

AUCTIONEERS BOARD MEETING

MINUTES

The Virginia Auctioneers Board met on April 10, 2003, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, with the following members present:

Larry J. Linkous
Donna Newcomb
James H. Perkinson
Samuel K. Updike, Jr.

Board member Beverly B. Darby was not present for the meeting.

Staff present for all or part of the meeting were:

Louise Fontaine Ware, Director
Karen W. O'Neal, Deputy Director of Regulatory Programs
James L. Guffey, Deputy Director of Enforcement
Mark N. Courtney, Executive Director
Sharon Sweet, Director, Office of Education and Examinations
Marian H. Brooks, Regulatory Board Administrator
Trisha L. Henshaw, Administrative Assistant
Earlyne Perkins, Legal Assistant

No representative from the Office of the Attorney General was present at the meeting.

Finding a quorum of the Board present, Mr. Linkous, Chair, called the meeting to order at 10:04 a.m. Call to Order

Mr. Updike moved to approve the agenda as written. Ms. Newcomb seconded the motion which was unanimously approved by members: Linkous, Newcomb, Perkinson, and Updike. Approval of Agenda

Ms. Brooks introduced Ms. Perkins to the Board members as the new legal assistant for the Board. Introduction of Staff

Mr. Updike moved to approve the minutes from the January 9, 2003, Board meeting as written. Mr. Perkinson seconded the motion which was unanimously approved by members: Linkous, Newcomb, Perkinson, and Updike. Approval of Minutes

Public Comment Period – No comments were made to the Board members. Public Comment

No other respondent, counsel for respondent or other representative, or participant without an appointment was present to speak before the Board.

Call for Respondent

Ms. Brooks apprised the Board members of a change in the review of disciplinary case files. In an effort to standardize the process, Ms. Brooks indicated that two motions need to be made when deciding on a disciplinary case. The first motion should be to determine whether or not a violation occurred. After that decision is made, and if a violation is found, then the Board will be apprised as to whether there were any prior violations. After prior violations (or lack thereof) are shared, then a second motion should be made regarding the imposition of sanctions.

Discussion of New
Disciplinary Review
Process

In reference to **File Number 2002-03487, Donald H. Mudd**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript and exhibits, and Summary of Informal Fact-Finding Conference by the presiding Board member. Mr. Perkinson moved to adopt the Summary of Informal Fact-Finding Conference as to the facts and find that Mr. Mudd violated 18 VAC 25-21-180.A.3 of the Board's 2002 regulations. Mr. Mudd's auctioneers license for the 2001 calendar year issued by the State of Louisiana was revoked because his renewal application contained false information regarding disciplinary actions, license suspensions, revocations, and voluntary surrenders from other states in which he was licensed. Ms. Newcomb seconded the motion which was unanimously approved by members: Linkous, Newcomb, and Perkinson. Ms. Perkins stated that Mr. Mudd had no prior violations. Ms. Newcomb moved to accept the Summary of Informal Fact-Finding Conference as to the recommendation and impose an inoperable suspension on Mr. Mudd's Virginia auctioneers license for a period of 2 years. Mr. Perkinson seconded the motion which was unanimously approved by members: Linkous, Newcomb, and Perkinson. As the presiding Board member at the Informal Fact-Finding Conference, Mr. Updike was not present during the discussion or vote.

File Number 2002-
03487, Donald H.
Mudd

Ms. Sweet spoke to the Board regarding the examination contract with Experior. Additionally, Ms. Sweet provided the Board members with the examination statistics for the 2002 calendar year, as well as the first quarter of 2003. Ms. Sweet indicated that after resolving a few problems at the beginning of the contract, Experior has complied with the terms of the contract and Ms. Sweet has not received complaints recently from candidates regarding their service. Ms. Sweet recommended that the Board extend the contract with Experior. Mr.

Discussion of
Examination Contract

Perkinson moved to extend the contract that is currently in place with Experior through December 31, 2004. Ms. Newcomb seconded the motion which was unanimously approved by members: Linkous, Newcomb, Perkinson, and Updike.

Ms. Brooks apprised the Board members of the status of legislation that was discussed at the last meeting. Specifically, Senate Bill 761, which provides certain requirements for the advertising of absolute auctions, was passed by the General Assembly and signed by the Governor. This legislation will become effective July 1, 2003.

Legislative Update

The Board members were provided with Board financial statements for January 2003 for informational purposes.

Review Financial Statements

Ms. O'Neal provided a brief tutorial on using the electronic agenda.

Board Member Training

Board member training was conducted by Mr. Guffey of the Enforcement Division. Mr. Guffey reviewed information related to the Enforcement Division, such as the Division's organization, complaint processing, and the adjudication process. Additionally, the Board members attended a mock Informal Fact-Finding Conference in order to allow those Board members who have never presided at an Informal Fact-Finding Conference to witness the process, and served as a refresher for those who have presided at an Informal Fact-Finding Conference.

The Board members recessed for lunch from 12:05 p.m. to 12:34 p.m.

Lunch

Mr. Courtney provided an update of the appeals related to File Numbers 1999-01227, Azam M. Khan, and 2000-02099, Park Royal Galleries, which were heard in Loudon County Circuit Court. Mr. Courtney indicated that while the Circuit Court found in favor of the Board in this matter, counsel for Mr. Khan and Park Royal Galleries, Inc. is appealing the decisions to the appellate court.

Other Business

Ms. Brooks informed the Board members that the Department is planning on having the capability to allow on-line renewals and address changes in place for those licenses expiring at the end of August 2003.

Additionally, the Department is working on creating a ListServ for all of its boards by the end of 2003. This would allow the boards to e-mail all of those who wish to be contacted by e-mail when various issues arise. The e-mail addresses will be collected through the on-line renewal and address change processes.

Mr. Updike recommended contacting all Virginia-licensed auctioneers regarding Senate Bill 761, which was passed by the General Assembly and signed by the Governor, as this law will have a significant impact on Virginia-licensed auctioneers. Mr. Courtney indicated that staff would need to review the budgetary impact of such a mailing. If funding was available, such a mailing would be done.

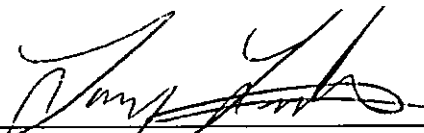
Ms. Brooks reminded the Board members that elections for officers will take place at the next scheduled Board meeting.

Conflict of Interest forms were completed by all members present.

Conflict of Interest
Forms

There being no further business, the meeting was adjourned at 12:47
p.m.

Adjourn



Larry J. Linkous, Chair



Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Samuel K. Updike, Jr.
2. Title: Member
3. Agency: Auctioneers Board
4. Transaction: Board Meeting on April 10, 2003
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

Auction Regulatory Board

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

SK Updike Jr
Signature

4-10-03
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Donna Newcomb
 2. Title: Member
 3. Agency: Auctioneers Board
 4. Transaction: Board Meeting on April 10, 2003
 5. Nature of Personal Interest Affected by Transaction: NONE
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6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Donna J. Newcomb
Signature

APR. 10, 2003
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: James H. Perkinson
2. Title: Member
3. Agency: Auctioneers Board
4. Transaction: Board Meeting on April 10, 2003
5. Nature of Personal Interest Affected by Transaction: None
-

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Signature

Date

J. H. Perkinson

4-10-03

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Larry J. Linkous
2. Title: Member
3. Agency: Auctioneers Board
4. Transaction: Board Meeting on April 10, 2003
5. Nature of Personal Interest Affected by Transaction: _____

_____ *None* _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

_____ *Auctioneer* _____

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

_____ *[Signature]* _____
Signature

_____ *4-10-03* _____
Date