

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

September 8, 2014

The North Carolina Auctioneer Licensing Board met on Monday, September 8, 2014, in the Fuquay-Varina office. The meeting was called to order at 9:55 a.m. Members present were: Chairperson Daniel H. DeVane, Gary Boyd, Moses Gallion and Randy Lee. Also present: Teresa L. Watson, Executive Director, 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 except for Member Gallion and Vice Chairperson Lee in regards to Item 4 – Final Agency Decision – North Carolina Auctioneer Licensing Board vs. William Thomas Bradley, NCAL #5443. **Minutes of the meeting held on August 7, 2014, were approved as recorded on motion by Member Boyd. Vice Chairperson Lee seconded the motion which carried unanimously.** Also at this time, Investigator Southerland provided a case log update. Then, Chairperson DeVane requested to delay Item 4 – Final Agency Decision – North Carolina Auctioneer Licensing Board vs. William Thomas Bradley, NCAL #5443 for lack of voting members until the October 13, 2014 Board meeting.

Next, the Board considered the Probable Cause Subcommittee Recommendations and the following motion was made. **Member Boyd moved to accept the Probable Cause Subcommittee Recommendations. Member Gallion seconded the motion with Chairperson DeVane voting nay on item #2 with the majority voting yay, which carried.** 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.

At this time, Ms. Stewart provided the results of the August 7, 2014, auctioneer examination, which were as follows: five (5) examinees with four (4) passing and one (1) failing. The next item presented for Board review and approval was the "NCALB Newsletter." Following a review of the Newsletter, Board directed staff to go forward with an October 2014 mailing of the NCALB Newsletter as presented to all "active" licensees.

The Board then reviewed the "Request from Bill Cox, APNC, Regarding "Cross Posting." A discussion was held on the matter as to whether it is a violation of the NC Auctioneer Laws and Rules and Regulations as it relates to advertising should an auctioneer/firm post/advertise an auction on behalf of another auctioneer/firm, including, links to that specific auction whether it be by social media, such as Facebook, Twitter, or Auction Zip (sharing/communicating). It was stated that the current policy is that the auctioneer/firm who has the signed written contract is the only one who is allowed to advertise the auction. After a lengthy discussion on the propriety of answering the various questions posed, the Board, once again, reconfirmed their position that they do not render advisory opinions. Certain activities Mr. Cox had described may not violate, in certain specific circumstances, any regulation. The Board feels that a casual reference on social media and sharing of a link to another licensee's ad does not constitute the advertising of an auction. However, more detailed public communications, at some point, may constitute an improper advertisement or other actionable violation of North Carolina Auctioneer Law and Regulations. The Board directed staff, with Board Attorney's input, to respond appropriately to Mr. Cox.

Next Ms. Stewart then presented financial information concerning the individual month of August 2014. Following review of the financial information, **Member Boyd made a motion to accept the August 2014 Financial Report. Member Gallion seconded the motion which**

carried unanimously.

Under Other Board Matters, Mr. DeVane reiterate that it is the Board's ethical duty not to discuss disciplinary actions outside the Board meetings. Following the review and approval of applications for licensing the Board confirmed the next meeting as Monday, October 13, 2014, at 9:00 a.m. in the Fuquay-Varina office. **Member Gallion made a motion to adjourn the meeting in which Vice Chairperson Lee seconded the motion which carried unanimously.**

The meeting adjourned at 12:00 noon.

Respectfully Submitted,

Becky J Stewart
Administrative Officer