

**AUCTIONEERS BOARD MEETING
MINUTES**

The Virginia Auctioneers Board met on October 17, 2013, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

William C. Bryant, III
George Daniel
Erlita Joanne Wang

Board member Larry Linkous was not present at the meeting.

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 Dixon, Director
Mark N. Courtney, Senior Director, Regulatory and Public Affairs
Kristin Clay, Legal Analyst
Samantha Vrscak, Legal Analyst

Elizabeth Peay, Assistant Attorney General was present from the Office of the Attorney General.

Finding a quorum of the Board present, Mr. Bryant, Chair, called the meeting to order at 10:00 a.m.

Call to Order

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

**Emergency
Evacuation
Procedures**

Ms. Brooks introduced Elizabeth Peay, Assistant Attorney General, who was attending in Josh Lief's absence, and Samantha Vrscak, new legal analyst in the Board Administrative Proceedings section of the agency. Ms. Brooks also introduced staff members in the audience Bonnie Rhea-Adams, Director, Complaint Analysis & Resolution (CAR), and Sarah Cox, CAR Legal Analyst.

**Introduction of New
Staff**

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

Approval of Agenda

Mr. Daniel moved to approve the minutes from the following meeting:

Approval of Minutes

- April 24, 2013, Auctioneers Board Meeting

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

Public Comment Period – There were no public comments.

**Public Comment
Period**

Regarding **File Number 2013-01284, Dean Truax**, Board members reviewed the Consent Order as seen and agreed to by Mr. Truax. Mr. Daniel moved to accept the Consent Order which cites the following violations of the Board's regulations: 18VAC25-21-110.A.1.a (Count 1); 18VAC25-21-110.A.2 (Count 2); 18VAC25-21-110.A.4 (Count 3); 18VAC25-21-110.A.6 (Count 4); 18VAC25-21-110.A.7 (Count 5); 18VAC25-21-110.A.8 (Count 6); and 18VAC25-21-180.4 (Count 7). For these violations, Mr. Truax agrees to the following sanctions: \$100.00 for the violation contained in Count 1; \$100.00 for the violation contained in Count 2; \$50.00 for the violation contained in Count 3; \$100.00 for the violation contained in Count 4; \$50.00 for the violation contained in Count 5; \$50.00 for the violation contained in Count 6; \$200.00 for the violation contained in Count 7; and \$150.00 in Board costs, for a total monetary penalty of \$800.00. Ms. Wang seconded the motion which was unanimously approved by members: Bryant, Daniel and Wang. Board member Larry Linkous was the presiding board member and was not present for the meeting.

**File Number 2013-
01284, Dean Truax**

Regarding **File Number 2013-02397, Dominic Briscoe**, Board members reviewed the Consent Order as seen and agreed to by Mr. Briscoe. Mr. Bryant moved to accept the Consent Order which cites the following violations of the Board's regulations: 18VAC25-21-180.A.1 (Count 1); 18VAC25-21-180.A.1 (Count 2); and 18VAC25-21-180.1 (Count 3). For these violations, Mr. Briscoe agrees to the following sanctions: \$2,500.00 for the violation contained in Count 1; \$2,500.00 for the violation contained in Count 2; \$2500.00 for the violation contained in Count 3; and \$150.00 in Board costs, for a total monetary penalty of \$7,650.00. In addition Mr. Briscoe agrees to a three (3) year probation of his license; not be in violation of and regulations of the Auctioneers Board for transactions occurring after the effective date of the Order; not be in violation of any local, state or federal laws or regulations; and provide the Board with a statement every six (6) months attesting to compliance with the terms of the Order. Ms. Wang seconded the motion which was unanimously approved by members: Bryant and Wang. As the presiding Board member, Mr. Daniel, was not present for the discussion or vote.

**File Number 2013-
02397, Dominic
Briscoe**

Board members considered the proposed meeting dates for 2014:

Consideration of 2014

- Wednesday, January 15
- Wednesday, April 23
- Wednesday, July 23
- Wednesday, October 15

Meeting Dates

The Board approved the 2014 meeting dates by consensus.

At the April 24, 2013, discussion was held on internet auctions with regards to licensing, staff was to research past information and correspondence with Board counsel regarding internet auction practices. Ms. Peay stated that there have been no changes in the Code of Virginia or the board's regulations that would allow for regulation of internet auctions. She also stated that there is no case law regarding the issue. Ms. Peay informed the Board members that any changes would have to be made through legislation.

Discussion of Internet Auctions

Ms. Nosbisch referred to a statement by Mr. Courtney at the April 24, 2013, board meeting, that the Interstate Commerce Act provided for out-of-state companies with regards to online auctions, and also that the Federal Trade Commission oversees as well. Ms. Nosbisch informed the Board that any requests for legislative change would have to be made through a professional association or as an individual. Ms. Nosbisch stated that staff will research to see if any other states address regulation of internet auctions and provide the information at the next Board meeting.

Ms. Brooks reported that the proposed regulations are still under review by the Governor's office.

Regulatory Update

Board members were provided a comprehensive report of enforcement activity for informational purposes.

Review of Compliance and Investigations Division Activity

Board members were provided financial statements for informational purposes.

Review of Board Financial Statements

Ms. Brooks provided the regulant count of individual and business licenses and informed members the fall 2013 issue of the newsletter was complete and would be posted on the DPOR website.

Other Business

Ms. Nosbisch reported that she has not received any information regarding board appointments, and thanked Mr. Daniel and Ms. Wang for continuing to serve on the Board as their terms have expired. Ms. Nosbisch informed the Board that news releases regarding board appointments are available on the Secretary of the Commonwealth's website.

Conflict of Interest forms were completed by all members present.

**Conflict of Interest
Forms**

There being no further business, the meeting was adjourned at
10:18 a.m.

Adjourn

William C. Bryant, III, Chair

Gordon N. Dixon, Secretary

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