hall's license, it is a license renewal process. Ms. Brown stated that the issue for this morning is to consider the Motion to Continue the Hearing. Ms. Brown reported that she and Director Diehl had previously discussed the next reasonable time for the Hearing and requested consideration to have the Hearing set for the August 14, 2023 Board meeting. Mr. Parker did not have an objection to this date.

Mr. Parker stated that Mr. Hall should be able to submit a license renewal application

after the suspension date is complete and go back to work. If Mr. Hall's license is not renewed by NCALB following submission of a renewal application, a separate Hearing would need to occur on that issue.

Chairman Lattimore asked Mr. Parker why Mr. Hall was not prepared for a Hearing today. Mr. Parker respond that state law requires notice to be served to a respondent at least 15 days before a Hearing and Mr. Hall received 13 days of notice.

Ms. Brown addressed the Board and reported that the Notice of Hearing issue is correct, Mr. Hall did not have the full 15 days, and it appears that Mr. Hall does not wish to waive the notice requirement. Statutorily, he is entitled to 15 days of notice, and he had 13 days. Ms. Brown agreed that the matter should not proceed without full notice being given to Mr. Hall and that there was no objection to the Motion to Continue.

Chairman Lattimore moved to go into Executive Session to consider the Motion to Continue. The Board went into Closed Session at 10:15 a.m.

The Board returned to Open Session at 10:25 a.m. **Chairman Lattimore granted the Motion to Continue the Hall Hearing until the August 14, 2023 Board meeting.** Chairman Lattimore requested that Mr. Parker and Ms. Brown try to work on a compromise prior to August 14, 2023. Both parties agreed to negotiate. Mr. Parker thanked the Board for their time. Ms. Brown will prepare an Order for the Continuance of the Hall Hearing to August 14, 2023 for Chairman Lattimore's signature.

The Board reviewed and approved the applications for licensing. Chairman Lattimore confirmed that the next meeting date is June 12, 2023.

Chairman Lattimore requested a motion to go into Closed Session to receive advice from counsel concerning matters in litigation and matters of potential litigation on *Real Estate at Auction, In Re: Bobby Carroll McLamb Case, and In Re: Matthew Jordan Riggin*. **Member Swicegood made a motion to go into Close Session. Member Porter seconded the motion,**

which carried unanimously. The Board went into Closed Session at 10:38 a.m. **Vice Chairman DeVane made a motion to return to Open Session. Member Swicegood seconded the motion, which carried unanimously.** The Board returned to Open Session at 11:09 a.m.

Under other matters, Chairman Lattimore reported that the AANC will be having an Auctioneers Day at the General Assembly located at the Legislature Building on May 17, 2023 and encouraged the Board members to attend if possible.

Director Diehl reported that the NC Auctioneer Licensing Board came into existence in July 1973, which will be 50 years. He asked the Board to consider recognizing those active licensees who have been licensed since 1973 with a plaque. There are approximately ten currently active licensees that have been continuously licensed since 1973. Chairman Lattimore requested staff to submit the list to the Board members. The Board supported the proposed recognition and directed staff to go forward with the plaques and invite those licensees to attend a subsequent Board meeting. If a recipient cannot attend, their plaque will personally be delivered.

Chairman Lattimore reported that the AANC will be having a mini-Convention in August at Johnson Properties in Angier and encouraged the Board members to consider attending if possible. Regarding potential CE funding, the Board noted that it had previously decided to fund Continuing Education at one convention per year and that the AANC was notified of that decision.

Member Swicegood announced that auctioneer Becky Tarlton will be speaking and teaching a class at the National Auctioneers Association Conference in Oklahoma City in July. He also announced he will be speaking at the South African Institute of Auctioneers (SAIA) on May 26, 2023. The Board requested staff to prepare a certificate with “Greetings” to the SAIS from the NCALB for Member Swicegood to deliver.

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

The meeting adjourned at 11:21 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer