

# North Carolina Auctioneer Licensing

## Board Newsletter

### Board Members

- Daniel H. DeVane, Chairperson
- Randy B. Lee, Vice Chairperson
- Deborah Johnson, Board Member
- Edward B. Webb, Board Member
- Moses Gallion, Board Member

### NCALB Staff

- Teresa L. Watson, Executive Director
- Becky J. Stewart, Administrative Officer
- Barbara Phillips, Secretary
- Ralph Southerland, Investigator
- Garris Neil Yarborough, Legal Counsel to Board



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<b>Statistics-Active Licenses:</b>	
Auctioneer Licenses:	1983
Apprentice Licenses	13
Auction Firm Licenses:	457

**Welcome:** Moses Gallion, a licensed auctioneer, was appointed to the Board by the Governor July 2013.

### Chairperson Corner

I am honored to serve as the chairperson of the North Carolina Auctioneers Licensing Board and look forward to working with the other board members, staff and all auctioneers to improve and enhance the auction profession.

I am pleased that the board voted to mandate 1 hour of the 4 hours continuing education for Renewal Year 2014/2015 to review the NC General Statutes and the NC Administrative Rules that govern the auctioneering profession. Also, 1 hour will be dedicated to ethics training. All continuing education sponsors will be provided the same information for their classes. Hopefully, this will reduce the number of complaints that come before the Board every month. The North Carolina Auctioneers Laws/Rules and Regulations is one area that new applicants have problems with on the exam, which is a concern of the Board. We hope that by requiring auctioneers, designees, and apprentice auctioneers quality education seminars, it will prove to be a good teaching tool to better prepare auctioneers in today's society.

Sincerely,

Daniel DeVane

### Continuing Education

The North Carolina Auctioneer Licensing Board pursuant to 21 NCAC 4B .0801(h) mandated (2) two of the four (4) continuing education hours. The two mandated topics are "The NC Auctioneer Laws/Rules" and "Ethics." Each Sponsor has been provided the documents/DVD of the two mandated topics to be given. The Sponsors will also provide 2 (two) elective hours, which have been approved by the Board. All auctioneers, apprentice auctioneers, and designated person (s) of an auction firm must complete the continuing education requirement in order to received a 2014/2015 Renewal Application. The new fiscal year starts on July 1, 2014 and ends on June 30, 2015. These 4 hours of continuing education must be in the NCALB office by May 15, 2014. You may fax (919-567-2865) or email (info@ncalb.org) your CE hours. Renewal applications will be mailed to those who have satisfied the continuing education requirement toward the end of May. If you have carry over hours from the previous year they will count toward your elective hours, but **you MUST get the 2 (two) mandated hours** in order to renew your license.

Below is a list of board approved continuing education courses. These CE courses are funded by the North Carolina Auctioneer Licensing Board. Additionally, other Board approved continuing education courses may be found at our website www.ncalb.org, including online continuing education.

#### February 1, 2014

9:00 am — 1:00 pm  
Negotiations, NCALB Laws/Rules and Ethics  
Cape Fear Community College  
411 N. Front Street  
Wilmington, NC  
Sponsor: Arkadia Auction Company, 910-297-5045  
Registration is not necessary

#### February 8, 2014

9:00 am — 1:00 pm  
Negotiations, NCALB Laws/Rules and Ethics  
Fayetteville Technical Community College, Bldg. CEC 118  
Fayetteville, NC  
Sponsor: Arkadia Auction Company, 910-297-5045  
Registration is not necessary

#### March 3, 2014

12:30 — 4:30 pm  
Are you Making Money?  
Course Topic-TBD  
NCALB Laws/Rules and Ethics  
The Crossings at Hollar Mill (off I-40)  
Hickory, NC  
Sponsor: AANC, Call 800-889-7118 to register

#### February 3, 2014

9:00 am — 1:00 pm-Negotiations, NCALB Laws/Rules and Ethics  
Martin Community College  
1161 Kehukee Park Rd.  
Williamston, NC  
Sponsor: Arkadia Auction Company, 910-297-5045  
Registration is not necessary

#### February 10, 2014

9:00 am — 1:00 pm-Negotiations, NCALB Laws/Rules and Ethics  
Lenoir Community College  
231 NC Hwy 58  
Kinston, NC  
Sponsor: Arkadia Auction Company, 910-297-5045  
Registration is not necessary

#### March 10, 2014

12:30 pm — 4:30 pm  
Using Video Media to Promote You & Your Auction  
Used Abused, Confused-GS 85 B is not a suggestion  
NCALB Laws/Rules and Ethics  
Fairview Moravian Church  
67550 Silas Creek Parkway  
Winston-Salem, NC  
Sponsor: AANC, Call 800-889-7118 to register

North Carolina Auctioneer Licensing Board  
108 Ber Creek Drive  
Fuquay Varina, NC 27526

**Practice Tip: Garris Neil Yarborough-Board Attorney**

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**Lawsuits and Auctioneers**

The North Carolina Supreme Court has held that a violation of a statutory provision designed to protect the consuming public [such as Chapter 85B] may constitute an unfair and deceptive trade practice as a matter of law if the violation offends established public policy or is immoral, unethical, oppressive, unscrupulous, or substantially injurious to consumers.

This statement of the law comes from a recent Court of Appeals decision regarding a case where secured creditors were suing an auction company, among other defendants, for allegedly improperly disbursing sale proceeds. Although typically my practice tips focus on one aspect of the statutory or regulatory law affecting auctioneers, the ruling in this case illustrates the interplay between the NCALB's statutes and regulations and a lawsuit by dissatisfied customers or third parties against an auctioneer. In other words, if you get sued as an auctioneer by some party associated with an auction sale or your conduct as an auctioneer, it is very likely that the first thing a plaintiff's attorney is going to refer to is North Carolina General Statute Chapter 85B and the regulations promulgated thereunder to determine whether you have violated any of the licensing laws for auctioneers. On the other side of that coin, evidence by you that you have complied with the NCALB's laws and regulations may provide you with an adequate defense, at least, to some aspects of a plaintiff's complaint.

Nonetheless, it is more than likely that if a dissatisfied party to one of your auctioneering activities sues you, they are also going to file a complaint with the NCALB to go after your license. Furthermore, even if they don't, you are required by Section .0405(b) of the NCALB's Rules and Regulations to "report to the Board any and all civil suits involving [you] that are based upon any allegation of gross negligence, dishonesty, fraud, misrepresentation or incompetency, or that in any way involve an auction sale or a transaction related to an auction matter or auctioneering within 30 days of the date the complaint is served on [you]."

There are numerous reported appellant cases involving auctioneers in North Carolina ranging in time from 1803 to 2013. Close observance of the NCALB's laws and regulations will help you in staying out of this painful literature or, at least, it will show you on the winning side.

**April 7, 2014**

8:30 am – 12:30 pm

What you don't say is speaking out loud

Testifying in Court

NCALB Laws/Rules and Ethics

Chestnut Tree Hotel (f/k/a Holiday Inn)

Intersection US Hwy 19 S. and US 441 S.

Cherokee, NC

Sponsor: AANC, Call 800-889-7118 to register

**April 14, 2014 (2 sessions)**

8:30 am – 12:30 pm

Enhancing Competitive Bidding at Your Auctions

Note Taking/Proposal Writing

NCALB Laws/Rules and Ethics

2:00 pm – 6:00 pm

History of NC Auctioneer Law

Would I work for me?

NCALB Laws/Rules and Ethics

Comfort Suites

5219 Page Road

Durham, NC

Sponsor: AANC, Call 800-889-7118 to register