

Newsletter

VOLUME 2003, ISSUE 1

FEBRUARY 2003

New Board Office Location

On November 1, 2002, the Auctioneer Licensing Board's office was moved from the Navaho Drive, Raleigh location to a new location with the address of 602 Stellata Drive, Fuquay-Varina, North Carolina, 27526.

The new telephone number at this location is (919)567-2844 and the new fax number is (919)567-2865.

The move was necessary due to the former lease ending and the Board and staff's interest to find a more accommodating location. A year long search of real estate that was available for purchase or for lease revealed that it was not a buyer's market, but a renter's market.

Prior to beginning the search for a new office an evaluation was completed to understand what needs the Licensing Board would have within the next three to five years. It was determined that the new office needed to be in a safer location, that the office needed to be convenient to hotels and restaurants, that the office needed to be accessible for people from different parts of the State to travel to, that the office needed to be handicap accessible, and that the cost per square foot was within the Licensing Board's budget. Another consideration was to find space large enough to allow for the auctioneer examination to be conducted, instead of renting space quarterly from the McKimmon Center in Raleigh.

The search ended in Fuquay-Varina, where a space was found that met all of the above needs. An added feature of the new space was the staff's ability to work with the general contractor to maximize the efficiency of the space.

This location will allow the staff to conduct auctioneer examinations six times a year. Future licensees will have more convenient accommodations that they can take advantage of when they are taking the auctioneer examinations.

The Auctioneer Licensing Board members and staff are very excited and proud of the new office and invite you to visit and tour the new office whenever you are traveling through Fuquay-Varina.

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2003 Proposed Board Meeting Dates

The Board has set the following dates and locations for its regularly scheduled meetings for the end of the 2003 fiscal year. The July through December 2003 dates below are tentative.

<u>Date</u>	<u>Location</u>
February 19	Fuquay-Varina, NC
March 19	Fuquay-Varina, NC
April 16	Fuquay-Varina, NC
May 21	Fuquay-Varina, NC
June 20	Wilmington, NC
July 11	San Antonio, TX
August 20	Fuquay-Varina, NC
September 17	Fuquay-Varina, NC
October 15	Fuquay-Varina, NC
November 19	Fuquay-Varina, NC
December 17	Fuquay-Varina, NC

All Board meetings normally begin at 9:00 a.m. and are open for the most part to all licensees and the public. Certain matters, such as discussions of potential disciplinary cases to determine probable cause as well as final sanctions, if appropriate, are discussed in closed sessions. We encourage all interested persons to attend one or more of these meetings.

Although not required, you may wish to notify the staff if you plan to attend a meeting. This will assist in our planning to accommodate visitors.

Licensing Board Activity Report

This activity report covers the period from April 2002 through December 2002. The Board met nine times; conducted four auctioneer licensing examination sessions and gave twenty-two auction firm exams; issued one hundred and four auctioneer licenses, nine apprentice auctioneer licenses and forty-three auction firm licenses; denied licensing to six auctioneers and nine auction firm applicants; settled five cases which had been scheduled for hearings; and, attended the AANC convention in Research Triangle Park. The full Board and Executive Director attended the NAA convention in Orlando, Florida and the Executive Director attended the NAA Winter seminar in New Orleans, Louisiana and the CLEAR annual conference in Las Vegas, Nevada.

Disciplinary Actions

A summary of the disciplinary actions is as follows:

1) **Alex Lyon & Son Sales Managers & Auctioneers, Inc., NCFL #5682 (Bridgeport, NY)** - Alex Lyon & Son Sales Managers & Auctioneers, Inc. paid a \$2,600.00 fine in lieu of a thirteen month suspension for two violations of false, misleading, or untruthful advertising; one violation of allowing an unlicensed person to call a bid at a sale; and one violation of failing to notify the Executive Director of any change in partners. Alex Lyon & Son Sales Managers & Auctioneers, Inc. waived their right to appeal as allowed by law and agreed to the Board's findings of violations.

2) **Dora A. Blaschik, NCAL #3410 (Sylva)** - Dora Blaschik paid a \$450.00 fine in lieu of a 6 month suspension for conducting an auction in this State without first having a written agreement with the owner of any property to be sold, for failing to report to the Board a civil suit filed against her that involved an auction sale or transaction related to auctioneering, and for engaging in unprofessional conduct. Dora Blaschik waived her right to appeal as allowed by law and agreed to the Board's findings of violations.

3) **William T. Bradley, NCAL #5443 (Roseboro)** - William Bradley paid a \$1,750.00 fine in lieu of a 630 day suspension for two violations of conducting an auction in this State without first having a written agreement with the owner of any property to be sold, for one violation of failing to pay over within a reasonable time not to exceed 30 days funds belonging to another which came into his possession through an auction sale, for one violation of giving false information in connection with an investigation by the Board or the Board's designee, and for one violation of engaging in unprofessional conduct. William Bradley waived his right to appeal as allowed by law and agreed to the Board's findings of violations.

4) **Crews Auction Service, NCFL #6630 (Kernersville)** - Crews Auction Service paid a \$100.00 fine

CURRENT BOARD MEMBERS

William B. Lilly
Norwood, NC
Chairman

James W. Johnson, III
Angier, NC
Vice Chairman

William R. Forbes, Jr.
Creswell, NC
Board Member

Keith J. Pierce
Winston-Salem, NC
Board Member

Patricia D. Worley
Princeton, NC
Board Member

CURRENT STAFF MEMBERS

Robert A. Hamilton, Executive Director

Connie M. Crisman, Administrative Officer

Teresa L. Watson, Administrative Assistant

Robin Rowell, Secretary

Bruce E. Marshburn, Investigations Coordinator

Richard L. Johnson, Investigator

Ronnie Stewart, Investigator

North Carolina Auctioneer Licensing Board
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Phone: (919) 567-2844 Fax: (919) 567-2865

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in lieu of a 60 day suspension for allowing a person who is not designated in the application and named in the license to transact business under the license. Crews Auction Service waived their right to appeal as allowed by law and agreed to the Board's findings of violations.

5) **Nile R. Cuthbertson, NCAL #4486 (Bostic)** - Nile Cuthbertson paid a \$200.00 fine in lieu of a 180 day suspension for two violations of auctioneering at an unlicensed auction firm sale. Nile Cuthbertson waived his right to appeal as allowed by law and agreed to the Board's findings of violations.

6) **Discount Auction Co., NCFL #4140 (Statesville)** - Mary K. Johnson's auction firm license was suspended for a period of two years for selling or offering to sell, goods or real estate at auction in this State or performing any act for which an auction firm license is required without holding a currently valid license issued under the Law. Mary K. Johnson waived her right to appeal as allowed by law and agreed to the Board's findings of violations.

7) **William E. Dixon, NCAL #4065 (Richmond, VA)** - Effective October 1, 2002, William Dixon's auctioneer license was suspended for a period of three hundred days for false, misleading, or untruthful advertising; for an act of conduct in connection with a sales transaction which demonstrates bad faith or dishonesty; for auctioneering at an unlicensed auction firm sale; for obtaining or attempting to obtain compensation by fraud or deceit; and for advertising an Estate Sale in which the majority of the items in the sale did not come from the estate of the living or deceased person. William Dixon waived his right to appeal as allowed by law and agreed to the Board's findings of violations.

8) **Kurt T. Earlywine, NCAL #7032 (Cicero, IN)** - Kurt Earlywine paid a \$8,100.00 fine for two violations of failing to have a written agreement with the owner of any property sold at auction, providing the owner of the property with a signed copy of the agreement, maintaining a copy of the agreement for two years, and making such a copy available to the Board upon request; and for six violations of auctioneering at an unlicensed auction firm sale. A Settlement Agreement and Consent Order were entered into between the Board and Mr. Earlywine, prior to a scheduled hearing, in which he agreed to the above stipulations. Mr. Earlywine neither admits nor denies the Board's findings of violations.

9) **Rick Alan Kigar, NCAL #6151 (Delta, OH)** - Effective October 25, 2002, Rick Kigar's auctioneer license was suspended for a period of one hundred and thirty-five days for auctioneering at an unlicensed auction firm sale and for selling, or offering to sell, goods or real estate at auction in this State without holding a currently valid license issued under the Law. Mr. Kigar waived his right to appeal as allowed by law and agreed to the Board's findings of violations.

10) **Robert T. Lane, NCAL #6171 (Walnut Cove)** - Robert Lane paid a \$250.00 fine and agreed to the Board prohibiting him from acting in the capacity of an apprentice auctioneer sponsor for failing to be on the premises of a sale location and supervise an apprentice auctioneer at any and all times that the apprentice auctioneer engaged in bid calling and failing to supervise the apprentice auctioneer on a regular basis and ensure that the apprentice auctioneer conforms with the auctioneer law and rules. A Settlement Agreement and Consent Order were entered into between the Board and Mr. Lane, prior to a scheduled hearing, in which he agreed to the above stipulations. Mr. Lane admitted to the Board's findings of violations.

11) **Brian K. Marion, NCAL #7492 (Cola, SC)** - Brian Marion paid a \$1,500.00 fine for auctioneering at an unlicensed auction firm sale; for making a false statement or giving any false information in connection with an investigation by the Board's designee; for failing to clearly give his name and license number in an advertisement relating to an auction; for engaging in unprofessional conduct; and for failure to possess truth, honesty and integrity sufficient to be entitled to the high regard and confidence of the public. Brian Marion waived his right to appeal as allowed by law and agreed to the Board's findings of violations.

12) **Lloyd Meekins, Jr., NCAL #228 (Lumberton)** - Lloyd Meekins, Jr. paid a \$250.00 fine for committing an act of conduct in connection with a sales transaction which demonstrated bad faith or dishonesty. An Administrative Hearing was subsequently conducted before the Auctioneer Licensing Board. Upon recommendation of the Counsel to the Board, and following deliberation, the Licensing Board adopted the Proposed Findings of Fact and Conclusions of Law filed by the Counsel to the Board and signed a Final Agency Decision.

13) **Johnny Ray Moss, NCAL #2980 (Kannapolis)** - Johnny Moss paid a \$300.00 fine for three violations of

Licensing Board Activity Report (continued)

auctioneering at an unlicensed auction firm sale. Johnny Moss waived his right to appeal as allowed by law and agreed to the Board's findings of violations.

14) Ray A. Overman, NCAL #1974 (Burlington) - Ray Overman paid a \$250.00 fine in lieu of a suspension of 90 days for auctioneering at an unlicensed auction firm sale. Ray Overman waived his right to appeal as allowed by law and agreed to the Board's findings of violations.

15) Glynn L. Queen, NCAL #3283 (Sneads Ferry) - Effective April 15, 2002, Glynn Queen's auctioneer license was suspended for two years for conducting an auction in this State without first having a written agreement with the owner of the property to be sold; for failing to account for or to pay over within a reasonable time, not to exceed 30 days, funds belonging to another which have come into the licensee's possession through an auction sale; for performing an act of conduct in connection with a sales transaction which demonstrates bad faith or dishonesty; for making a false statement or giving any false information in connection with any investigation by the Board or the Board's designee; for committing a crime, the circumstances of which substantially relate to the auctioneering profession; for violating any order of the Auctioneer Licensing Board; for failing to give written notice to the Board of any and all criminal arrests for, or charges of or convictions of a misdemeanor that has an essential element dishonesty, deceit, fraud, or misrepresentation, or any arrests, charges or convictions of any felony, within thirty days of the occurrence of the arrest, charge or criminal conviction; and for failing to provide written notification to the Board of the change of residence or business address within ten days of the occurrence of such change. An Administrative Hearing was subsequently conducted before the Auctioneer Licensing Board. Upon recommendation of the Counsel to the Board, and following deliberation, the Auctioneer Licensing Board adopted the Proposed Findings of Fact and Conclusions of Law filed by the Counsel to the Board and signed a Final Agency Decision.

16) V. Wayne Wheat, NCAL #7566 (Fulshear, TX) - Wayne Wheat paid a \$2,000.00 fine in lieu of a 180 day suspension for two violations of auctioneering at an unlicensed auction firm sale. Wayne Wheat waived his right to appeal as allowed by law and agreed to the Board's findings of violations.

17) Randolph H. White, NCAL #5453 (Raleigh) - Effective May 25, 2002, Randolph White's auctioneer license was suspended indefinitely for failure to completely cooperate with an investigation; for violating an order of

the Auctioneer Licensing Board requiring him to comply with provisions of the Board's law or administrative rules; and for engaging in unprofessional conduct. Following an investigation into this matter, the Board found probable cause to suspend or revoke Randolph White's auctioneer license and referred the matter to the Office of Administrative Hearings as prescribed by Chapter 150B. Mr. White failed to respond as required and the Board suspended Mr. White's license indefinitely as allowed by law.

18) Letters of Reprimand - The following Letters of Reprimand were issued;

- Clements Antiques of Texas, Inc., NCFL #7487, Charles Lewis, NCAL #7478, Jefferson Lewis, NCAL #7479, (Forney, TX) - False, misleading, or untruthful advertising and for an advertisement which used descriptive words that connoted that the items to be auctioned were present on the premises of an advertised residence when the items were not physically present continuously for thirty days prior to the signing of the contract or written agreement, the majority of the items in the sale were not from the premises, and the other items not related to or from the contents of the residence that were included in the auction were not specifically designated as such in the advertisement.

19) Cautionary Letters - During this reporting period, three letters of caution were issued for the following reasons:

- Failure to maintain records which identified the purchaser of goods sold as required by N.C.G.S. 85B-7;
- For potential misleading advertising;
- For failing to notify the Executive Director within 10 days of any change in the directors or officers of a corporation.