

**AUCTIONEERS BOARD MEETING
MINUTES**

The Virginia Auctioneers Board met on October 10, 2012, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

William C. Bryant, III
George Daniel
Larry Linkous
Erlita Joanne Wang

Board staff present for all or part of the meeting were:

Kathleen R. Nosbisch, Executive Director
Marian Brooks, Board Administrator
Amy Goobic, Administrative Assistant

Agency staff present for all or part of the meeting were:

Gordon N. Dixon, Director
Nick Christner, Deputy Director, Licensing, Investigations & Compliance
Mark N. Courtney, Senior Director, Regulatory and Public Affairs
Kristin Clay, Legal Analyst

There was no representative present from the Office of the Attorney General.

Finding a quorum of the Board present, Mr. Bryant, Chair, called the meeting to order at 10:03 a.m.

Call to Order

Mr. Bryant advised the Board of the emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

Mr. Bryant introduced new Board member, Larry Linkous, and welcomed him to the Board. Board members and staff introduced themselves.

**Welcome &
Introduction of New
Board Member**

Mr. Linkous moved to approve the agenda. Ms. Wang seconded the motion which was unanimously approved by members: Bryant, Daniel, Linkous and Wang.

Approval of Agenda

Ms. Wang moved to approve the minutes from the following meetings:

Approval of Minutes

- April 18, 2012, Auctioneers Board Meeting; and
- July 19, 2012, Informal Fact-Finding Conference

Mr. Daniel seconded the motion which was unanimously approved by members: Bryant, Daniel, Linkous and Wang.

Public Comment Period – There were no public comments.

Public Comment Period

Mr. Bryant stated that he knows of Mr. Perry, as they live in the same area of the state, however he does not have a personal or business relationship with him. Ms. Clay informed the Board of a correction to the Summary of the Informal Fact-Finding Conference. The word “firm” should be stricken from the last paragraph of the recommendation.

File Number 2011-04879, Timothy W. Perry, Sr.

Regarding **File Number 2011-04879, Timothy W. Perry, Sr.**, Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcripts and exhibits, and Summary of the Informal Fact-Finding Conference. Mr. Daniel recommended that the Board accept the Summary of the Informal Fact-Finding Conference which cites the following violations of the Board’s regulations: 18VAC25-21-110.A.4 (Count 1); 18VAC25-21-180.4 (Count 2); 18VAC25-21-150.E (Count 3); and 18VAC25-21-185.A (Count 4). Mr. Linkous seconded the motion which was unanimously approved by members: Bryant, Daniel, Linkous and Wang.

Ms. Clay informed the Board that Mr. Perry had no prior violations. Mr. Daniel moved to recommend that the Board accept the recommended sanctions as contained in the Summary of the Informal Fact-Finding Conference: \$200.00 for the violation contained in Count 1; \$500.00 for the violation contained in Count 2; \$100.00 for the violation contained in Count 3; \$250.00 for the violation contained in Count 4; for a total monetary penalty of \$1,050.00; and probation of Mr. Perry’s auctioneer license for a period of two years. Any violations committed during the probationary period will result in license revocation. Ms. Wang seconded the motion which was unanimously approved by members: Bryant, Daniel, Linkous and Wang. Former Board member Samuel K. (Buddy) Updike was the presiding officer.

Mr. Bryant read the following resolutions from the Auctioneers Board to former board members, Betty Bennett and Marie Torrans.

Resolutions for Former Board Members Betty Bennett and Marie Torrans

RESOLUTION TO

Betty A. Bennett

WHEREAS, Betty Bennett, did faithfully and diligently serve as a member of the Auctioneers Board from 2008 to 2012;

WHEREAS, Betty Bennett, did devote generously of her time, talent and leadership to the Board;

WHEREAS, Betty Bennett, did endeavor at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and the profession; and

WHEREAS, the Auctioneers Board wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Auctioneers Board this tenth day of October 2012, that Betty Bennett, be given all honors and respect due her for her outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held by this Board.

RESOLUTION TO

Marie Torrans

WHEREAS, Marie Torrans, did faithfully and diligently serve as a member of the Auctioneers Board from 2010 to 2012;

WHEREAS, Marie Torrans, did devote generously of her time, talent and leadership to the Board;

WHEREAS, Marie Torrans, did endeavor at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and the profession; and

WHEREAS, the Auctioneers Board wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Auctioneers Board this tenth day of October 2012, that Marie Torrans, be given all honors and respect due her for her outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and

be made a part of the official minutes of the Board so that all may know of the high regard in which she is held by this Board.

Mr. Linkous moved to approve the resolutions as presented. Ms. Wang seconded the motion which was unanimously approved by members: Bryant, Daniel, Linkous and Wang.

Ms. Brooks informed the Board that the Governor's review of the proposed regulations was completed September 11, 2012, and the regulations were not approved. Board members reviewed a handout which stated why the noted regulations were rejected. Ms. Brooks explained that the Board would need to make a motion to remove 18VAC25-21-95.B, in order to refile the proposed regulations.

Regulatory Update

Mr. Daniel moved to remove 18VAC25-21-95.B and refile the proposed regulations. Ms. Wang seconded the motion which was unanimously approved by members: Bryant, Daniel, Linkous and Wang.

Ms. Wang nominated Mr. Bryant as Chair. Mr. Linkous seconded the motion which was unanimously approved by members: Bryant, Daniel, Linkous and Wang.

Election of Officers

Mr. Linkous nominated Mr. Daniel as Vice-Chair. Ms. Wang seconded the motion which was unanimously approved by members: Bryant, Daniel, Linkous and Wang.

Mr. Daniel moved to approve the following 2013 meeting dates:

- Wednesday, January 16
- Wednesday, April 24
- Thursday, July 18
- Thursday, October 17

Consideration of 2013 Meeting Dates

Ms. Wang seconded the motion which was unanimously approved by members: Bryant, Daniel, Linkous and Wang.

Board members were provided a comprehensive report of enforcement activity for informational purposes. Mr. Bryant inquired as to whether more complaints were made by auctioneers or the general public. Mr. Daniels also inquired as to what most complaints are concerning. Mr. Christner stated that he will research and provide the information to the Board members.

Review of Compliance and Investigations Division Activity

Board members were provided financial statements for informational purposes.

Review of Board Financial Statements

Ms. Brooks informed Board members that she and Ms. Nosbisch attended

Other Business

the Virginia Auctioneers Association (VAA) Mid-Year meeting and the Virginia State Champion Auctioneer contest August 4, 2012. Ms. Brooks and Ms. Nobsch will also attend the VAA Conference, January 11, 2013. Ms. Nobsch will make a presentation at the conference.

Conflict of Interest forms were completed by all members present.

**Conflict of Interest
Forms**

There being no further business, the meeting was adjourned at 10:33 a.m.

Adjourn

William C. Bryant, III, Chair

Gordon N. Dixon, Secretary

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