

Newsletter

Interpretation of the Board Rules

Recently a person inquired if an individual could solicit business for a licensed auction firm without becoming a designated person for the firm or if an individual could solicit business for a non-auction firm business.

No one can solicit business for a licensed auction firm without first becoming an approved Designated Person. No one can solicit business for a non-auction firm business except the licensed auctioneer who owns and operates the business.

The person also inquired as to the new Auctioneer Licensing Board's Rules 21 NCAC 4B .0606, Auction Firms, and 21 NCAC 4B .0607, Non-Auction Firm Businesses, and the effects on the previous Board policy that allowed an individual to "birddog" for a licensed auctioneer or a licensed auction firm. The term "birddog" is slang for an entity that provides a licensed auctioneer or a licensed auction firm sources of future business prospects for compensation.

At the August regular monthly Board meeting a policy was formally adopted as it relates to "birddogging" for personal property auctions. The policy is as follows:

In instances where a licensed or unlicensed entity comes in incidental contact with another entity that requires the services of a licensed auctioneer or a licensed auction firm, the licensed or unlicensed entity can provide the licensed auctioneer or licensed auction firm the contact information of the entity that is in need of auction services. The licensee can provide compensation to the entity that provides the service of passing on this information. Compensation shall not include commission from the auction sale.

The licensed or unlicensed entity cannot arrange for, solicit for, advertise for, or contract for a licensed auctioneer. In the case of auction firms, the licensed or unlicensed entity shall not arrange for, solicit for, advertise for, or contract for a licensed auction firm without being a Board approved designated person.

It must be understood that this policy applies only to personal property. The North Carolina Real Estate Commission has specific Law's and Rules that allow only licensed real estate brokers to be compensated for the above services.

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2006/2007

Board Meeting Dates

The Board has set the following dates and locations for its regularly scheduled meetings for the end of the 2006 calendar year. The January 2007 through June 2007 dates below are tentative.

<u>Date</u>	<u>Location</u>
November 15	Fuquay Varina, NC
December 20	Fuquay Varina, NC
January 19	Greensboro, NC
February 21	Fuquay Varina, NC
March 21	Fuquay Varina, NC
April 18	Fuquay Varina, NC
May 16	Fuquay Varina, NC
June 15	Concord, NC

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 of 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.

Licensing Board Activity Report

This activity report covers the period from May 2006 through October 2006. The Board met six times; conducted six auctioneer licensing examination sessions and gave twelve auction firm exams; issued ninety-two auctioneer licenses, nine apprentice auctioneer licenses and thirty-three auction firm licenses; denied licensing to seven auctioneer and one apprentice auctioneer applicants; conducted two settlement conferences; entertained four settlement offers; attended the AANC convention in Research Triangle Park; and attended the NAA convention in Orlando, Florida.

Disciplinary Actions

A summary of the disciplinary actions is as follows:

1) **Alan D. Loeser, Sr., NCAL #7177 (Shrewsbury, PA)** - Alan D. Loeser, Sr.'s auctioneer license was revoked for giving false statements or false information on one or more applications for renewal of his license; for failing to completely cooperate with an investigation; for making one or more false statements or giving false information in connection with the Board's investigation; for failing to properly disclose the numerous civil actions filed against Auctions Worldwide or him; and for failing to notify the Board in writing of his change of address within ten days of the occurrence of the change. Upon the Board's finding of Probable Cause, an Administrative Hearing was conducted before an Administrative Law Judge. Upon a Proposal For Decision from the Administrative Law Judge and following deliberation, the Auctioneer Licensing Board adopted the Proposal For Decision and signed a Final Agency Decision upholding the Board's finding of probable cause to revoke Mr. Loeser's license.

CURRENT BOARD MEMBERS

Jesse G. Meeks
Eden, NC
Chairman

Willie A. Johnson
Greensboro, NC
Vice Chairman

Lloyd (Mickey) Meekins, Jr.
Lumberton, NC
Board Member

William M. O'Neal
Norwood, NC
Board Member

Jean W. Woolard
Plymouth, NC
Board Member

CURRENT STAFF MEMBERS

Robert A. Hamilton, Executive Director

Becky J. Stewart, Administrative Officer

Teresa L. Watson, Administrative Assistant

Barbara Phillips, Secretary

Bruce E. Marshburn, Investigations Coordinator

Ralph Southerland, Investigator

Ronnie Stewart, Investigator

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Licensing Board Activity Report (Continued)

2) **Harry A. Anderson, NCAL #2070 (Georgetown, PA)** - Harry A. Anderson paid a \$750.00 fine for one violation of making any false statement or giving any false information in connection with an application for renewal and for two violations of failing to report to the Board in writing any and all administrative proceedings which are commenced against him which involves any potential revocation or suspension of, or other disciplinary action against, any auction license or auctioneer license that he holds in another state. Harry A. Anderson waived his right to appeal as allowed by law and agreed to the Board's findings of violations.

9) **Randy A. Fiel, NCAL #6278 (Suffolk, VA)** - Randy A. Fiel paid a \$1,750.00 fine in lieu of a one year suspension of his auctioneer license for conducting an auction in this State without first having a signed written agreement with the owner of any property to be sold; for failing to maintain sales records, which identify the purchaser of all goods sold by name, address, and when possible, telephone number; for failing to have the seller sign all settlement statements; and for violating any federal or state statute or rule which relates to the auctioneering profession. Randy A. Fiel waived his right to appeal as allowed by law and agreed to the Board's findings of violations.

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

- For poor business practices;
- For concerns on how a firm's contracts are written and the obligation to fulfill specific terms of the contracts;
- For concerns with the answers that were provided on an application.