

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

September 12, 2016

The North Carolina Auctioneer Licensing Board met on Monday, September 12, 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, Susan Rogers Holder, and William B. Lilly, Jr. Also, present were Charles F. Diehl, Executive Director, Becky Stewart, Administrative Officer, and Garris Neil Yarborough of Yarborough, Winters & Neville, P.A., Counsel to the Board.

Chairman DeVane welcomed new board member Mr. Lilly, and visitors Mr. Rick Lashmit, Ms. Kelly Nicholas, Mr. Phil Burtleson and Mr. Coleman Phifer to the Board meeting.

Then 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 from the Final Agency Decision of North Carolina Auctioneer Licensing Board v. David L. Hubbard, NCAL #9479/Another's Treasure Auction House, NCFL #9314 due to his participation on the initial Probable Cause Subcommittee meeting held on February 8, 2016 and Member Holder recused herself from Probable Cause due to her participation on the Probable Cause Subcommittee meeting held today. Other members stated there were none.

At this time the **“Evaluation of Statement of Economic Interest Filed by “Mr. William B. Lilly, Jr.”** was verbally presented by the Chairman and recorded in the minutes pursuant to G.S. 183A-15(c). Each Board Member was presented with a flier entitled **“State Government Ethics Act – Education Requirements for Public Servants.”**

Minutes of the meeting held on August 8, 2016 were approved as recorded on motion by Vice Chairman Boyd. Member Holder seconded the motion which carried unanimously. Then Director Diehl provided the investigative case log update as follows: nine

(9) active cases, four (4) internet cases, and zero (0) cases under appeal.

Next, Board Counsel Yarborough gave instructions to the Board regarding their rendering of the Final Agency Decision concerning David L. Hubbard, NCAL #9479/Another's Treasure Auction House, NCFL #9314. Following review and discussion, **Member Brown made a motion to amend the "Proposed Findings of Fact and Conclusions of Laws" and adopt a new Final Agency Decision as follows, Effective October 1, 2016, David L. Hubbard, Jr., NCAL #9479 and the auction firm licensee of Another's Treasure Auction House, NCFL #9314 shall be suspended for a period of six months and the Licensees shall not engage in any auctioneering activities during that period. During the period of suspension, the Licensees shall read and thoroughly review the North Carolina Laws and Rules for Auctioneers, watch the DVD produced by the NCALB on the Law and Rules and provide a signed affidavit that the aforementioned conditions have been satisfied and the Licensees have not engaged in any auctioneering activities during the period of suspension. Upon review of the affidavit provided to the Executive Director after the six month period of suspension has expired, if these conditions have been satisfied, the Licensees' licenses shall be reactivated by the Executive Director. Member Holder seconded the motion which carried unanimously.**

Then Director Diehl informed the board that the Errors & Omissions Insurance Policy has been secured and is in place at this time.

Next the Board considered the Probable Cause Subcommittee recommendations and the following motion was made: **Vice Chairman Boyd made a motion to accept the Probable Cause Subcommittee recommendation. Member Brown seconded the motion which carried unanimously.** Member Holder being the Probable Cause Member did not participate in the discussion nor did she vote due to her participation on the Probable Cause Subcommittee.

At this time Director Diehl provided the results of the August 4, 2016, auctioneer

examination, which were as follows: nineteen (19) examinees with thirteen (13) passing and six (6) failing. Then Director Diehl reported on the Ad Violations and/or other Informal Investigations for the Month of August.

Director Diehl presented the financial information concerning the individual month of August. Following review, **Vice Chairman Boyd made a motion to accept the financial information for the month of August 2016. Member Brown seconded the motion which carried unanimously.**

Next Chairman DeVane recognized Mr. Rick Lashmit to address the board. A brief discussion was held regarding licensees' concerns about tag sales and consumer protection issues.

At this time Director Diehl presented for Consideration the Approval of New CE Courses and Instructors for the Auctioneers Association of North Carolina (AANC) – UCC 2-238 and Auction Verdicts/ Mike Brandly and How to Take It to the Next Level and Building a Winning Team/John Nicholls. After review of the presented materials, **Member Lilly made a motion to approve the New CE Courses and Instructors for the Auctioneers Association of North Carolina (AANC) with Vice Chairman Boyd seconding the motion which carried unanimously.**

The next item on the agenda for the Board's Consideration was the Recognition of Service for Moses T. Gallion. After a discussion, **Member Holder made a motion, as board policy, that a plaque be given in recognition of board members services at the end of their appointment. Member Brown seconded the motion which carried unanimously.**

At this time Director Diehl distributed print outs of 21 NCAC 4B and requested that each board member review the rules and be prepared to discuss any changes that may be needed at the October 10, 2016 board meeting.

Director Diehl presented for the Board's Consideration the Apprentice Auctioneer License Application for Larry Joseph Hennings with James Lynn Myers, NCAL #6647 as his Sponsor. After review of the presented application, **Member Brown made a motion to approve the Application for an Apprentice License for Larry Joseph Hennings with James Lynn Myers as his Sponsor.**

Vice Chairman Boyd seconded the motion which carried unanimously.

Next under other matters, Member Holder led a discussion on the concern for lack of knowledge by licensees on the laws and rules governing the North Carolina Auctioneers based on the disciplinary actions and complaints against licensees. After discussion, **Member Holder made a motion to have staff develop a proposal for continuing education courses based on the disciplinary actions and complaints. Member Brown seconded the motion which carried unanimously.** Also under other matters Member Lilly addressed a concern that some local municipalities have ordinances that will not allow live auctions. After discussion, **Member Lilly made a motion for Director Diehl to investigate if any municipalities have ordinances that do not allow live auctions and report his findings to the board at the October 10, 2016 meeting. Vice Chairman Boyd seconded the motion which carried unanimously.**

Then Vice Chairman Boyd made a Motion to go into Closed Session to discuss a personnel matter with Member Lilly seconding the motion which carried unanimously. The Board went into Closed Session at 10:56 a.m. The Board returned to open session at 11:10 a.m. by motion from Vice Chairman Boyd with Member Lilly seconding the motion which carried unanimously. Director Diehl stated no motions were made during the Closed Session.

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

The meeting adjourned at 11:35 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer