

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

September 9, 2019

The North Carolina Auctioneer Licensing Board met on Monday, September 9, 2019 in the Fuquay-Varina Office. The meeting was called to order at 10:00 a.m. Members present were Vice Chairman Lisa D. York, Dan DeVane, Willie A. Johnson, and Buck Lattimore. Member Allison H. Pant participated by phone. Also, present were Executive Director Charles F. Diehl, Administrative Officer Becky Stewart, Investigator Ralph Southerland, and Special Deputy Attorney General Anne Brown with the NC Department of Justice.

Vice Chairman York inquired of each member if there were any known conflicts of interest or an appearance of conflicts with respect to any matters coming before the Board during this meeting. Member Pant recused herself from consideration of the Probable Cause recommendations due to her participation in the Probable Cause Subcommittee meeting. Other members stated there were none.

At this time Vice Chairman York welcomed new Board member Dan DeVane, who was appointed by the Governor and sworn in to fulfill the remaining term of the late Board Chairman Gary Boyd. Vice Chairman York recognized Director Diehl to conduct Board elections for the year ending June 30, 2020. The floor was opened for nominations. **Member Lattimore nominated Lisa York as Chairman. The nomination was seconded by Member Johnson. No other nominations for this position were offered. A vote was taken, and Ms. York was elected as Chairman. Subsequent to that election, Chairman York assumed the floor and nominated Buck Lattimore to serve as Vice Chairman. Member Johnson seconded the nomination. No other nominations for this position were offered. A vote was taken, and Mr. Lattimore was elected as Vice Chairman.**

At this time the NC Board of Elections & Ethics Enforcement's Evaluation of Statement of Economic Interest Filed by Mr. Daniel H. DeVane was verbally presented by the Chairman and recorded in the minutes pursuant to G.S. 183A-15(c).

Minutes of the meeting held on August 12, 2019 were approved as recorded on motion by Member DeVane. Vice Chairman Lattimore seconded the motion, which carried. Then Ralph Southerland provided the investigative case log update as follows: sixteen (16) active cases are under investigation.

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

At this time Director Diehl reported on the Informal Investigations and Ad Violations for the month of August. Then he provided the results of the August 1, 2019 auctioneer examination, which were as follows: three (3) examinees with three (3) passing and zero (0) failing.

Next Director Diehl presented the financial report concerning the individual month of August. Following review, **Vice Chairman Lattimore made a motion to approve the financial report for the month of August. Member Johnson seconded the motion, which carried.**

Then Executive 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) North Georgia School of Auctioneering; i) Southeastern School of Auctioneering; j) and, World Wide School of Auctioneering. **Member DeVane made a motion to approve the Renewal Applications for Schools of Auctioneering. Vice Chairman Lattimore seconded the motion, which carried.**

Then Director Diehl reported that the NC Auction Information for Consumers brochure has been posted to the Board's website.

Next Director Diehl reported that he will be reviewing proposed substantive changes for the re-adoption of 21 NCAC 4B with Board Counsel Anne Brown. A draft of the proposed re-adopted rules will be reviewed by Board at the next meeting.

At this time Director Diehl reported on potential technology upgrades as follows: 1) server; 2) database re-design and development; 3) digital document management; and, 4) website re-design and development. After discussion, the Board requested that staff research various options and report back to the Board.

Then Director Diehl initiated a discussion regarding civil penalties. The Board has the authority to assess civil penalties pursuant to NCGS 85B-3.1(b), and no Board policy exists precluding that option. After discussion, the Board acknowledged by consensus that all allowable disciplinary options are available to be considered when warranted, and on a case-by-case basis.

Next Director Diehl presented a copy of a proposed Consent Order in the matter of William Chandler Eshleman, NCAL #9849 and Chandler's International Auction, NCFL #9915. Vice Chairman Lattimore recused himself from any discussion and decision of the proposed Consent Order due to a prior personal relationship. Then Director Diehl provided an overview.

At this time Board Counsel Anne Brown moved to continue the Hearing of William Chandler Eshleman, NCAL #9849 and Chandler's International Auction, NCFL #9915, which

had been scheduled for September 9. Chairman York granted the continuance. Ms. Brown presented the proposed Consent Order. **A motion was made by Member DeVane to approve the proposed Consent Order in the matter of William Chandler Eshleman, NCAL #9849 and Chandler's International Auction, NCFL #9915. Member Johnson seconded the motion, which carried. After discussion, Member DeVane made a motion to reconsider the previous vote. Member Johnson seconded the motion, which carried. Member DeVane made a motion to approve the proposed Consent Order, contingent upon Mr. Eshleman first providing the Board with documentation that he has established a trust account. Member Johnson second the motion, which carried.** Member DeVane had to leave the meeting due to a previously scheduled doctor's appointment.

Director Diehl reported that recently enacted House Bill 226 implemented a 2.5% salary increase for most state employees with five (5) days of additional annual leave, retroactive to the July 1, 2019 start of the fiscal year. **At this time Vice Chairman Lattimore made a motion to go into Closed Session to discuss personnel matters. Member Johnson seconded the motion, which carried.** The Board went into Closed Session at 11:56 a.m.

The Board returned to Open Session at 12:10 p.m. by motion from Vice Chairman Lattimore. Member Johnson seconded the motion, which carried. Chairman York reported that no votes were taken during the Closed Session. **Vice Chairman Lattimore made a motion that the Board adopt staff compensations as follows: the Executive Director and Administrative Officer, as full-time employees, each receive a 4.5% salary increase and five (5) days of additional annual leave, effective July 1, 2019; and a 4.5% hourly pay increase for the two temporary employees. Member Johnson seconded the motion, which carried.**

Then Board Counsel Anne Brown presented the NCGS 93B Training on Board Procedures.

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Following the review and approval of applications for licensing, the Board confirmed the next regular meeting on Monday, October 14, 2019 at 10:00 a.m. in the Fuquay-Varina office.

Vice Chairman Lattimore made a motion to adjourn the meeting. Member Johnson seconded the motion, which carried.

The meeting adjourned at 12:38 p.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer