

MINUTES

NORTH CAROLINA AUCTIONEER LICENSING BOARD

December 12, 2022

The North Carolina Auctioneer Licensing Board met on Monday, December 12, 2022 in the Fuquay-Varina Office. The meeting was called to order at 9:00 a.m. Members present were Chairman Buck Lattimore, Vice Chairman Dan DeVane, Willie A. Johnson, Melinda Porter, and Kyle Swicegood. Also, present were Executive Director Charles F. Diehl, Administrative Officer Becky Stewart, and Special Deputy Attorney General Anne Brown with the NC Department of Justice.

Chairman Lattimore 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 Johnson recused himself from agenda item 4 – Consideration of the Probable Cause recommendations due to his participation in the Probable Cause Subcommittee meeting. Member Swicegood recused himself from agenda item 7 – Consideration of New Continuing Education Course for the AANC and agenda item 8 – Consideration of Pre-approval of Reimbursement of Continuing Education Expenses for the AANC January 2023 Convention because he is a current member of the Auctioneers Association of North Carolina (AANC) Board of Directors. Other members stated there were none.

Member Swicegood made a motion to approve the November 14, 2022 minutes. Member Johnson seconded the motion, which carried unanimously.

The Review of State Ethics Commission Evaluation of Statement of Economic Interest filed by Mr. Buck Lattimore was verbally presented by Executive 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. The potential conflict*

identified does not prohibit service on this entity. Mr. Lattimore is a self-employed auctioneer who received income from Johnson Properties, Inc., a company that specialized in estate auctions, farm equipment auctions and seized property auctions for the North Carolina Department of Revenue. Because he serves on the licensing authority for members of his own profession, he has the potential for a conflict of interest. Therefore, Mr. Lattimore should exercise appropriate caution in the performance of his public duties should issues involving his certification, Johnson Properties or the certifications of its employees come before the Board for official action.”

The Review of State Ethics Commission Evaluation of Statement of Economic Interest filed by Mr. Daniel H. DeVane was verbally presented by Executive 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. The potential conflict identified does not prohibit service on this entity. Mr. DeVane fills the role of a member nominated by the Auctioneers Association of North Carolina. He and his spouse own DeVane Realty & Auction, RLLP. Because he serves on the licensing authority for members of his own profession, he has the potential for a conflict of interest. Therefore, Mr. DeVane should exercise appropriate caution in the performance of his public duties should issues involving DeVane Realty & Auction RLLP, his certification or the certifications of his employees come before the Board.”*

Chairman Lattimore requested a motion to go into Executive Session to receive advice from counsel concerning matters in litigation and matters of potential litigation. **Vice Chairman DeVane made a motion to go into Executive Session. Member Porter seconded the motion, which carried unanimously.** The Board went into Executive Session at 9:06 a.m.

Vice Chairman DeVane made a motion to return to Open Session. Member

Swicegood seconded the motion, which carried unanimously. The Board returned to Open Session at 9:10 a.m.

Member Porter made a motion to accept the recommendations from the Probable Cause Report. Vice Chairman DeVane seconded the motion, which carried unanimously. Prior to the motion or any discussion, Member Johnson had recused himself from consideration of the Probable Cause Report due to his participation in the Probable Cause Subcommittee meeting.

Director Diehl reported on the staff investigations and advertising violations for the month of November. There are two current formal complaints that are being investigated. There were two informal investigations and two ad violations.

The financial report was presented. **Member Johnson made a motion to approve the financial report for the month of November. Member Porter seconded the motion, which carried unanimously.**

Director Diehl presented for consideration a New Continuing Education Course for the Auctioneers Association of North Carolina (AANC) – *“Professionalism: Problem and Crisis Management – 2 hours (Instructors Michael and Matthew Parker previously approved instructors).”* **Member Johnson made a motion to approve the new continuing education course for AANC. Vice Chairman DeVane second the motion, which carried unanimously.** Prior to any motion or discussion Member Swicegood had recused himself because he is a current member of the Auctioneers Association of North Carolina (AANC) Board of Directors.

Director Diehl presented for consideration the Application for Prior Approval for Reimbursement of Continuing Education Expenses for the Auctioneers Association of North Carolina January 2023 Convention. **Vice Chairman DeVane made a motion to approve the Application for Prior Approval for Reimbursement of Continuing Education Expenses for**

December 12, 2022

the AANC January 2023 Convention up to \$7,000.00 subject to verification by staff. Member Porter seconded the motion, which carried unanimously. Prior to any motion or discussion Member Swicegood had recused himself because he is a current member of the Auctioneers Association of NC (AANC) Board of Directors.

Director Diehl provided the results of the December 1, 2022 auctioneer examination, which were as follows: twenty examinees with twenty passing and zero failing.

Following the review and approval of applications for licensing, Chairman Lattimore confirmed the next regular meeting on January 9, 2023 at 9:00 a.m. in the Fuquay-Varina office.

Member Swicegood made a motion to adjourn the meeting. Member Johnson seconded the motion, which carried unanimously.

The meeting adjourned at 10:40 a.m.

Respectfully Submitted,

Becky J. Stewart
Administrative Officer