

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

OCTOBER 11, 2010

The North Carolina Auctioneer Licensing Board met on Monday, October 11, 2010, in the Fuquay-Varina office. The meeting was called to order at 9:00 a.m. Members present were: Chairperson Keith J. Pierce, Vice Chairperson William B. Lilly, Randy B. Lee and Jesse G. Meeks. Also present: Executive Director Teresa L. Watson and Garris Neil Yarborough, Counsel to the Board.

Chairperson Pierce 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 and each member indicated there were none.

Minutes of the meeting held on September 13, 2010, were approved as recorded on motion by Vice Chairperson Lilly. Member Meeks seconded the motion which carried unanimously. Next, Investigator Southerland provided a case log update.

At this time, Board Counsel Yarborough presented a request from Adam Saul Levinsohn, NCAL #8975, and East Coast Financial, Inc., NCFL #8995, asking for a continuance of his Administrative Hearing. Following a discussion on this request, **Vice Chairperson Lilly moved to grant a 120-day continuance for the Administrative Hearing of Adam Saul Levinsohn, NCAL #8975, and East Coast Financial, Inc., NCFL #8995. Mr. Lilly further moved that Mr. Levinsohn not engage in any auction activities in North Carolina during this 120-day continuance. Member Meeks seconded the motions which carried unanimously.**

Next, Mr. Yarborough gave an update on IronPlanet and presented a letter for Board approval advising IronPlanet of their need to obtain an auction firm license. Following review of the presented letter, **Member Meeks moved to approve and send the letter to IronPlanet as**

prepared by Board Counsel Yarborough. Member Lee seconded the motion which carried unanimously. Mr. Yarborough also provided for the Board's review and discussion a handout of New Hampshire's recent law update regarding the use of electronic and non-electronic means of competitive bidding.

The Board then considered the Probable Cause Subcommittee Recommendations and the following motion was made. **Member Meeks moved to accept Probable Cause Subcommittee Recommendations. Member Lee seconded the motion which carried unanimously.** Vice Chairperson Lilly did not participate in the discussions nor did he vote on these matters involving the Probable Cause Subcommittee Recommendations due to his participation on the Probable Cause Subcommittee.

Next, Director Watson provided the results of the October 7, 2010, auctioneer examination which were as follows: six (6) examinees with two (2) passing and four (4) failing. Ms. Watson then presented a request from Mendenhall School of Auctioneering for consideration for approval of a new CE Instructor and CE course. Following a review of the provided materials from Mendenhall School of Auctioneering, **Member Meeks moved to approve the new CE Instructor, Sindy Martin, and the new CE course, "Smartin-Up Your Professionalism."** Member Lee seconded the motion which carried unanimously.

A discussion was then held regarding continuing education and the "Requests for CE Proposals." Following this discussion, **Member Meeks moved to approve the "Requests for CE Proposals" as prepared by Board Counsel and instructed staff to submit the "Requests for CE Proposals" to all approved Board-approved CE Sponsors. Vice Chairperson Lilly seconded the motion which carried unanimously.**

The next item presented for Board review and approval was the NCALB Newsletter. Following a review of this item, **Vice Chairperson Lilly moved to approve the NCALB**

Newsletter as presented and instructed staff to mail out to all current licensees. Member Meeks seconded the motion which carried unanimously. Next, financial information concerning the individual month of September 2010 was reviewed by the Board.

At this time, Director Watson presented a request from Gerald James Koucky, a North Carolina resident, asking that the Board respect and accept his Ohio auctioneer license, waive the written examination requirement and issue him a North Carolina Auctioneer License. Following consideration of this request, **Member Lee moved to deny Mr. Koucky's request based on the Licensing Board's Law and Rules, N.C.G.S. 85B-5(a). Member Meeks seconded the motion which carried unanimously.** Next, Ms. Watson presented a request from Elaine Christian, AANC, asking for confirmation on the time allotted for the "NCALB Update" during the January 2011 AANC Convention which has been scheduled for Friday, January 14, 2011, from 12:10 p.m. till 1:00 p.m. The time allotment was approved by the Board.

The Administrative Hearing for Michael Edwin Jackson, Auctioneer Applicant, began at 10:05 a.m. Due to his participation on the Probable Cause Subcommittee, Vice Chairperson Lilly recused himself from the Hearing. Chairperson Pierce presided at the Hearing, and then turned the proceeding over to Garris Neil Yarborough, Legal Counsel. The respondent, Michael Edwin Jackson, was represented by Jonathan S. Care, Attorney at Law. The Hearing concluded at 10:40 a.m. with the record being held open for the submission of proposed Findings of Fact and Conclusions of Law from each party within 20 days. The recording of the proceeding will be made available to both parties upon request, and the Board will consider the Findings of Fact and Conclusions of Law submitted by each party at the November 8, 2010, meeting and thereafter render a decision in this matter.

Following the review and approval of applications for licensing, the Board confirmed the next meeting as Monday, November 8, 2010, at 9:00 a.m. in the Fuquay-Varina office. The meeting was

adjourned at 10:50 a.m.

Respectfully Submitted,

Teresa L. Watson
Executive Director