

AUCTIONEERS BOARD MEETING

MINUTES

The Virginia Auctioneers Board met on July 8, 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

Board members Beverly B. Darby and Samuel K. Updike, Jr., were 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
Marian H. Brooks, Regulatory Board Administrator
Kevin Hoeft, Investigations Administrator
Earlyne Perkins, Legal Assistant
Trisha L. Henshaw, Administrative 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 10:12 a.m. Call to Order

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

Mr. Perkinson moved to approve the minutes from the April 10, 2003, Board meeting and the May 27, 2003, Informal Fact-Finding Conference as written. Ms. Newcomb seconded the motion which was unanimously approved by members: Linkous, Newcomb, and Perkinson. Approval of Minutes

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

Charles H. Strickler was present to speak regarding **File Number 2003-02875**. Mr. Strickler indicated that he paid for a two-year bond in 2000. Unfortunately, neither he nor the bonding company realized that the bond was written for one year. Mr. Strickler, not realizing that the bond was for one-year, did not take further action because he assumed that his license was current since the bond had been submitted to the Board office. As the presiding Board member at the Informal Fact-Finding Conference, Mr. Perkinson was not present during the presentation.

**Charles H. Strickler,
File Number 2003-
02875**

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

Call for Respondent

In reference to **File Number 2003-02875**, Charles H. Strickler, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference by the presiding Board member. After discussion, Ms. Newcomb moved to reject the recommendation of the presiding Board member because Mr. Strickler's reinstatement application does not meet the requirements of 18 VAC 25-21-90.C of the Board's 2002 regulations; therefore, the reinstatement application is denied and Mr. Strickler must apply for reinstatement pursuant to the requirements of 18 VAC 25-21-90.C. Mr. Linkous seconded the motion which was unanimously approved by members: Linkous and Newcomb. As the presiding Board member at the Informal Fact-Finding Conference, Mr. Perkinson was not present during the discussion or vote.

**File Number 2003-
02875, Charles H.
Strickler**

Mr. Guffey spoke to the Board regarding disciplinary actions against regulants of the Virginia Board taken by other states. The Board agreed by consensus to have the Enforcement Division review the orders from other states to determine if the violation is of a severity that would warrant action by the Virginia Board.

**Discussion Regarding
Procedure for
Regulation 18 VAC
25-21-180.A.3**

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

**Review Financial
Statements**

Mr. Perkinson moved to have the current officers continue through the term ending June 30, 2004. Mr. Linkous will continue as Chair and Mr. Updike will continue as Vice-Chair of the Board. Ms. Newcomb seconded the motion which was unanimously approved by members: Linkous, Newcomb, and Perkinson.

Election of Officers

After reviewing the draft newsletter prepared by staff, along with several possible titles for the newsletter, Ms. Newcomb moved to entitle the newsletter "Auction Digest." Mr. Perkinson seconded the motion which was unanimously approved by members: Linkous, Newcomb, and Perkinson.

Review Auctioneers
Board Newsletter

The Board members were provided with a copy of Senate Bill 761 that was sent to all regulants of the Board. Mr. Courtney indicated that he has received several questions from regulants regarding this new statute, which provides a definition for "absolute auction" and establishes requirements for advertising absolute auctions. One question concerned the auction of a large piece of property that would be auctioned as one tract and then as multiple tracts to determine the most profitable outcome. Another question concerned "absolute auctions with a minimum bid." The Board members agreed by consensus that these were not absolute auctions and could not be advertised as such.

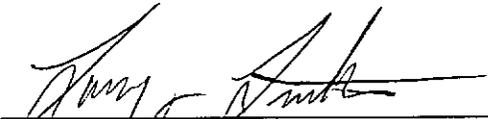
Other Business

Conflict of Interest forms were completed by all members present.

Conflict of Interest
Forms

There being no further business, the meeting was adjourned at 11:08 a.m.

Adjourn



Larry J. Linkous, Chair



Louise Fontaine Ware, Secretary

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