

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

November 13, 2023

The North Carolina Auctioneer Licensing Board met on Monday, November 13, 2023 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 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 Johnson recused himself from the Consideration of the Probable Cause Report due to his participation in the Probable Cause Subcommittee meeting. Member Swicegood recused himself from item 2 on the Probable Cause Subcommittee due to his affiliation with that applicant. Other members stated there were none.

Member Porter made a motion to approve the October 9, 2023 Board Meeting minutes. Member Swicegood 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 8 – *Review of Report from Probable Cause Subcommittee and Agenda Item 9 – In Re Matthew J. Riggan*. **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 9:05 a.m.

Member Porter made a motion to return to Open Session. Vice Chairman Johnson

seconded the motion, which carried unanimously. The Board returned to Open Session at 9:11 a.m.

Member Swicegood made a motion to accept the recommendations from the Probable Cause Report on all items except item 2. Member Porter seconded the motion, which carried unanimously. Member Porter made a motion to accept the recommendation from the Probable Cause Report on item 2. Member Lattimore seconded the motion, which carried unanimously. Prior to the motions or any discussion, Vice Chairman Johnson had recused himself from consideration of the Probable Cause Report due to his participation in the Probable Cause Subcommittee meeting and Member Swicegood had recused himself from item 2 due to his affiliation with that applicant.

Director Diehl reported on the staff investigations and advertising violations for the month of October. There were two informal investigations and there were two ad violations. There is currently one formal complaint under investigation.

Director Diehl presented the financial report. **Member Swicegood made a motion to approve the financial report for the month of October. Member Lattimore seconded the motion, which carried unanimously.**

Each Board Member was provided a copy of the Audit Report for Fiscal Year 2022-2023. Director Diehl provided a brief overview and highlights from the auditor's report. Board members were encouraged to review the audit report after the meeting, and to follow up with any questions or concerns.

Director Diehl reported that pursuant to the Board's directive during the September meeting, a Request for Proposal (RFP) for the 2024/2025 Continuing Education was sent to all approved CE Sponsors asking each Sponsor to submit a proposal for a Board-funded CE program. The Proposals were due at 12 noon on November 2, 2023. Proposals were submitted by the Auctioneer Association of NC and All-Star Training, Inc. Board Members reviewed copies

of the proposals, and Director Diehl provided summaries. After review and discussion, **Member Swicegood made a motion to accept the AANC 2024/2025 Continuing Education Proposal as submitted, but with clarification that a maximum of \$10.00 is to be paid for any individual licensed NC auctioneer or individual Designated Person for a licensed NC Auction Firm. The motion continued that although there had been no CE topic requirements in the Request for Proposal, the Board ask that the AANC consider including in its CE programs training on Custodial Account Management utilizing a qualified instructor. Member Lattimore seconded the motion, which carried unanimously.**

The Board reviewed the proposed Board Meeting and Examination Dates from January 2024 through December 2024. **A motion was made by Member Swicegood to accept the proposed 2024 Board Meeting and Examination Dates. Member Lattimore seconded the motion, which carried unanimously.** Each Board meeting is scheduled for 9:00 a.m., however all times and dates are subject to change. In compliance with NCGS 143-318.12, the following schedule of regular meetings of the Board was set.

January 8, 2024	Fuquay-Varina Office
February 12, 2024	Fuquay-Varina Office
March 11, 2024	Fuquay-Varina Office
April 8, 2024	Fuquay-Varina Office
May 13, 2024	Fuquay-Varina Office
June 10, 2024	Fuquay-Varina Office
July 8, 2024	Fuquay-Varina Office
August 12, 2024	Fuquay-Varina Office
September 9, 2024	Fuquay-Varina Office
October 14, 2024	Fuquay-Varina Office

November 13, 2023

November 12, 2024

Fuquay-Varina Office

December 9, 2024

Fuquay-Varina Office

Director Diehl gave a follow-up report on the 50-year licensee recognition. The recipients were very appreciative of the Board's acknowledgement. All plaques have been delivered and press releases were sent to local newspapers for each recipient.

Under Other Business, Director Diehl presented updated NCALB employee job descriptions and annotated operational procedure manuals.

Following the review and approval of applications for licensing, Chairman DeVane confirmed the next regular meeting on Monday, December 11, 2023 at 9:00 a.m. in the Fuquay-Varina office.

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

The meeting adjourned at 10:21 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer