

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

November 8, 2021

The North Carolina Auctioneer Licensing Board met on Monday, November 8, 2021 in the Fuquay-Varina Office. The meeting was called to order at 10:00 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. Member Swicegood recused himself from consideration of the Probable Cause recommendation due to his participation in the Probable Cause Subcommittee meeting. Also, Member Swicegood recused himself from the Consideration of the Continuing Education Proposal because he is a current member of the Auctioneers Association of NC (AANC) Board of Directors. Member Porter recused herself from the Consideration of the Continuing Education Proposal because her colleague Bill Forbes 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 October 11, 2021 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. **Vice Chairman DeVane made a motion to approve item #1 on the Probable Cause Report. Member Johnson seconded the motion, which carried unanimously. Vice Chairman DeVane made a motion to approve item**

#2 on the Probable Cause Report. Member Porter 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.

Then, Director Diehl reported on the staff informal investigations and advertising violations for the month of October. There were two (2) informal investigations and three (3) ad violations. There are no formal complaints currently under investigation.

Next, Director Diehl presented the financial report. **Member Swicegood made a motion to approve the financial report for the month of October. Member Johnson seconded the motion, which carried unanimously.** Director Diehl reported that the recovery fund has been reimbursed for all payments made regarding the Gregory Vernelson matter.

At this time, the Board reviewed the proposed Board Meeting and Examination Dates from January 2022 thru December 2022. After review, **a motion was made by Member Porter to accept the proposed 2022 Board Meeting and Examination Dates. Member Swicegood seconded the motion, which carried unanimously.** Each Board meeting is scheduled for 10:00 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 10, 2022	Fuquay-Varina Office
February 14, 2022	Fuquay-Varina Office
March 14, 2022	Fuquay-Varina Office
April 11, 2022	Fuquay-Varina Office
May 9, 2022	Fuquay-Varina Office
June 13, 2022	Fuquay-Varina Office
July 11, 2022	Fuquay-Varina Office

August 8, 2022	Fuquay-Varina Office
September 12, 2022	Fuquay-Varina Office
October 19, 2022	Fuquay-Varina Office
November 14, 2022	Fuquay-Varina Office
December 12, 2022	Fuquay-Varina Office

Next, Deputy Attorney General Counsel Anne Brown reported that in the contested matter *In Re: Troy Hall*, Mr. Hall had contacted staff to request a continuance of his Administrative Hearing from today until December 13, 2021. He advised staff he is seeking legal counsel. Board Counsel Brown requested Chairman Lattimore as Chief Hearing Officer to Consider the Request for Continuance in the Administrative Hearing – *In Re: Troy Hall* to December 13, 2021. Chairman Lattimore granted the continuance. Counsel Brown will prepare an Order for Chairman Lattimore’s signature.

Then, the Board considered its Request for Proposal for the Board-funded continuing education program for the 2022/2023 Renewal Year. One Proposal had been received, which was submitted by AANC. Director Diehl provided an overview of the proposal. A discussion was held. Director Diehl called Bill Forbes, a current member of AANC Board of Directors who had submitted the AANC Proposal, to address questions. **Vice Chairman DeVane made a motion to accept the AANC 2022 Continuing Education Proposal for \$20,000.00 plus \$10 per attendee. Member Johnson seconded the motion, which carried unanimously.** The initial proposal had been for \$21,000.00 plus \$10 per attendee. The Eastern District compensation was reduced from \$6000.00 to \$5000.00 plus \$10 per attendee, and the 2-hour Zoom session for \$800.00 plus \$10 attendee was eliminated. Prior to any motion or discussion, Member Swicegood had recused himself from the Consideration of the Continuing Education Proposal because he is a current member of the Auctioneers Association of NC (AANC) Board of Directors, and Member Porter

had recused herself from Consideration of the Continuing Education Proposal because her colleague, Bill Forbes is a current member of the Auctioneers Association of NC (AANC) Board of Directors and had submitted the CE Proposal.

Then, **Vice Chairman DeVane made a motion to exempt active auctioneers over the age of sixty-five (65) from the CE requirement. Chairman Lattimore seconded the motion, which carried unanimously.** A discussion was held. **Vice Chairman DeVane amended his motion to exempt active auctioneers from any CE requirement if they are age sixty-five (65) or over and have held an active NC auctioneer license for the previous five (5) years. Member Swicegood seconded the motion, which carried unanimously.**

Next, **Vice Chairman DeVane made a motion to pre-approve and allow the AANC to utilize the NC Community Colleges' Small Business Center Instructors to teach AANC CE courses. Member Johnson seconded the motion, which carried unanimously.**

Then, **Vice Chairman DeVane made a motion to grant authority to the AANC to use out of state speakers and programs that are already approved in other license auction states, to be pre-approved by the Board's staff for CE. The motion was approved unanimously.**

At this time, each Board Member was provided a copy of the Audit Report for Fiscal Year 2020-2021. Director Diehl provided a brief overview and highlights from the auditor's report. Board members were encouraged to thoroughly review the audit report after the meeting, and to follow up with any questions or concerns. **Member Porter made a motion to acknowledge receipt of the 2020-2021 audit. Member Johnson seconded the motion, which carried unanimously.**

Following the review and approval of applications for licensing, the Board confirmed the next regular meeting on Monday, December 13, 2021 at 9:00 a.m. in the Fuquay-Varina office. The Administrative Hearing – *In Re: Troy Hall* – will be held at 10:00 a.m.

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

The meeting adjourned at 11:44 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer