

**MINUTES**

**NORTH CAROLINA AUCTIONEER LICENSING BOARD**

**September 13, 2021**

The North Carolina Auctioneer Licensing Board met on Monday, September 13, 2021 in the Fuquay-Varina Office. The meeting was called to order at 9:00 a.m. Members present were Vice Chairman Buck Lattimore, 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.

Vice 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 2022 NCALB – funded Continuing Education Program Request for Proposal because he is a current member of the Auctioneers Association of NC (AANC) Board of Directors, which is a continuing education provider/sponsor. Other members stated there were none.

Then, Vice Chairman Lattimore welcomed new board members Melinda Q. Porter and T. Kyle Swicegood who were appointed by Governor Cooper, and member Willie Johnson who was reappointed by the Governor. He also welcomed Mr. Bill Forbes, a member of the Auctioneers Association of North Carolina Board of Directors, and visitor Mrs. Susan Forbes.

At this time, Vice Chairman Lattimore recognized Director Diehl and asked that he conduct Board elections for the fiscal year ending June 30, 2022. The floor was opened for nominations for Chairman. **Member DeVane made a motion to nominate Vice Chairman Lattimore for the position of Chairman. The nomination was seconded by Member Johnson.** There were no other nominations for this position offered. **Member DeVane made a motion to close the**

**nominations, which was seconded by Member Swicegood and passed unanimously.** A vote was then taken on the nomination, and Vice Chairman Lattimore was elected as Chairman by a unanimous vote. Director Diehl returned the floor to Chairman Lattimore.

Then, Chairman Lattimore opened the floor for nominations for the position of Vice Chairman. **Chairman Lattimore made a motion to nominate Member DeVane for the position of Vice Chairman. Member Swicegood seconded the motion.** There were no other nominations for this position offered. **Member Johnson made a motion to close the nominations, which was seconded by Member Porter and passed unanimously.** A vote was then taken on the nomination, and Member DeVane was elected as Vice Chairman by a unanimous vote.

Minutes of the meeting held on August 9, 2021 were reviewed. **Member Johnson made a motion to approve the minutes. Vice Chairman DeVane seconded the motion, which carried unanimously.**

At this time, the Review of State Ethics Commission Evaluation of Statement of Economic Interest filed by Ms. Melinda Q. Porter was verbally presented by Chairman Lattimore and recorded in the minutes pursuant to G.S. 183A-15(c). *“We (Ethics Commission) did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity. Ms. Porter would fill the role of a public member on the Board. She is a realtor with United Country Forbes Realty and Auction, LLC and she and her spouse own Porter Properties & Mini Storage. Therefore, Ms. Porter has the potential for a conflict of interest and should exercise appropriate caution in the performance of her public duties should issues involving United Country Forbes Realty and Auctions, LLC or Porter Properties & Mini Storage come before the Board for official action.”*

Then, the Review of State Ethics Commission Evaluation of Statement of Economic

Interested filed by Mr. T. Kyle Swicegood was verbally presented by Chairman Lattimore and recorded in the minutes pursuant to G.S. 183A-15(c). *“We (Ethics Commission) did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity. Mr. Swicegood would fill the role of a member nominated by the Auctioneers Association of North Carolina. He is a board member of the National Auctioneer Associations and the Auctioneers Association of NC. He and his spouse are licensed by the Board and own the auction firm, The Swicegood Group, Inc. In addition, he owns a financial interest in Century 21 Triad. Because he serves on the licensing authority for members of his own profession, he has the potential for a conflict of interest. Therefore, Mr. Swicegood should exercise appropriate caution in the performance of his public duties, should issues involving their certifications of the Swicegood Group, Inc. come before the Board for official action.”*

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

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

Next, Director Diehl presented for the Board’s consideration the Renewal Applications for Schools of Auctioneering: a) America’s Auction Academy; b) Carolina Auction Academy (Stanly Community College); c) Florida Auction Academy; d) Kentucky Auction Academy; e) Lenoir Community College; (f) Missouri School of Auctioneering; g) Nashville Auction School, LLC; h) Southeastern School of Auctioneering; and i) World Wide School of Auctioneering. **Member Swicegood made a motion to approve the Renewal Applications for Schools of Auctioneering.**

**Member Porter seconded the motion, which carried unanimously.**

The next item on the agenda was the 2022 NCALB-Funded Continuing Education Program Request for Proposal. Director Diehl reported that an NCALB-Funded Request for Proposal (RFP) is sent to all approved CE Providers asking for a proposal to conduct live (in-person) continuing education courses. In the past the Board has dictated the number and general locations in the RFP. A broader RFP would let the CE Providers make recommendations that they feel best serve the Board's needs. Each RFP, as in the past, is reviewed by the Board for consideration and award.

Then, Chairman Lattimore recognized Mr. Bill Forbes, a member of the Auctioneers Association of NC Board of Directors. He addressed the Board and presented a report from the AANC regarding the NCALB Continuing Education Program. Pursuant to the numbers observed, he suggested adjustments to the locations for live CE. Additionally, there is the potential for AANC, as a continuing education provider, to offer Zoom online courses. A discussion was held, including potential exemptions to CE. Director Diehl reported that a rule change would be required for any CE exemptions. He also reported that requests for CE waivers due to hardships are submitted to the Board for approval. The Board instructed staff 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. The Board could consider allowing approved CE Providers to utilize instructors and courses offered by the N.C. Community College System's Small Business Centers. **Vice Chairman DeVane made a motion to authorize staff to prepare a broader 2022 RFP for the NCALB Funded Continuing Education Program and send to all approved CE Providers. Member Johnson seconded the motion, which carried unanimously.** Prior to any discussion, Member Swicegood had recused himself because he is a current member of the Auctioneers Association of NC Board of Directors, which is a continuing education provider/sponsor.

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Under Other Business, Chairman Lattimore reported that the Administrative Hearing for Bobby Carroll McLamb, which was scheduled for 10:00 am today, has been continued until the October 11, 2021.

Following the review and approval of applications for licensing, the Board confirmed the next regular meeting on Monday, October 11, 2021 at 9:00 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 9:51 a.m.

Respectfully Submitted,

Becky J. Stewart  
Administrative Officer