

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

September 9, 2024

The North Carolina Auctioneer Licensing Board met on Monday, September 9, 2024 in the Fuquay-Varina Office. The meeting was called to order at 9:00 a.m. Members present were, Chairman Dan DeVane, Vice Chair Melinda Porter, John M. Harris, Buck Lattimore, and Kyle Swicegood. Also, present were Executive Director Charles F. Diehl, and Administrative Officer Becky Stewart. Chairman DeVane welcomed new Board Member John M. Harris.

Chairman DeVane inquired of each member if there were any known conflicts of interest or any appearance of conflicts with respect to any matters coming before the Board during this meeting. Member Lattimore recused himself from the Consideration of the Probable Cause Report due to his participation in the Probable Cause Subcommittee meeting. Other members stated there were none.

Member Swicegood made a motion to approve the August 12, 2024 Board Meeting minutes. Member Lattimore seconded the motion, which carried unanimously.

The Review of State Ethics Commission Evaluation of Statement of Economic Interest filed by Mr. John M. Harris was verbally presented by Director Diehl and recorded in the minutes pursuant to G.S. 183A-15(c). *“We (Ethics Commission) did not find an actual conflict of interest but found the potential for a conflict of interest. Mr. Harris would fill the role of a governor’s discretionary or auctioneer member on the Commission. He is the proprietor of J. Harris Legal, PLLC, whose legal representation includes decedent’s estates and real property. Therefore, Mr. Harris has the potential for a conflict of interest and should exercise appropriate caution in the performance of his public duties should the business of the law firm of J. Harris Legal, PLLC or issues involving their clients come before the Board for official action.*

Director Diehl presented the financial report. **Vice Chair Porter made a motion to**

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approve the financial report for the month of August. Member Lattimore seconded the motion, which carried unanimously. Director Diehl also reported that the CPA was in the office recently and is performing the Board's audit for fiscal year ending June 30, 2024.

Director Diehl reported on the staff investigations and advertising violations for the month of August. There was one informal investigation and one ad violation. There are currently no formal complaints under investigation.

Director Diehl presented for consideration a New School Instructor for Carolina Auction Academy – Wayne Messina. **Vice Chair Porter made a motion to approve the new school instructor for Carolina Auction Academy, Wayne Messina. Member Swicegood seconded the motion, which carried unanimously.**

Director Diehl presented for consideration the 2025/2026 NCALB – Funded Continuing Education Program. He presented a copy of the CE Request for Proposal (RFP) from last year for review. The RFP will be sent to all approved CE Sponsors inviting them to offer proposals on making CE available at no cost to all NC licensees and designated person(s) of NC auction firms. **Member Swicegood made a motion for staff to prepare a 2025/2026 CE Request for Proposal and send to all NCALB approved CE Sponsors. Vice Chair Porter seconded the motion, which carried unanimously.**

Chairman DeVane requested a motion to go into Closed Session to discuss Agenda Item 8 – *Review of Report from Probable Cause Subcommittee, a potential Board-generated Complaint – Auction Firm License No. 9102 and Auctioneer License No. 9230, and to discuss ongoing litigation and matters of potential litigation.* **Member Swicegood made a motion to go into Closed Session. Member Lattimore seconded the motion, which carried unanimously.** The Board went into Closed Session at 9:25 a.m.

Member Harris made a motion to return to Open Session. Member Swicegood seconded the motion, which carried unanimously. The Board returned to Open Session at

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9: 42 a.m. **Vice Chair Porter made a motion pursuant to N.C.G.S. 85B-8(e)(1), that The Commission upon its own motion hold a hearing and investigate the actions of any auctioneer, apprentice auctioneer, or auction firm, and authorize Director Diehl to open a formal complaint and investigate the matter of Auction Firm Licensee No. 9102 and Auctioneer License No. 9230. Member Lattimore seconded the motion which carried unanimously. Member Swicegood made a motion to accept the recommendations from the Probable Cause Report. Vice Chair Porter seconded the motion, which carried unanimously.** Prior to the motion or any discussion, Member Lattimore had recused himself from consideration of the Probable Cause Report due to his participation in the Probable Cause Subcommittee meeting.

The Board reviewed the applications for licensing.

Under Other Matters, Director Diehl requested that the recognition event to honor the 2024 group of 50-year licensees be held at the November 12 Board meeting, which is on a Tuesday. The Board agreed.

Member Swicegood reported that he will not be in attendance at the October 14 board meeting due to a previously scheduled conflict.

Chairman DeVane confirmed the next regular meeting on Monday, October 14, 2024 at 9:00 a.m. in the Fuquay-Varina office.

Member Swicegood made a motion to adjourn the meeting. Vice Chair Porter seconded the motion, which carried unanimously.

The meeting adjourned at 9:50 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer