

**MINUTES**

**NORTH CAROLINA AUCTIONEER LICENSING BOARD**

**November 12, 2019**

The North Carolina Auctioneer Licensing Board met on Tuesday, November 12, 2019 in the Fuquay-Varina Office. The meeting was called to order at 10:00 a.m. Members present were Chairman Lisa D. York, Vice Chairman Buck Lattimore, Dan DeVane, Willie A. Johnson, and Allison H. Pant. Also, present were Executive Director Charles F. Diehl, Administrative Officer Becky Stewart, Investigator Ralph Southerland, 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 an 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 the Probable Cause Subcommittee meeting. Other members stated there were none.

Then Chairman York welcomed visitors Phil Burlison and Wanda Boyd. On behalf of the NCALB, Chairman York presented a plaque to Wanda Boyd to honor the late Gary Boyd for his committed service to the North Carolina Auctioneer Licensing Board. Member DeVane commented that Mr. Gary Boyd was an inspiration to this Board, he always wanted to do the right thing, and was a fine gentleman. The Board, auctioneers, and the public benefitted by having him on this Board. Wanda Boyd thanked the Board and others for their support.

**Minutes of the meeting held on October 14, 2019 were reviewed. Vice Chairman Lattimore made a motion to accept the October 14, 2019 Board minutes. Member Pant seconded the motion, which carried.** Then Ralph Southerland provided the investigative case log update as follows: twenty-two (22) active cases are under investigation, all of which pertain

to a single, formerly licensed auctioneer.

Next the Board considered the Probable Cause Report. **Member DeVane 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.

At this time Director Diehl reported on the Informal Investigations and Ad Violations for the month of October. Then Director Diehl presented the financial report concerning the individual month of October. Executive Director Diehl reported on the potential claims in the Franklin, NC complaint case with liability from the Recovery Fund. He provided an overview of the claim process, including grounds for payment of Recovery Fund claims. **Member Pant made a motion to approve the financial report for the month of October. Vice Chairman Lattimore seconded the motion, which carried.**

Next Director Diehl provided each Board Member with a copy of the Audit Report for Fiscal Year 2018-2019. Director Diehl provided a brief overview and highlights from the auditor's report, which stated that staff is operating properly and that the Board's financial position is solid. Board members were encouraged to thoroughly review the audit report after the meeting, and to follow up with any questions or concerns. **Member Pant made a motion to acknowledge receipt of the 2018-2019 audit. Vice Chairman Lattimore seconded the motion, which carried.**

At this time Director Diehl provided the results of the October 3, 2019 auctioneer examination, which were as follows: three (3) examinees with two (2) passing and one (1) failing. Director Diehl also reported he recently visited with three Auctioneering Schools in North Carolina and addressed questions by the students.

Next Board Counsel Anne Brown presented a copy of a draft Final Decision and Order in the Case of Raymond Toler, III, Case No. 19-9134-02. She reported that the licensee has paid the complainant, and that the complainant has withdrawn his complaint against the licensee. Ms. Brown moved that the case be dismissed, and the Administrative Hearing be cancelled. **Member Pant made a motion to dismiss the case and accept the draft Final Decision and Order as presented. Member Johnson seconded the motion, which carried.**

At this time the Board reviewed the Board Meeting and Examination Dates from January 2020 thru December 2020. After review, **a motion was made by Member DeVane to accept the 2020 Board Meeting and Examination Dates. Vice Chairman Lattimore seconded the motion, which carried.** In compliance with G.S. 143-318.12, the following schedule of regular meetings of the Board was set.

January 21, 2020	10:00 a.m.	Fuquay-Varina Office
February 10, 2020	10:00 a.m.	Fuquay-Varina Office
March 9, 2020	10:00 a.m.	Fuquay-Varina Office
April 13, 2020	10:00 a.m.	Fuquay-Varina Office
May 11, 2020	10:00 a.m.	Fuquay-Varina Office
June 8, 2020	10:00 a.m.	Fuquay-Varina Office
July 13, 2020	10:00 a.m.	Fuquay-Varina Office
August 10, 2020	10:00 a.m.	Fuquay-Varina Office
September 14, 2020	10:00 a.m.	Fuquay-Varina Office
October 12, 2020	10:00 a.m.	Fuquay-Varina Office
November 9, 2020	10:00 a.m.	Fuquay-Varina Office
December 14, 2020	10:00 a.m.	Fuquay-Varina Office

Then Executive Director Diehl presented for the Board's consideration New Continuing Education Courses and Instructors for the Auctioneers Association of North Carolina: *Federal Firearms Licenses and Auctioneers – Mike Winter*; *Writing Good Content for your Advertising/Social Media Marketing – Robert May*; and *Leadership in the Auction Industry/Stepping Outside the Marketing Norm – Kyle Swicegood*. **Vice Chairman Lattimore made a motion to accept the new continuing education courses and instructors for the Auctioneers Association of North Carolina. Member DeVane seconded the motion, which carried.**

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 January 2020 Convention. **Member DeVane made a motion to approve the Application for Prior Approval for Reimbursement of Continuing Education Expenses for the AANC January 2020 Convention up to \$7,770.00, subject to verification by staff. Member Johnson seconded the motion, which carried. A discussion was held concerning continuing education course topics.**

At this time Executive Director Diehl reported on the rules readoption process. A Notice of Text form was prepared and submitted in a timely manner to the Office of Administrative Hearings - Rules Review Commission and will be published on November 15, 2019 in the *North Carolina Register* and posted on the NCALB website. A newsletter will be emailed Friday regarding the Notice of Public Hearing and Public Comment submissions on a proposed rule, proposed rule redactions, and the proposed repeal of a rule through redaction. The Public Comment Hearing is scheduled for December 9, 2019 at 9:00 a.m. at the NCALB office. A court reporter has been scheduled to record and transcribe the proceedings.

Following the review and approval of applications for licensing, the Board confirmed the

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next regular meeting on Monday, December 9, 2019 at 10:00 a.m. in the Fuquay-Varina office. Chairman York requested, if possible, for each Board member to attend the 9:00 a.m. Public Comment Hearing and to arrive at 8:45 a.m. **Member Pant made a motion to adjourn the meeting. Vice Chairman Lattimore seconded the motion, which carried.**

The meeting adjourned at 11:10 a.m.

Respectfully Submitted,

Becky J. Stewart  
Administrative Officer