

MINUTES**NORTH CAROLINA AUCTIONEER LICENSING BOARD****November 14, 2016**

The North Carolina Auctioneer Licensing Board met on Monday, November 14, 2016, in the Fuquay-Varina Office. The meeting was called to order at 10:00 a.m. Members present were Chairman Gary Boyd, Vice Chairwoman Lisa L. Brown, Daniel H. DeVane, Susan Rogers Holder and William B. Lilly, Jr. Also present were Charles F. Diehl, Executive Director, Becky Stewart, Administrative Officer, Ralph Southerland, Investigator, and Ad Winters of Yarborough, Winters & Neville, P.A., Counsel to the Board. Other attendees were Thomas Bradley, Kenneth Bradley and Rick Lashmit.

Chairman Boyd 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 Lilly recused himself from consideration of the Probable Cause recommendations due to his participation on the Probable Cause Subcommittee meeting. Other members stated there were none.

Minutes of the meeting held on October 16, 2016 were approved as recorded on motion by Member DeVane. Vice Chairwoman Brown seconded the motion which carried unanimously. Then Ralph Southerland provided the investigative case log update as follows: nine (9) active cases and two (2) internet cases.

Then Director Diehl led a discussion on the 21 NCAC 4B-Periodic Review status update. He informed the Board the Periodic Review materials have been posted to the NCALB's website for public comment and is well in advance of the 60 day requirement. The materials have been submitted to the Office of Administrative Hearings and it is on their website. In addition all mandatory and other known interested parties have been notified, including the two trade associations for auctioneers and all auctioneers, firms and apprentices. The public comments are

due January 5, 2017. Following the public comment period, the Board will re-address its initial determination and then make a final category determination for each rule within 21 NCAC 4B at their January 9, 2017 Board Meeting. Then their final determination will be submitted to the Office of Administrative Hearing for the next procedural step.

Next Director Diehl led a discussion on the Auction School Pilot Project-Video. After a discussion, **Chairwoman Brown made a motion to continue the School Pilot Project-Video for an additional year in that all Schools of Auctioneering are authorized to use a video format of the instructor(s) in lieu of the live instructor(s) when the instructor(s) is not available, provided that a real time question and answer session is conducted between the instructor(s) and the class following the video presentation. Member DeVane seconded the motion which carried unanimously.** Director Diehl was directed to inform the Schools of Auctioneering.

At this time the Board considered the Probable Cause Subcommittee recommendations and the following motion was made: **Member Holder made a motion to accept the Probable Cause Subcommittee recommendations. Vice Chairwoman Brown seconded the motion which carried unanimously.** Member Lilly being the Probable Cause Member did not participate in the discussion nor did he vote due to his participation on the Probable Cause Subcommittee. Then Director Diehl reported on the Ad Violations and other Informal Investigations for the Month of October.

Then Director Diehl presented the financial information concerning the individual month of October. Following review **Vice Chairwoman Brown made a motion to accept the financial information for the month of October. Member Holder seconded the motion which carried unanimously.**

Next Director Diehl provided each Board Member with a copy of the Audit Report for Fiscal Year 2015-2016 for their review. Following this review, **Member DeVane moved to**

accept the Audit Report for Fiscal Year 2015-2016 as presented. Member Lilly seconded the motion, which carried unanimously.

Next Director Diehl provided the results of the October 6, 2016, auctioneer examination, which were as follows: eleven (11) examinees with nine (9) passing and two (2) failing.

Then Director Diehl presented for Consideration a Request from the Auctioneers Association of North Carolina (AANC) an invitation for the Board to hold its January meeting at their January 2017 AANC Annual Convention in Greensboro. After review and discussion **Member DeVane made a motion to not have the meeting in association with the AANC Convention, however encouraged all Board Members to attend. Vice Chairwoman Brown seconded the motion which carried unanimously.**

At this time, Director Diehl presented for Consideration of Pre-approval the Application for Reimbursement of Continuing Education Expenses for the Auctioneers Association of North Carolina (AANC) 2017 January Convention. Following review, **Member Lilly made a motion to approve the Application for Reimbursement of Continuing Education Expenses for the AANC up to \$6,836.00 subject to verification by staff. Member Holder seconded the motion which carried unanimously.**

Next the Board reviewed the Board Meeting and Examination Dates from January 2017 thru December 2017. After review, **a motion was made by Member Lilly to accept the 2017 Board Meeting and Examination Dates. Member DeVane seconded the motion which carried unanimously.** In compliance with G.S. 143-318.12, the following schedule of regular meetings of the Board was set.

January 9, 2017	10:00 a.m.	Fuquay-Varina Office
February 13, 2017	10:00 a.m.	Fuquay-Varina Office
March 13, 2017	10:00 a.m.	Fuquay-Varina Office
April 10, 2017	10:00 a.m.	Fuquay-Varina Office

May 8, 2017	10:00 a.m.	Fuquay-Varina Office
June 12, 2017	10:00 a.m.	Fuquay-Varina Office
July 10, 2017	10:00 a.m.	Fuquay-Varina Office
August 4, 2017	10:00 a.m.	Fuquay-Varina Office
September 11, 2017	10:00 a.m.	Fuquay-Varina Office
October 9, 2017	10:00 a.m.	Fuquay-Varina Office
November 13, 2017	10:00 a.m.	Fuquay-Varina Office
December 11, 2017	10:00 a.m.	Fuquay-Varina Office

Then Director Diehl presented for Consideration the Approval of New Continuing Education Course and Instructors for the Auctioneers Association of North Carolina (AANC) – If Only I Had Known/Betty O’Neal with Executive Director Charles Diehl assisting. After review of the presented materials, **Member Lilly made a motion to approve the New CE Course and Instructors for the Auctioneers Association of North Carolina (AANC) with Vice Chairwoman Brown seconding the motion which carried unanimously.**

At this time Director Diehl being the Boards Ethics Liaison provided each member with a NC Ethics Commission Newsletter. Director Diehl led a discussion that the State Government Ethics Act (SGEA) and the Lobbying Law prohibits certain gift giving and this Newsletter provides information on the subject. In addition Director Diehl informed each member that their Statement of Economic Interest (SEI) should be completed in early 2017 and submitted to the Ethics Commission by April 15, 2017. Reminders will be sent to each Board Member.

Next under other business Director Diehl informed the Board that the Attorney General’s Office accepted the Board’s request to provide legal counsel. The Board’s new attorney will be Ms. Susannah Holloway beginning January 1, 2017. Director Diehl also informed the Board that the website’s homepage has been updated to allow more visibility of the complaint process with the form easily accessible. The complaint form can be printed from the website, but must still be

notarized and submitted manually to the Board's Office pursuant to the NC Auctioneer Laws and Rules. Although not required, this was a legislative recommendation. Then Director Diehl thanked the Board for allowing him to attend the Investigator Training Session in Richmond, VA. He found it very helpful.

Following the review and approval of applications for licensing, the Board confirmed the next regular meeting on Monday, December 12, 2016 at 10:00 a.m. in the Fuquay-Varina office.

The meeting adjourned at 10:50 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer