

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

September 12, 2022

The North Carolina Auctioneer Licensing Board met on Monday, September 12, 2022 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 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.

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 Johnson recused himself from consideration of the Probable Cause recommendations due to his participation in the Probable Cause Subcommittee meeting.

Member Swicegood made a motion to approve the August 8, 2022 minutes. Member Johnson seconded the motion, which carried unanimously.

Director Diehl reported on the staff investigations and advertising violations for the month of August. There are currently five formal complaint investigations. One is on the Probable Cause Report for the Board's consideration during the meeting today. One case is in the early investigative stage, and three cases from a single complainant are in latter investigative stages. There was one informal (inquiry) investigation and two ad violations. Director Diehl clarified that when an auctioneer or auction firm promotes an auction on social media, the advertising requirements as outlined in 21 NCAC 4B .0602 apply to the social media post.

Chairman Lattimore requested a motion to go into Executive Session to receive advice from counsel concerning matters in litigation and matters of potential litigation. **Member Porter**

made a motion to go into Executive Session. Member Johnson seconded the motion, which carried unanimously. The Board went into Executive Session at 9:15 a.m.

Member Swicegood made a motion to return to Open Session. Vice Chairman DeVane seconded the motion, which carried unanimously. The Board returned to Open Session at 9:22 a.m.

Member Swicegood made a motion to accept the recommendations from the Probable Cause Report. Member Porter seconded the motion, which carried unanimously. Prior to the motion or any discussion, Member Johnson had recused himself from consideration of the Probable Cause Report due to his participation in Probable Cause Subcommittee meeting.

Director Diehl presented for the Board's consideration the Renewal Application for The Ohio Auction School. **Vice Chairman DeVane made a motion to accept the Renewal Application for The Ohio Auction School. Member Swicegood seconded the motion, which carried unanimously.** Staff reported that schools' renewal applications are approved every two years from the date of their initial application.

The financial report was presented. **Member Johnson made a motion to approve the financial report for the month of August. Member Porter seconded the motion, which carried unanimously.**

Director Diehl presented a report to the Board regarding office staffing, as follow-up to discussion on the topic during the August 8, 2022 Board meeting. The Board agreed that no additional employees are needed at this time. The Board also expressed concerns about operational continuity upon any staff turnover. **Member Swicegood made a motion that the two employees prepare notebooks that list job responsibilities and operational process directions to keep in a readily available location for the Board and staff to utilize if needed. Member Porter seconded the motion, which carried unanimously.**

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Following the review and approval of applications for licensing, the Board confirmed the next regular meeting on October 10, 2022, at 9:00 a.m. in the Fuquay-Varina office.

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

The meeting adjourned at 9:50 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer