

Newsletter

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www.ncalb.org

There is a new addition to the North Carolina Auctioneer Licensing Board, a web page site! The site is filled with a tremendous amount of information for the public and licensees. This site can be accessed instead of making traditional calls to the NCALB office. Of course, we will still welcome calls for information and assistance.

Many licensees do not have access to computers and the internet in their homes. Many of the public libraries across the State of North Carolina have internet ready computers that the public can use.

This article will describe many of the major features that are available on the North Carolina Auctioneer Licensing Board's web site.

Once you arrive at the web site, the first two pages, **Introduction** and **Purpose**, give the public general information about the North Carolina Auctioneers Law and the Licensing Board.

The **Licensee Search** page allows for both the public and the licensees to search for currently licensed auctioneers and auction firms. Licensees can be searched for by name, address, city, zip code, county or license number. The status of the licensee can be checked, such as active or lapsed. The database of licensee information will be updated on a monthly basis.

The **Newsletter** page will allow users to download current and past newsletters.

The **Calendar** page offers two months of calendars at a glance. This page also lists future events. The calendar months can be moved forward to future months and the future events or moved backwards to prior months. The information provided in the list of future events includes the date, time, location, and a brief description of the event. A link to a map to the location and a link to the current weather conditions at the location are available.

The **Links** page lists organizations that have web sites and includes their links. At the present time, these links include organizations such as other licensing agencies and associations.

The **Law and Rules** page features the current North Carolina Auctioneer Law and Rules. They are searchable by section. Any General Statute that is referenced within the Law and Rules has a link. Click on the reference and you will be forwarded to the specific Statute.

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The **Documents** page features downloadable forms which include N.C. Reciprocal Licensing States, N.C. Accredited Schools of Auctioneer-

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2000 Board Meeting Dates

The Board has set the following dates and locations for its regularly scheduled meetings for the second half of the year 2000:

<u>Date</u>	<u>Location</u>
August 16	Raleigh Office
September 20	Raleigh Office
October 18	Raleigh Office
November 15	Raleigh Office
December 20	Raleigh Office

All Board meetings normally begin at 9:00 a.m. and are open for the most part to all licensees and the public. Certain matters, such as discussions on potential disciplinary cases to determine probable cause as well as final sanctions, if appropriate, are discussed in closed sessions. We encourage all interested persons to attend one or more of these meetings.

Although not required, you may wish to notify the staff if you plan to attend a meeting. This will assist in our planning to accommodate visitors.

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ing, Articles, Board Interpretations, and Application Packages.

The **Board Members** page provides biographical information about individual Board Members and their email addresses.

The **Staff** page provides general information about the NCALB's staff and their individual email addresses.

The **Disciplinary Action** page lists licensees who have had disciplinary action taken against their licenses in the past year. The information is provided for any licensee who has had a reprimand or greater punishment.

The **CE Courses** page provides information about specific continuing education classes that have been approved by the Board. This page has the same features as the Calendar page. As continuing education classes become available this page will be updated.

The **Complaints** page includes a formal complaint form that can be downloaded and instructions for the public to file a formal complaint against a licensee.

The first stage of the web page is approximately 95% complete. The second stage will enable licensees to renew their licenses annually online. The second stage will not be started until next year.

Since this site is still under construction, we are accepting suggestions and additional information that might be helpful to the public or licensees. Licensees are encouraged to provide the NCALB office with their business or personal email addresses and web site addresses. This information will be added to the database, which in turn can be retrieved off the Licensee Search page.

This web site can be used by both the public and licensees as a tool to aide them in sorting out the vast amount of information regarding the occupation of auctioneering in the State of North Carolina.

Enjoy this new addition and contact the North Carolina Auctioneer Licensing Board's office if you need assistance navigating the site.

CURRENT BOARD MEMBERS

Keith J. Pierce
Winston-Salem, NC
Chairman

Patricia D. Worley
Princeton, NC
Vice Chairman

William R. Forbes, Jr.
Creswell, NC
Board Member

James W. Johnson, III
Angier, NC
Board Member

William B. Lilly
Norwood, NC
Board Member

CURRENT STAFF MEMBERS

Robert A. Hamilton
Executive Director

Connie M. Crisman-Bernardini
Administrative Officer

Teresa Watson
Administrative Assistant

Ann Neisen
Secretary

Bruce E. Marshburn
Investigations Coordinator

Ronnie Stewart
Investigator

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Licensing Board Activity Report

This activity report covers the period from January 2000 through June 2000. The Board met six times; conducted two auctioneer licensing examination sessions and gave two auction firm exams; issued thirty-nine auctioneer licenses, two apprentice auctioneer licenses and sixteen auction firm licenses; denied licensing to four auctioneer applicants and 2 auction firm applicants; settled three cases which had been scheduled for hearings; and, attended the AANC convention in Charlotte and the AANC convention in Blowing Rock. The Chairman of the Board and Executive Director attended the NAA convention in Cancun, Mexico.

Disciplinary Actions

A summary of the disciplinary actions is as follows:

1) **Herman L. Beal, NCAL #5370 (Fayetteville)** - Herman Beal was issued a Letter of Reprimand for calling a bid at an unlicensed auction firm sale. Mr. Beal did not appeal the Letter of Reprimand as allowed by law and agreed to the Board's findings of the violation.

2) **Jesse B. Buell, NCAL #5858 (Williamston)** - Jesse Buell's auctioneer license was suspended indefinitely for failing to report federal felony indictments. Following an investigation into this matter, the Board found probable cause to suspend or revoke Mr. Buell's auctioneer license and referred the matter to the Office of Administrative Hearings as prescribed by Chapter 150B. Mr. Buell failed to respond as required and the Board suspended Mr. Buell's license indefinitely as allowed by law.

3) **Richard W. Vaughan, NCAL #3649 (Lasker)** - Richard Vaughan was issued a Letter of Reprimand for contracting and advertising an auction with an invalid license. Mr. Vaughan did not appeal the Letter of Reprimand as allowed by law and agreed to the Board's findings of the violation.

4) **V. Delton Cooper, NCAL #2076 (Maysville)** - Delton Cooper paid a \$150.00 fine in lieu of a ninety day suspension of his auctioneer license for not having a written agreement with the owner of the property that was sold; for not maintaining accounting records for auctions; for not maintaining sales records for auctions; for calling bids at unlicensed auction firm sales; and for making a false statement or giving false information in connection with an investigation by the Board's designee. Mr. Cooper waived his right to appeal as allowed by law and agreed to the Board's findings of violations.

5) **Charles W. Sentman, NCAL #2245 (Waveland,**

IN) - Charles Sentman paid a \$500.00 fine in lieu of a ninety day suspension of his auctioneer license for allowing an unlicensed person to call a bid at a sale. Mr. Sentman waived his right to appeal as allowed by law and agreed to the Board's findings of violations.

6) **Lonnie B. Daniel, NCAL #6149 (Efland)** - Lonnie Daniel was to establish a trust or escrow account; his auctioneer license was suspended for thirty days, which was suspended with a two year probationary period; pay a fine of \$500.00; and submit to the Auctioneer Licensing Board's office complete auction records for a period of ninety days. This action resulted from the investigation of two complaints in which the Board subsequently found that Mr. Daniels had failed to maintain proper accounting records and sales records; had failed to account for funds belonging to another; had engaged in unprofessional conduct; and had failed to establish and maintain a separate bank account for funds that are not disbursed on auction day. A Settlement Agreement and Consent Order were entered into between the Board and Mr. Daniel, prior to a scheduled hearing, in which he agreed to the above stipulations. Mr. Daniel admitted to the Board's findings of violations.

7) **Michael Fox International, NCAL #3860 (Baltimore, MD)** - Michael Fox International paid a \$500.00 fine in lieu of a ninety day suspension of their auction firm license for allowing a non-designated person to transact business under a firm license and for allowing an unlicensed person to call a bid at a sale. Michael Fox International waived their right to appeal as allowed by law and agreed to the Boards findings of violations.

8) **Richard A. Reese, NCAL #4678 (San Francisco, CA)** - Richard Reese paid a \$1,000.00 fine in lieu of a 180 day suspension of his auctioneer license for allowing an unlicensed person to call a bid at a sale; for calling a bid at an unlicensed auction firm sale; for engaging in unprofessional conduct; for failing to disclose in advertisements the relationship between himself and an unlicensed firm; and for permitting his name to be used in an advertisement without reviewing the contents before publication. Richard Reese waived his right to appeal as allowed by law and agreed to the Board's findings of violations.

Licensing Board Activity Report (continued)

9) **Thomas B. Heller, NCAL #6043 (Stuart, FL)** - Thomas Heller's auctioneer license was revoked indefinitely for failing to account for or to pay within a reasonable time funds that belong to another; for acts of conduct in connection with a sales transaction which demonstrates bad faith or dishonesty; and for failing to possess truth, honesty and integrity sufficient to be entitled to the high regard and confidence of the public. Following an investigation into this matter, the Board found probable cause to revoke Thomas Heller's auctioneer license and referred the matter to the Office of Administrative Hearings as prescribed by Chapter 150B. Thomas Heller failed to respond as required and the Board revoked Thomas Heller's license indefinitely as allowed by law.

10) **Larry Charles Oiler, NCAL #6762 (Wilmington)** - Larry Oiler's auctioneer license was suspended for two years for violating an order of the Board; for failing to properly make any disclosures or to provide documents or information required by the Board or its law and rules; for violating any provision of Chapter 85B; and for violation of a rule or regulation duly adopted by the North Carolina Auctioneers Commission. An Administrative Hearing was subsequently conducted before the State Office of Administrative Hearings. Upon recommendation of the Administrative Law Judge, and following deliberation, the Licensing Board adopted the Proposal For Decision filed by the Administrative Law Judge and entered a Final Agency Decision accordingly.

11) **John A. Parrish, Jr., NCAL #5367 (Raleigh)** - John Parrish's auctioneer license was suspended for a period of ninety days. This action resulted from the investigation of three auctions in which the Board subsequently found that Mr. Parrish had violations for false, misleading, or untruthful advertising; for calling a bid at an unlicensed auction firm sale; and for failure to possess truth, honesty and integrity sufficient to be entitled to the high regard and confidence of the public. A Settlement Agreement and Consent Order were entered into between the Board and Mr. Parrish, prior to a scheduled hearing, in which he agreed to the above stipulations. Mr. Parrish admitted to the Board's findings of violations.

12) **Jesse James Manuel Varner, NCAL #3911 (Asheboro)** - Jesse Varner paid a \$100.00 fine in lieu of a ninety day suspension of his auctioneer license for calling a bid at an unlicensed auction firm sale; for selling items at auction without a written agreement; for failing to maintain accounting records; and for failing to maintain records which identify the purchaser of goods sold at auction. Jesse Varner waived his right to appeal as allowed by law and agreed to the Board's findings of violations.

12) **Cautionary Letters** - During this reporting period, three letters of caution were issued for the following reasons:

- Two letters for failing to announce in advance of the auction the auctioneers intentions to procure a bid;
- One letter for not delivering all records and accounts related to an individual seller to the seller within 14 days and for not getting the seller's signature on the settlement receipt.

Congratulations to the newest Board member, James W. Johnson, III, who was appointed by Governor Hunt, and to William B. Lilly who was reappointed to his second term as a Board member by Governor Hunt.

Mr. Johnson became a licensed auctioneer in November 1981. He is President of Johnson Properties Realtors and Auctioneers, Inc., located in Angier. Mr. Johnson is active in both the National Auctioneers Association and the Auctioneers Association of North Carolina serving on the AANC's Board of Directors.

Mr. Lilly became a licensed auctioneer in May 1974. He is co-owner of Iron Horse Auction Co., Inc., located in Rockingham. Mr. Lilly is active in both the National Auctioneers Association and the Auctioneers Association of North Carolina serving on the AANC's Board of Directors.

Also, please welcome the newest employee to the North Carolina Auctioneer Licensing Board's staff, Ms. Connie M. Crisman-Bernardini, who was hired by the Board as the Administrative Officer on June 16, 2000. She will serve as Assistant to the Executive Director and is responsible for various administrative and coordinative functions associated with the administration of the Auctioneers Licensing Law.