

MINUTES**NORTH CAROLINA AUCTIONEER LICENSING BOARD****October 9, 2017**

The North Carolina Auctioneer Licensing Board met on Monday, October 9, 2017 in the Fuquay-Varina Office. The meeting was called to order at 10:00 a.m. Members present were Chairman Gary Boyd, Vice Chairman William B. Lilly, Jr., Lisa L. Brown, Daniel H. DeVane and Susan R. Holder. Also present were Charles F. Diehl, Executive Director, Becky Stewart, Administrative Officer, Ralph Southerland, Investigator, and Special Deputy Attorney General Anne Brown with the NC Department of Justice.

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. Board Member Brown recused herself from consideration of the Probable Cause Subcommittee recommendations due to her attendance and participation in the Probable Cause Subcommittee meeting. Other members stated there were none. Then Chairman Boyd welcomed visitor Kelly Nicholas to the board meeting.

Minutes of the meeting held on September 14, 2017 were approved as recorded on motion by Member Holder. Member DeVane seconded the motion which carried unanimously.

Next Director Diehl reported, as expressed in a previous email that the Attorney General's Office concurs that NCALB needs to make the transition as directed by the Office of State Controller that Board members should be treated as temporary employees for payment of their per diem, and that further delay in implementation could yield significant financial penalty for the Board. Director Diehl report that Temporary Solutions will be handling the payment of their monthly per diem and a representative will be here at 11:00 a.m. today to discuss and complete the appropriate paperwork. Then Ralph Southerland provided the investigative case

log update as follows: thirteen (13) active cases and two (2) cases under appeal.

At this time the Board considered the Probable Cause Subcommittee recommendations and the following motion was made: **Member DeVane made a motion to accept the Probable Cause Subcommittee recommendations. Vice Chairman Lilly seconded the motion which carried unanimously.** Member Brown recused herself from consideration of the Probable Cause recommendations due to her attendance and participation in the Probable Cause Subcommittee meeting.

Next Director Diehl reported on the Ad Violations and other Informal Investigations for the month of September. Then Director Diehl presented the financial information concerning the individual month of September. Following review, **Member Holder made a motion to accept the financial information for the month of September. Member Brown seconded the motion which carried unanimously.**

Next Director Diehl provided each Board Member with a copy of the Audit Report for Fiscal Year 2016-2017. Director Diehl requested that each board member take the audit report home for thorough review. Should they have any questions or concerns, please contact him and those issues will be addressed at the next board meeting. However, Director Diehl provided highlights from the auditor's report stating that staff is operating properly and the report shows solid financials. Following the report, **Vice Chairman Lilly made a motion to accept the Audit Report for Fiscal Year 2016-2017 as presented. Member DeVane 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) 2018 January Convention. Following review, **Member DeVane made a motion to approve the Application for Reimbursement of Continuing Education Expenses for the AANC up to \$7,790.00 subject to verification by staff. Member Holder seconded the motion**

which carried unanimously.

Next Director Diehl presented for Consideration the Approval of New Continuing Education Courses and Instructors for the Auctioneers Association of North Carolina (AANC) – Guns at Auction/Auctioneer Ethics, Mike Brandly and Transitioning to Online Auctions/Innovations and the Changing Auction Industry-A Look into the Near Future, Chris Ramus. After review, **Member Holder made a motion to approve the New CE Courses and Instructors for the Auctioneers Association of North Carolina. Member DeVane seconded the motion which carried unanimously.**

The Board then reviewed the Request For Proposal for the board funded continuing education education program. After review and discussion, **Member Holder moved to accept the Continuing Education Proposal for the Eastern, Middle, and Western Districts from the Auctioneers Association of North Carolina (AANC). Member Brown seconded the motion which carried unanimously.**

Under Other Business, Director Diehl reported the NC Department of Natural and Cultural Resources has created a new Records Retention and Disposition Schedule and has requested all Boards and Commissions review their current records retention policies and adopt the new Records Retention and Disposition Schedules in the areas that are relevant for each agency. Becky Stewart has been working with the NC Department of Natural and Cultural Resources to update the NCALB records retention policy and adopt the schedules that are needed. Additional information and a proposal to adopt the new schedules will be submitted for consideration at a subsequent board meeting.

Next Director Diehl reported that he had received a request from an Occupational Licensing Board requesting this Board's participation in an Amicus Brief regarding a challenge to the statutory prohibition of attorney's fees being awarded in Occupational Licensing Board cases. **Member DeVane made a motion to go into closed session to discuss litigation issues. Vice Chairman Lilly seconded the motion which carried unanimously.** The Board went into closed session at

10:35 a.m. **Member Holder made a motion to return to open session, with Vice Chairman Lilly seconding the motion which carried unanimously.** The Board returned to open session at 10:50 a.m. No votes were taken during closed session.

Following the review and approval of applications for licensing, the Board confirmed the next regular meeting on Monday, November 13, 2017 at 10:00 a.m. in the Fuquay-Varina office.

Vice Chairman Lilly made a motion to adjourn the meeting with Member Holder seconding the motion which carried unanimously.

The meeting adjourned at 11:00 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer