

MINUTES**NORTH CAROLINA AUCTIONEER LICENSING BOARD****SEPTEMBER 14, 2009**

The North Carolina Auctioneer Licensing Board met on Monday, September 14, 2009, in the Fuquay-Varina office. The meeting was called to order at 9:10 a.m. Members present were: Chairperson Jesse G. Meeks, Vice Chairperson Keith J. Pierce, Lloyd (Mickey) Meekins, Jr., and William M. O'Neal. Also present: Executive Director Teresa L. Watson and Garris Neil Yarborough, Counsel to the Board.

Chairperson Meeks 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 August 10, 2009, were approved as recorded on motion by Member Meekins. Member O'Neal seconded the motion which carried unanimously.

At this time, Lee M. Danhauer, NCAL #8030, of Danhauer & Associates, LLC, NCFL #8179, appeared before the Board to discuss "on-line" auction regulation by the Board. He expressed his desire to see the Board regulate agents who contract with sellers and then sell those items on-line. Mr. Danhauer also expressed that he felt unlicensed out-of state auctioneers/auction firms were using this method to "skirt" North Carolina law. Following a lengthy discussion on this issue, Board Counsel Yarborough advised that he would be contacting the Pennsylvania and Tennessee Auction Commissions, who have previously tackled the regulation of "on-line" auctions, and report his findings at the next Board meeting.

Next, a discussion was held concerning the October 12, 2009, "Open House." Director Watson presented the "Open House" invitation for the Board's review and approval and advised that Freedom Constructors, Inc., of Dunn had graciously volunteered to "host" the event. Following

a review of the invitation and finalizing the guest list, **Member Meekins moved to approve the “Open House” invitation as presented. Vice Chairperson Pierce seconded the motion which carried unanimously.**

At this time, Director Watson advised that Board Counsel Yarborough and she would be attending the “Rulemaking 201” training session being provided by the North Carolina Office of Administrative Hearings as discussed during the August 10, 2009, Board meeting. Mr. Yarborough also advised that he would continue with the proposed auction firm rule changes after completion of the training session.

The CE Committee gave an update regarding the progress of their negotiations with Steve Proffitt and his providing continuing education classes across North Carolina and Board Counsel Yarborough provided a copy to each member of his August 24, 2009, letter to Mr. Proffitt. Following a discussion on this matter, CE Committee Member Meekins was instructed to contact Mr. Proffitt and continue with the negotiations and notify the Board of his results.

As instructed at the August 10, 2009, Board meeting, Mr. Yarborough provided for the Board’s review a clarification letter addressed to the AANC outlining what expenses would be covered for their future planning of CE classes. Following a review of this clarification letter, **Member Meekins moved to approve the letter as prepared by Board Counsel Yarborough for submission to the AANC. Vice Chairperson Pierce seconded the motion which carried unanimously.**

The Board next considered the Probable Cause Subcommittee Recommendations and the following motion was made. **Vice Chairperson Pierce moved to accept the Probable Cause Subcommittee Recommendations Items 1 thru 4. Member Meekins seconded the motion which carried unanimously.** Member O’Neal 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. **Vice Chairperson Pierce moved to accept the Probable Cause Subcommittee Recommendations Items 5 thru 6. Member O’Neal seconded the motion which carried unanimously.** Member Meekins 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. **Member Meekins moved to accept the Probable Cause Subcommittee Recommendation Item 7. Member O’Neal seconded the motion which carried unanimously.** Vice Chairperson Pierce did not participate in the discussion nor did he vote on this matter involving the Probable Cause Subcommittee Recommendation due to his participation on the Probable Cause Subcommittee.

Director Watson presented requests from Ivan Broadwell Educational Seminars, Stanly Community College, and Charles D. Rudd/East Coast School of Auctioneering for consideration of new CE courses. Following a review of the provided materials, **Member Meekins moved to approve the addition of the CE course “NC Auction Law Update and Review” for Ivan Broadwell Education Seminars; to approve the addition of the CE course “Law Review” for Stanly Community College; and to approve the addition of the CE course “Auctioneers Due Diligence-Discipline (.0404) – Action – (.0405)” for Charles D. Rudd/East Coast School of Auctioneering.” Member O’Neal seconded the motion which carried unanimously.**

At this time, the Board reviewed the “Renewal Applications for Schools of Auctioneering” and considered the addition of two new instructors. Following a review of the provided materials, **Member Meekins moved to approved the two-year renewal accreditation for Missouri Auction School; Southeastern School of Auctioneering; Nashville Auction School; Lenoir Community College; Mendenhall School of Auctioneering; Reppert School of Auctioneering; North Georgia School of Auctioneering; and, Florida Auctioneer Academy and the addition of Darren Rudd and Justin Ochs as instructors for Nashville Auction School. Member O’Neal**

seconded the motion which carried unanimously.

The next item discussed was the assignment of a Board ethics liaison to comply with the State Governments Ethics Act and Lobbying Law. **Member Meekins moved to assign Director Watson as the ethics liaison for the Board. Member O'Neal seconded the motion which carried unanimously.** Also at this time, financial information concerning the individual month of August 2009 was reviewed by the Board.

Director Watson informed the Board that on August 30, 2009, she had been notified by the Boards & Commissions Office that Ms. Yolanda Mason-Smith had submitted her immediate resignation as a Board Member. Ms. Watson also informed the Board that on September 3, 2009, Milt Dutko had submitted his resignation as Board Investigator to be effective immediately. Also at this time, Director Watson presented for the Board's review, Performance Appraisals for Board Personnel. **Member Meekins moved to go into Closed Session pursuant to G.S. 143-318.18 to discuss personnel matters. Member O'Neal seconded the motion which carried unanimously.** The Board went into Closed Session at 11:30 a.m. and returned to Open Session at 12:35 p.m.

Upon returning to Open Session, **Chairperson Meeks moved that Teresa L. Watson, Executive Director, receive a \$5,000.00 pay increase. Vice Chairperson Pierce seconded the motion which carried unanimously. Chairperson Meeks then moved that the annual salary of Rebecca J. Stewart, Administrative Officer, be increased to \$40,000.00. Member O'Neal seconded the motion which carried unanimously.** Both Ms. Watson and Ms. Stewart thanked the Board.

Following the review and approval of applications for licensing, the Board confirmed the next meeting as Monday, October 12, 2009, at 9:00 a.m. in the Fuquay-Varina office. The meeting was adjourned at 1:00 p.m.

Respectfully Submitted,

Teresa L. Watson
Executive Director