

**MINUTES**

**NORTH CAROLINA AUCTIONEER LICENSING BOARD**

**November 9, 2020**

The North Carolina Auctioneer Licensing Board met on Monday, November 9, 2020 by video conference due to Executive Orders limiting mass gatherings, which were issued to address the COVID-19 pandemic.

The meeting was called to order at 10:00 a.m. Members participating were Chairman Lisa D. York, Vice Chairman Buck Lattimore, Willie A. Johnson, Allison H. Pant, and Dan DeVane. Also participating were Executive Director Charles F. Diehl, Administrative Officer Becky Stewart, and Special Deputy Attorney General Anne Brown with the NC Department of Justice. Also participating in the meeting was Bill Forbes, a member of the Auctioneers Association of North Carolina Board of Directors.

Chairman York 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. Members stated there were none.

Minutes of the meeting held on October 12, 2020 were reviewed. **Vice Chairman Lattimore made a motion to approve the minutes. Member DeVane seconded the motion, which carried unanimously.**

Then, Director Diehl reported on the staff investigations and ad violations for the month of October. There is one (1) active formal complaint case currently under investigation, and two (2) cases with findings of Probable Cause, which are progressing to final resolutions.

At this time, Director Diehl presented the financial report. **Member Johnson made a motion to approve the financial report for the month of October. Vice Chairman Lattimore seconded the motion, which carried unanimously.**

Next, Director Diehl provided a brief overview of the 2019/2020 Audit Report. Director Diehl reported that at least for the past 10 years, payments for continuing education expenses have been paid from the Operating Fund. Pursuant to NCGS 85B-4.1, the Board may elect to use the Recovery Fund balance in excess of \$200,000 for continuing education purposes. Director Diehl requested that the Board consider utilizing its options as authorized by NCGS 85B-4.1 for future continuing education reimbursements. After a discussion, staff was directed to provide a report of the total licensees for the past several years. The report will be sent via email to each board member. Board members were encouraged to review the audit report after the meeting, and to follow up with any questions or concerns.

At this time, the Board reviewed the proposed Board Meeting and Examination Dates from January 2021 thru December 2021. After review, **a motion was made by Member DeVane to accept the proposed 2021 Board Meeting and Examination Dates. Member Johnson seconded the motion, which carried unanimously.** In compliance with NCGS 143-318.12, the following schedule of regular meetings of the Board was set.

January 11, 2021	10:00 a.m.	Fuquay-Varina Office
February 8, 2021	10:00 a.m.	Fuquay-Varina Office
March 8, 2021	10:00 a.m.	Fuquay-Varina Office
April 12, 2021	10:00 a.m.	Fuquay-Varina Office
May 10, 2021	10:00 a.m.	Fuquay-Varina Office
June 14, 2021	10:00 a.m.	Fuquay-Varina Office
July 12, 2021	10:00 a.m.	Fuquay-Varina Office
August 9, 2021	10:00 a.m.	Fuquay-Varina Office
September 13, 2021	10:00 a.m.	Fuquay-Varina Office
October 11, 2021	10:00 a.m.	Fuquay-Varina Office
November 8, 2021	10:00 a.m.	Fuquay-Varina Office

December 13, 2021

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: *"Legal Issues, Best Practices, and Risk Management"* – George A. Michak; *"Becoming a Great Communicator"* – Terri Walker; *"Understanding Yourself Through the Enneagram"* – Terri Walker; *"Auctioneers as Marketplace Facilitators"* – Ed Strickland; and *"How to Survive the Evolution of Auction Advertising"* – Ryan George. **Member Johnson 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 unanimously.**

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 2021 Convention. Mr. Bill Forbes answered questions and addressed concerns from the Board. **Member DeVane made a motion to approve the Application for Prior Approval for Reimbursement of Continuing Education Expenses for the AANC January 2021 Convention up to \$8,700.00, subject to verification by staff, and requested that Mr. Bill Forbes ask the association about using its own AV equipment rather than renting from the facility, and to try to renegotiate the room rental rate. Member Johnson seconded the motion, which carried unanimously.**

Then, the Board reviewed the Request for Proposal for the Board-funded continuing education program for the 2021/2022 Renewal Year. One Proposal had been received, which was submitted by AANC. A discussion was held. Mr. Bill Forbes answered questions relating to the AANC CE Proposal. **Member DeVane made a motion to accept the Continuing Education Proposal for the Eastern, Middle, and Western Districts from the Auctioneers Association of North Carolina. Member Johnson seconded the motion, which carried unanimously.**

Next, Director Diehl presented information from The Missouri Auction School requesting

approval for a Distance Learning Pre-license Auction Education Program. **Member DeVane made a motion to authorize temporary approval The Missouri Auction School for online classes/distance learning for the pre-license auctioneer education through February 28, 2021. Member Pant seconded the motion, which carried unanimously.**

At this time, Director Diehl provided an update from the case in the western part of the State, where the Board has paid the recovery fund claims for actions of former licensees Gregory E. Vernelson, NCAL #8230 and Franklin Auction Company, NCFL #10192. The total statutorily allowable exposure to the Board is \$20,000. As of the last award, there is approximately \$1,500 of remaining potential exposure. Those applying for the recovery fund relief, without first securing a civil judgment against the licensee, had to have satisfied all of the requirements under NCGS 85B-4.5, and part of that is they had to file a formal complaint against the licensees within one (1) year of the alleged activity. This establishes who has access through NCGS 85B-4.5 without having a civil judgment. The Board has paid approximately \$18,500 from the recovery fund. Staff recently had contact with two potential complainants, both of whom are on the list of victims with verified loss amounts from the Franklin Police Department. One complainant, whose amount is approximately \$600, did not file a formal complaint within the one-year period. In order to pursue a recovery fund claim, this complainant would have to first obtain a civil judgment against the former licensees. The other complainant had filed a timely formal complaint and is now requesting payment from the recovery fund in the verified amount of \$251.22. **Vice Chairman Lattimore made a motion to approve the recovery fund claim and pay \$251.22 to the aggrieved party. Member Johnson seconded the motion, which carried unanimously.**

Next, Director Diehl presented a copy of a proposed Consent Order in the matter of Case No. 20-9559-09, David K. Keefer, Jr. Director Diehl provided an overview. **Member Pant made a motion to accept the proposed Consent Order as presented. Member DeVane seconded,**

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**the motion, which carried unanimously. Member Pant also made a motion for Director Diehl to sign the Order on behalf of Chairman York. Member Johnson seconded the motion, which carried unanimously.**

The Board confirmed the next regular meeting on Monday, December 14, 2020 at 10:00. The meeting will be held by video conference. **Member Pant made a motion to adjourn the meeting. Vice Chairman Lattimore seconded the motion, which carried unanimously.**

The meeting adjourned at 11:32 a.m.

Respectfully Submitted,

Becky J. Stewart  
Administrative Officer