

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

September 11, 2017

The North Carolina Auctioneer Licensing Board met on Monday, September 11, 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. Vice Chairman Lilly recused himself from consideration of the Probable Cause Subcommittee recommendations held today due to his attendance and participation in the Probable Cause Subcommittee meeting and the 11:00 a.m. Administrative Hearing – Appeal of Auctioneer License Application Denial due to his attendance and participation in the Probable Cause Subcommittee meeting held on June 12, 2017. Other members stated there were none. Then Chairman Boyd welcomed visitor Kelly Nicholas to the board meeting.

Minutes of the meeting held on August 14, 2017 were approved as recorded on motion by Member DeVane. Member Brown seconded the motion which carried unanimously. Then Ralph Southerland provided the investigative case log update as follows: seven (7) 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 Holder made a motion to accept the Probable Cause Subcommittee recommendations. Member Brown seconded the motion which carried unanimously.** Vice Chairman Lilly recused himself from consideration of the Probable

Cause recommendations due to his attendance and participation in the Probable Cause Subcommittee meeting.

Next Director Diehl provided the results of the August 3, 2017 auctioneer examination, which were as follows: thirteen (13) examinees with nine (9) passing and four (4) failing. Then Director Diehl reported on the Ad Violations and other Informal Investigations for the Month of August.

Next Director Diehl presented the financial information concerning the individual month of August and reported that the building loan has been paid off. Following review, **Vice Chairman Lilly made motion to accept the financial information for the month of August. Member DeVane seconded the motion which carried unanimously.**

Then Executive Director Diehl presented for the Board's consideration the Renewal Applications for Schools of Auctioneering Accreditation; a) Carolina Auction Academy; b) Florida Auction Academy; c) Kentucky Auction Academy; d) Lenoir Community College; e) Mendenhall School of Auctioneering; f) Missouri School of Auctioneering; g) Nashville Auction School, LLC; h) North Georgia School of Auctioneering; i) Southeastern School of Auctioneering; j) Texas Auction Academy; and, k) Worldwide School of Auctioneering. **Vice Chairman Lilly made a motion to approve the Renewal Applications for Schools of Auctioneering Accreditation with Member DeVane seconding the motion which carried unanimously.**

At this time Director Diehl gave an update on the NC Office Controller's Interpretation of IRS Directive. He has requested Special Deputy Attorney General Kelly Chambers with the Attorney General's Office to review this matter. The Board wishes to continue to wait to implement this directive until Special Deputy Attorney General Kelly Chambers has completed her review. Director Diehl also reported that the Attorney General's Office has not assigned the board permanent counsel.

Then Director Diehl requested the Board to consider going into closed session to discuss a proposed discipline settlement agreement. **Vice Chairman Lilly made a motion to go into closed session to discuss a proposed disciplinary settlement agreement with Member Holder seconding the motion, which carried unanimously. The Board went into closed session at 10:22 a.m. The Board returned to open session at 10:31 a.m. by motion from Vice Chairman Lilly with Member DeVane seconding the motion, which carried unanimously.** Director Diehl stated the following motion was made and carried unanimously during closed session: **A motion was made to approve the disciplinary settlement agreement between the Board and Peter Alexander, NCAL #9370 and Auctions and Antiques, LLC, NCFL #8957 with a Consent Order recognizing a three (3) months suspension of his licenses effective November 1, 2017 through Jan. 31 2018. Member DeVane made the motion and Member Brown seconded the motion which carried unanimously.**

Following the review and approval of applications for licensing, **Vice Chairman Lilly made a motion to go into recess with Member DeVane seconding the motion which carried unanimously.** The Board went into recess at 10:41 a.m.

The Administrative Hearing, Appeal of Auctioneer License Application Denial – Adam Saunders McDaniel began at 11:00 a.m. Due to his participation on the Probable Cause Subcommittee, Vice Chairman Lilly recused himself from the Hearing. Chairman Boyd presided at the Hearing, and then turned the proceeding over to Assistant Attorney General Anne Brown, Board's Legal Counsel. The respondent, Adam Saunders McDaniel was represented by his attorney, Mr. Eric Altman. The Hearing concluded at 11:20 a.m. at which time Board went into Closed Session to consider the proposed findings and facts and to render a decision. The Board returned to Open Session at 11:35 a.m. to render its Final Agency Decision concerning Auctioneer License Application Denial – Adam Saunders McDaniel. Chairman Boyd stated the Board's final decision as follows: The Board will grant Adam Saunders McDaniel a probationary auctioneer license for one (1) year. The license will be issued immediately. A probationary report, including a current Local Criminal History Records Search from the Clerk of Superior Court in the County where Adam Saunders McDaniel resides and maintains a business, if applicable, is due at the Board's office by September 11, 2018. Said license will continue until the probationary report is reviewed by the

Board at their October 2018 meeting. Assistant Attorney General Brown stated the Denial Order will be dropped.

The Board confirmed the next regular meeting on Monday, October 9, 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 11:44 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer