

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

May 9, 2022

The North Carolina Auctioneer Licensing Board met on Monday, May 9, 2022 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 Q. Porter, and T. 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. Vice Chairman DeVane recused himself from consideration of the Probable Cause Report due to his participation in the Probable Cause Subcommittee meeting. Member Swicegood recused himself from consideration of Renewal Application for Continuing Education Sponsorship for the AANC, and from consideration of Application for Prior Approval for Reimbursement of Continuing Education Expenses for the June 2022 AANC Convention because he is a current member of the Auctioneers Association of NC (AANC) Board of Directors. Other members stated there were none.

Minutes of the meeting held on April 11, 2022 were reviewed. **Member Johnson made a motion to approve the minutes. Vice Chairman DeVane seconded the motion, which carried unanimously.**

Next, the Board considered the Probable Cause Report. Chairman Lattimore requested a motion to go into Executive Session to receive advice from counsel concerning matters in litigation and matters of potential litigation. **Member Swicegood made a motion to go into Executive**

Session. Member Porter seconded the motion, which carried unanimously. The Board went into Executive Session at 9:06 a.m.

Member Johnson made a motion to return to Open Session. Member Porter seconded the motion, which carried unanimously. The Board returned to Open Session at 9:55 a.m. **Member Johnson made a motion to accept the recommendation on item 1 from the Probable Cause Report. Member Porter seconded the motion, which carried unanimously. Member Johnson made a motion to accept the recommendation on item 2 from the Probable Cause Report. Member Porter seconded the motion, which carried by a vote of 3 – 1, with Chairman Lattimore voting “No.”** Prior to the motions or any discussion, Vice Chairman DeVane had recused himself from consideration of the Probable Cause Report due to his participation in the Probable Cause Subcommittee meeting.

Then, Director Diehl reported on the staff informal and formal investigations, and ad violations for the month of April. There was one (1) informal investigation. There is one (1) formal complaint currently under investigation, and one (1) formal complaint for which probable cause has been found. The licensee has requested a hearing. There were two (2) ad violations.

Next, Director Diehl presented the financial report. **Member Swicegood made a motion to approve the financial report for the month of April. Member Johnson seconded the motion, which carried unanimously.** Additionally, Director Diehl reported that the Board has been reimbursed from the American Recovery Plan Act in SL 2021-180 (Appropriations Act) for the Pandemic Bonus that were awarded to staff.

Next, 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 courses – Marketing (1 hr.), Public Speaking (1hr.), and Contracts (1hr.); (b) At Home Prep – a Division of Stautzenberger College; (c) Auctioneers Association of North Carolina (AANC); (d)

Cornerstone-edu.com – new courses – Marketing Ethics: The Professional NC Auctioneer (3 hrs.), and Marketing Trends for the North Carolina Auctioneer 2022 (3 hrs.); (e) Dick Norwood Real Estate Seminars; (f) EasyLr24 Online Training School, Inc. – new courses – Online Auction (1hr.), and Auction Fraud (1hr.); (g) National Auctioneers Association; (i) Southeastern School of Auctioneering; and (j) Stanly Community College – Carolina Auction Academy. **Member Swicegood made a motion to approve the Applications for Course and Sponsor Renewal for Continuing Education for items 6(a) through 6(i) except for item 6(c). Member Johnson seconded the motion, which carried unanimously. Member Porter made a motion to approve the Application for Course and Sponsor Renewal for Continuing Education for item 6(c). Vice Chairman DeVane seconded the motion, which carried unanimously.** Prior to any motions or discussion, Member Swicegood had recused himself from item 6(c) because he is a current member of the Auctioneers Association of NC (AANC) Board of Directors.

Next, Director Diehl reported that the NCALB funded Continuing Education Programs have been held, and that they were well done.

At this time, Director Diehl presented for consideration the Application for Prior Approval for Reimbursement of Continuing Education Expenses for the Auctioneers Association of North Carolina June 2022 Convention. **Vice Chairman DeVane made a motion to approve the Application for Prior Approval for Reimbursement of Continuing Education Expenses for the AANC June 2022 Convention up to \$8,200.00 subject to verification by staff. Member Johnson seconded the motion, which carried unanimously.** A discussion was held. Prior to any motion or discussion Member Swicegood had recused himself because he is a current member of the Auctioneers Association of NC (AANC) Board of Directors.

Then, the Board reviewed and approved applications for licensure. Additionally, Chairman Lattimore confirmed the next regular meeting on Monday, June 13, 2022 at 9:00 a.m. in the

Fuquay-Varina office.

At this time, counsel requested that the Board briefly return to Executive Session to advise the Board in the litigation matter of *Re: Bobby Carroll McLamb vs. North Carolina Auctioneer Licensing Board*. Chairman Lattimore requested a motion to go into Executive Session. **Vice Chairman DeVane make a motion to go into Executive Session. Member Swicegood seconded the motion, which carried unanimously.** The Board went into Executive Session at 10:20 a.m. **Member Swicegood made a motion to return to Open Session. Member Johnson seconded the motion, which carried unanimously.** The Board return to Open Session at 10:28 a.m. There was no action taken in Executive Session.

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

The meeting adjourned at 10:30 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer