

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

SEPTEMBER 9, 2013

The North Carolina Auctioneer Licensing Board met on Monday, September 9, 2013, in the Fuquay-Varina office. The meeting was called to order at 9:00 a.m. Members present were: Chairperson Daniel H. DeVane, Vice Chairperson Randy B. Lee, Moses T. Gallion, Deborah Johnson and Edward B. Webb. Also present: Administrative Officer Becky J. Stewart and Garris Neil Yarborough, Counsel to the Board.

Chairperson 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 and each member indicated there were none. **Minutes of the meeting held on August 12, 2013, were approved as recorded on motion by Member Webb. Member Johnson seconded the motion which carried unanimously.** Staff was instructed to prepare a "Resolution of Appreciation" for former Board Member Grady and Investigator Southerland then provided a case log update.

Next, the Board considered the Probable Cause Subcommittee Recommendations and the following motion was made. **Member Johnson moved to accept the Probable Cause Subcommittee Recommendations. Member Webb seconded the motion which carried unanimously.** Vice Chairperson Lee 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. Administrative Officer Stewart then provided the results of the August 1, 2013, auctioneer examination which were as follows: eight (8) examinees with seven (7) passing and one (1) failing.

Discussion was held concerning the consideration of the renewal of the Lawn

Maintenance Contract. Following this discussion, **Member Johnson moved to renew the Lawn Maintenance Contract with Joseph B. Knight as presented for the Fiscal Year 2013/2014. Vice Chairperson Lee seconded the motion which carried unanimously.** Ms. Stewart then presented the Heating & Air Preventative Maintenance Agreement for the Board's review. Following discussion and review of the maintenance agreement, **Vice Chairperson Lee moved to approve the Heating & Air Preventative Maintenance Agreement as prepared by Young's Electric, Inc. Member Johnson seconded the motion which carried unanimously.**

Administrative Officer Stewart presented the following New CE Instructors and Courses for NCAA for approval: Internet Technology for Today's Auctioneer/Robert R. Berube; Heartsaver CPR and AED Course/Jenna S. Ivester and George H. Lutz, Jr.; Marketing You & Your Auctions/Michael L. Rogers; and, Why You, the Auctioneer Needs Liability Insurance/Steven Arrowood. Following a review of the presented materials, **Member Johnson moved to approve the New CE Instructors and Courses for NCAA. Member Webb seconded the motion which carried unanimously.**

Next, Ms. Stewart presented the NCAA's "Request for Prior Approval for Reimbursement of Auctioneer Association Convention CE Class(es)" to be held during their Fall Convention in Hickory, North Carolina, on October 18 and 19, 2013. Following a review of the presented materials, **Member Gallion moved to approved Items a) thru e) of the NCAA's "Request for Prior Approval for Reimbursement of Auctioneer Association Convention CE Class(es)" but not to the funding of ½ of the cost of postage. Vice Chairperson Lee seconded the motion which carried unanimously.**

Concerning the review of apprentice auctioneer applicants and their sponsors' written summary of their background and experience in the auction profession, **Vice Chairperson Lee moved to approve the apprentice applications for Ronald Lane Coffey and proposed**

sponsor, Charles Earl Shelton, NCAL #7139, and Joseph Eugene Neptune and proposed sponsor, Karen Kelley, NCAL #6995. Member Webb seconded the motion which carried **unanimously**. At this time, financial information concerning the individual month of August 2013 was reviewed by the Board.

Board Counsel Yarborough gave notice to the Board regarding the “Petition for Judicial Review and Petition for Declaratory Judgment, Adino Bryson, d/b/a WNC Auction House v. North Carolina Auctioneers Licensing Board, 13 CVS 00760 – Haywood County” that he would be representing the Board in this matter. Mr. Yarborough also provided an update regarding the mandated one hour DVD he is preparing for renewal year 2014/2015 on “North Carolina Auctioneers Law/Rules and Regulations” and presented staff with a copy of his intended presentation. Also at this time, **Vice Chairperson Lee moved to instruct staff to contact the Board’s “webmaster” regarding the placing of the mandated DVDs on the Board’s website for licensees’ review and verification. Member Johnson seconded the motion which carried unanimously.**

The Administrative Hearing for Pamela Louise Truitt, Auctioneer Applicant, and P & E Station Auction House, Auction Firm Applicant, began at 10:15 a.m. Due to his participation on the Probable Cause Subcommittee, Member Webb recused himself from the Hearing. Chairperson DeVane presided at the Hearing, and then turned the proceeding over to Garris Neil Yarborough, Legal Counsel. The respondents, Pamela Louise Truitt and P & E Station Auction House, elected to proceed pro se. The Hearing concluded at 11:10 a.m. with the record being held open for the submission of proposed Findings of Fact and Conclusions of Law from each party. The recording of the proceeding will be made available to both parties upon request, and the Board will consider the Findings of Fact and Conclusions of Law submitted by each party at the October 14, 2013, meeting and thereafter render a decision in this matter.

Following the review and approval of applications for licensing, the Board confirmed the next meeting as Monday, October 14, 2013, at 9:00 a.m. in Fuquay-Varina, North Carolina. The meeting was adjourned at 11:15 a.m.

Respectfully Submitted,

Teresa L. Watson
Executive Director