

## MINUTES

## NORTH CAROLINA AUCTIONEER LICENSING BOARD

October 17, 2016

The North Carolina Auctioneer Licensing Board met on Monday, October 17, 2016, in the Fuquay Varina Office. The meeting was called to order at 10:00 a.m. Members present were Chairman Daniel H. DeVane, Vice Chairman Gary Boyd, Lisa L. Brown via telephone, Susan Rogers Holder, and William B. Lilly, Jr. Also, present were Charles F. Diehl, Executive Director, Becky Stewart, Administrative Officer, Ralph Southerland, Investigator, and Garris Neil Yarborough of Yarborough, Winters & Neville, P.A., Counsel to the Board.

Chairman DeVane 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. Vice Chairman Boyd recused himself due to his participation on the Probable Cause Subcommittee meeting and Member Lilly recused himself from the Consideration of Continuing Education Proposal due to the possibility of being a course instructor for the AANC.

At this time Chairman DeVane presented Mr. Moses T. Gallion a plaque in honor of his recognition of service to the Board for the past three years. Mr. Gallion thanked the Board. Following Chairman DeVane welcomed visitor, Elaine Christian with the AANC to the Board meeting.

Next Chairman DeVane announced that he had decided to step down as Chairman of the Board and requested the Board elect a new Chairman and Vice Chairman at this time. Member DeVane thanked the Board for their support during his time of service as Chairman. **Member Holder made a motion to elect Vice Chairman Boyd as Chairman. Member Lilly seconded the motion which carried unanimously. Member Lilly made a motion to elect Lisa L. Brown as Vice Chairwoman. Member DeVane seconded the motion which carried unanimously.**

Minutes of the meeting held on September 12, 2016 were approved as recorded on motion by Chairman Boyd. Member Holder seconded the motion which carried unanimously. Then Ralph Southerland provided the investigative case log update as follows: seven (7) active cases, three (3) internet cases, and zero (0) cases under appeal.

Next Director Diehl led a discussion on local regulations with auction issues. Director Diehl informed the Board staff is continuing to research the issue and will provide additional information at a subsequent board meeting.

Then Director Diehl led a discussion on the 21 NCAC 4B-Periodic Review/Initial Determinations of the Rules. The Legislative requires that each state agency review their existing rules and make an initial determination of each rule in specific categories: 1) necessary with substantive public interest, 2) necessary without substantive public interest or 3) unnecessary. After review and discussion **Member DeVane made a motion that all 21 NCAC 4B is necessary with substantive public interest except 21 NCAC 4B.0102 which is necessary without substantive public interest. Member Holder seconded the motion which carried unanimously.** Following a public comment period, the Board will then make final category determinations for each rule within 21 NCAC 4B.

Next 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 recommendation. Vice Chairwoman Brown seconded the motion which carried unanimously.** Chairman Boyd 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 September.

Director Diehl presented the financial information concerning the individual month of September. Following review **Member DeVane made a motion to accept the financial**

information for the month of September 2016. Member Holder seconded the motion which carried unanimously.

The Board then reviewed the Request for Continuing Education Proposal. After review and discussion **Member Holder moved to award the Continuing Education Proposal for the Eastern, Middle, and Western Districts to the Auctioneers Association of North Carolina (AANC). Member DeVane seconded the motion which carried unanimously.** Member Lilly recused himself from the Consideration of Continuing Education Proposal due to the possibility of being a course instructor for the AANC.

Then Director Diehl provided an update on the Legislative Administrative Procedures Oversight Study Commission for Occupational Licensing Boards.

Next under other business a discussion was held regarding legal services. After the discussion, **Member DeVane moved to accept Garris Neil Yarborough's offered resignation effective December 31, 2016, and instructed Director Diehl to contact the Attorney General's Office to research if the Board could utilize their services for legal representation and report to the Board at the November meeting. Vice Chairwoman Brown seconded the motion, which carried unanimously.** Also under other matters Director Diehl requested that each Board Member consider if they wish to continue the Board meetings on the second Monday of each month or change and be prepared to discuss at the November meeting.

Following the review and approval of applications for licensing, the Board confirmed the next regular meeting on Monday, November 14, 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