

**MINUTES**

**NORTH CAROLINA AUCTIONEER LICENSING BOARD**

**October 11, 2021**

The North Carolina Auctioneer Licensing Board met on Monday, October 11, 2021 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. Member Porter recused herself from consideration of the Probable Cause recommendation due to her participation in the Probable Cause Subcommittee meeting. Chairman Lattimore recused himself from the Administrative Hearing – *In Re: Bobby Carroll McLamb* – due to his participation in the Probable Cause Subcommittee meeting on January 7, 2021. Other members stated there were none.

Minutes of the meeting held on September 13, 2021 were reviewed. **Member Swicegood made a motion to approve the minutes. Member Johnson seconded the motion, which carried unanimously.**

Next, the Board considered the Probable Cause Report. **Member Johnson made a motion to approve the Probable Cause Report. Vice Chairman DeVane seconded the motion, which carried unanimously.** Prior to the motion or any discussion, Member Porter had recused herself from consideration of the Probable Cause Report due to her participation in the Probable Cause Subcommittee meeting.

Then, Director Diehl reported on the staff informal investigations and advertising violations for the month of September. There were three (3) informal investigations and one (1) ad violation. There are no formal complaints currently under investigation.

Next, Director Diehl presented the financial report. **Vice Chairman DeVane made a motion to approve the financial report for the month of September. Member Porter seconded the motion, which carried unanimously.**

Then, Director Diehl provided the results of the October 7, 2021 auctioneer examination, which were as follows: eight (8) examinees with seven (7) passing and one (1) failing.

Next, Director Diehl reported that the 2022 Request for Proposal (RFP) for the NCALB Funded Continuing Education Program was sent to all approved CE Providers on September 24, 2021. The deadline date for the RFPs to be submitted to the Board's office is 12:00 noon, November 2, 2021. The proposals will be reviewed at the November Board meeting. Pursuant to the Board's request at the September 13, 2021 meeting, staff was to develop a plan to inform licensees that if they have a hardship and cannot do the in-person or CE online, they may submit a CE waiver request to the Board. To address this issue, staff included language in the RFP that all mailed and emailed solicitations for the Board funded CE Program shall include the following: *"Licensees who are unable to complete their required Continuing Education (either in-person or online) due to cases of hardship, disability, or illness may apply to the licensing Board for a waiver. Each request for a CE waiver must be in writing and mailed or emailed to the NCALB staff. Each waiver request is considered on its own merits by the Board at its next monthly meeting."* Board staff will send out an email reminding licensees of their CE 2022-23 requirement and include this language. Additionally, this information will be posted on the Board's website. Per the recommendation of Chairman Lattimore, the language on the website and in the solicitations will also state that the licensee must provide the specific reason for the CE waiver

request.

The next item on the agenda was the Consideration of Board Review of Pending Applications, Subject to Receipt of Criminal History Reports from the State Bureau of Investigation. Director Diehl reported that there is a problem with prospective licensees' applications being submitting to the Board for review due to a delay in receiving fingerprint results. The delay is caused by the SBI being backlogged and the slower postal service delivery. As a potential accommodation for applicants, Director Diehl recommended a letter be sent to each applicant that falls under this circumstance with the following language: "*The N.C. State Bureau of Investigation has not yet provided NCALB with a Criminal History Report based on the fingerprints you submitted. This Board has reviewed your application, but it cannot be approved until a Criminal History Report is received with no previously addressed issues. Unless new issues come to light based on the Criminal History Report, your license will be approved and issued immediately once the Report is received. You are not licensed with NCALB now, and any auctioneering activity in North Carolina is prohibited prior to a license being issued.*" After review, **Member Swicegood made a motion to accept this recommendation. Member Johnson seconded the motion, which carried unanimously.**

Then, the Board reviewed applications for licensing.

At this time, Chairman Lattimore acknowledged that he has recused himself from today's Administrative Hearing due to his participation in the Probable Cause Subcommittee meeting on January 7, 2021, and turned the meeting over to Vice Chairman DeVane to preside over the Hearing – *In Re: Bobby Carroll McLamb*.

The Administrative Hearing began at 10:00 a.m. At 12:40 p.m. and following deliberations, Vice Chairman DeVane announced that the decision was made to deny the license application of Bobby Carroll McLamb. This concluded the Administrative Hearing.

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Following a brief recess, Chairman Lattimore regained the gavel and continued the Board meeting at 12:45 p.m. Chairman Lattimore confirmed the next regular meeting on Monday, November 8, 2021 at 10:00 a.m. in the Fuquay-Varina office.

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

The meeting adjourned at 12:46 p.m.

Respectfully Submitted,

Becky J. Stewart  
Administrative Officer

Charles F. Diehl  
Executive Director