

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

SEPTEMBER 12, 2011

The North Carolina Auctioneer Licensing Board met on Monday, September 12, 2011, in the Fuquay-Varina office. The meeting was called to order at 9:15 a.m. Members present were: Chairperson Randy B. Lee, Vice Chairperson William B. Lilly, and Jesse G. Meeks. Also present: Executive Director Teresa L. Watson and Garris Neil Yarborough, Counsel to the Board.

Chairperson Lee 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 8, 2011, 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 and presented an Investigative Report regarding AuctionTime.com. Also at this time, discussion was held regarding topics in the Board's November Newsletter which included "Chairperson's Corner," results of the CE Bid Proposal and Legal Counsel's practice tips. Staff was directed to have a "draft" copy of the Board's November Newsletter ready for review at the October 10, 2011, Board Meeting.

Director Watson provided the results of the August 4, 2011, auctioneer examination which were as follows: 14 examinees with all 14 passing. Next, the Board considered the Probable Cause Subcommittee Recommendations and the following motions were made. **Member Meeks moved to accept Probable Cause Subcommittee Recommendations No. 1 thru 7. Chairperson 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. **Vice Chairperson**

Lilly moved to accept Probable Cause Subcommittee Recommendation No. 8. Chairperson Lee seconded the motion which carried unanimously. Member Meeks 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.

Discussion was held concerning the consideration of the renewal of the Lawn Maintenance Contract. Following this discussion, **Member Meeks moved to renew the Lawn Maintenance Contract with Joseph B. Knight as presented for the Fiscal Year 2011/2012. Vice Chairperson Lilly seconded the motion which carried unanimously.** Ms. Watson then presented the Heating & Air Preventative Maintenance Agreement for the Board's review. Following discussion and review of the maintenance agreement, **Member Meeks moved to approve the Heating & Air Preventative Maintenance Agreement as prepared by Young's Electric, Inc. Vice Chairperson Lilly seconded the motion which carried unanimously.**

Next, Director Watson presented a memorandum from Carolina Auction Academy requesting the approval of an "interactive teleconference" with staff/Board Members on October 3, 2011. Following a discussion on this request, **Vice Chairperson Lilly moved to approve the "interactive teleconference" to be held on October 3, 2011, with Carolina Auction Academy. Member Meeks seconded the motion which carried unanimously.**

At this time, the Board reviewed the "Renewal Applications for Schools of Auctioneering." Following a review of the provided materials, **Member Meeks moved to approve the two-year renewal accreditation for Florida Auctioneer Academy; Lenoir Community College; Mendenhall School of Auctioneering; Missouri Auction School; Nashville Auction School, LLC; North Georgia School of Auctioneering; Reppert School of Auctioneering; and, Southeastern School of Auctioneering. Vice Chairperson Lilly seconded the motion which carried unanimously.** Then, financial information concerning the individual month of August

2011, was reviewed by the Board.

The Administrative Hearing for Lonnie S. Jordan, NCAL #8867, began at 10:00 a.m. Due to his participation on the Probable Cause Subcommittee, Vice Chairperson Lilly recused himself from the Hearing. Chairperson Lee presided at the Hearing and then turned the proceeding over to Garris Neil Yarborough, Legal Counsel.

At this time, Board Counsel Yarborough presented an offer of settlement on behalf of Mr. Jordan. Mr. Yarborough briefed the Board on the facts of the case and presented Mr. Jordan's settlement offer of the following: a) That Mr. Jordan's auctioneer license be suspended for a period of three (3) years; b) That prior to reapplying for a license, Mr. Jordan must complete all educational requirements, testing, background checks and payment of fees required of new applicants; c) That Mr. Jordan's suspension become effective on September 12, 2011; and, d) That Mr. Jordan will dismiss his appeal and enter into a Consent Order. Following this offer, **Member Meeks moved to accept the settlement offer of Lonnie S. Jordan, NCAL #8867. Chairperson Lee seconded the motion which carried.** The Hearing concluded at 10:15 a.m.

The Administrative Hearing for Mark R. Younger, Auctioneer Applicant, began at 10:35 a.m. Due to his participation on the Probable Cause Subcommittee, Vice Chairperson Lilly recused himself from the Hearing. Chairperson Lee presided at the Hearing and then turned the proceeding over to Garris Neil Yarborough, Legal Counsel. The Respondent, Mark R. Younger, was represented by Timothy Gunther, Attorney at Law.

At this time, Board Counsel Yarborough presented an offer of settlement on behalf of Mr. Younger. Mr. Yarborough briefed the Board on the facts of the case and presented Mr. Younger's settlement offer of the following: That Mr. Younger be issued an auctioneer license upon the acceptance by Board Counsel of a \$100,000.00 North Carolina Surety Bond dated through June 30, 2012. Following this offer, **Member Meeks moved to accept the settlement offer of Mark R.**

Younger, Auctioneer Applicant. Chairperson Lee seconded the motion which carried. The Hearing concluded at 11:20 a.m.

At this time, other Board matters were discussed to include former Board Member photos being hung in the Board Conference Meeting Room and Board Counsel Yarborough's attendance at the NCAA August 2011 Convention. Board Members were also given a copy of Mr. Yarborough's August 8, 2011, letter to Governor Perdue regarding Board Member appointments and a copy of Board Chairperson Lee's September 1, 2011, letter to State Budget Director Andy Willis regarding authorization of travel reimbursement. Director Watson advised the Board Members that staff had not received any type of response from OSBM regarding the authorization of travel reimbursement letter and was instructed by Chairperson Lee to continue with the reimbursement of travel as outlined in his September 1, 2011, letter.

Following the review and approval of applications for licensing, the Board confirmed the next meeting as Monday, October 10, 2011, at 9:00 a.m. in the Fuquay-Varina office. The meeting was adjourned at 11:35 a.m.

Respectfully Submitted,

Teresa L. Watson
Executive Director