

## **AUCTIONEERS BOARD MEETING**

### **MINUTES**

The Virginia Auctioneers Board met on April 23, 2009, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Betty A. Bennett  
George A. Daniel  
Erlita Joanne Wang

Board members William C. Bryant, III and Amy Pence were not present at the meeting.

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director  
Mark Courtney, Deputy Director  
Kathleen R. Nosbisch, Executive Director  
Marian H. Brooks, Board Administrator  
Amy Goobic, Administrative Assistant  
Michelle Atkinson, Legal Analyst

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

Finding a quorum of the Board present, Ms. Brooks, Board Administrator, called the meeting to order at 10:00 a.m. Ms. Brooks informed the Board that William Bryant, Chair and Amy Pence, Vice-Chair would not be in attendance for the meeting and asked for a motion for acting chair. Ms. Wang moved to have Ms. Bennett chair the meeting due to the absence of the chair and vice-chair. Mr. Daniel seconded the motion which was unanimously approved by members: Bennett, Daniel and Wang.

#### **Call to Order**

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

#### **Approval of Agenda**

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

#### **Approval of Minutes**

- January 22, 2009, Auctioneers Board meeting
- February 12, 2009, Informal Fact Finding Conference
- March 5, 2009, Informal Fact Finding Conference
- March 26, 2009, Informal Fact Finding Conference

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

**Public Comment Period** – There were no comments made to the Board.

**Public Comment**

Regarding **File Number 2009-02060, Walker Commercial Services, Inc.**, the Board members reviewed the Consent Order as seen and agreed to by Walker Commercial Services, Inc. Mr. Daniel moved to accept the Consent Order which cites the following violation of the Code of Virginia: §54.1-607. For this violation, Walker Commercial Services, Inc. agrees to the following sanction: \$1000.00 contained in Count 1 as well as \$150.00 in Board costs for a total monetary penalty of \$1150.00. Ms. Wang seconded the motion which was unanimously approved by members: Bennett, Daniel and Wang.

**File Number 2009-02060, Walker Commercial Services, Inc.**

Regarding **File Number 2008-04781, J. Belvin Auction Services**, the 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 moved to accept the Summary of the Informal Fact-Finding Conference as to the facts, which cites the following violations of the Board's regulations: 18VAC25-21-110 (Count 1); 18VAC25-21-140 (Count 2); 18VAC25-21-150.A (Count 3); and 18VAC25-21-150.C (Count 4). Ms. Wang seconded the motion which was unanimously approved by members: Bennett, Daniel and Wang.

**File Number 2008-04781, J. Belvin Auction Services**

Mr. John Grandfield, complainant arrived during the presentation of the case and stated that he stood by his statements in the IFF; and feels the license of the respondent should be revoked.

Ms. Atkinson informed the Board that J. Belvin Auction Services had no prior violations. Mr. Daniel moved to accept the recommended sanctions as contained in the Summary of the Informal Fact-Finding Conference: \$500.00 for the violation contained in Count 1; \$500.00 for the violation contained in Count 4; as well as a license revocation for the violations contained in Counts 1, 2, 3 and 4. Ms. Wang seconded the motion which was unanimously approved by members: Bennett, Daniel and Wang.

Regarding **File Number 2009-01115, Ronald Mark Schnur**, the 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. Ms. Wang moved to accept the Summary of the Informal Fact-Finding Conference as to the facts, which cites the following violations of the Board's regulations: 18VAC25-21-180.A.4. Mr. Daniel seconded the motion which was unanimously approved by members: Bennett, Daniel and Wang.

**File Number 2009-01115, Ronald Mark Schnur**

Ms. Atkinson informed the Board that Ronald Mark Schnur had no prior violations. Mr. Daniel moved to accept the recommended sanctions as

contained in the Summary of the Informal Fact-Finding Conference: \$400.00 for the violation contained in Count 1. Ms. Wang seconded the motion which was unanimously approved by members: Bennett, Daniel and Wang.

Regarding **File Number 2008-04341, Mastin Auctions Inc.**, the Board members reviewed the Consent Order as seen and agreed to by Mastin Auctions, Inc. Ms. Wang moved to accept the Consent Order which cites the following violations of the Board's regulations: 18VAC25-21-110 (Count 1); 18VAC25-21-140 (Count 2); and 18 VAC 25-21-150.C (Count 3). For these violations, Mastin Auctions, Inc., agrees to the following sanctions: \$500.00 for the violation contained in Count 1; \$500.00 for the violation contained in Count 2; \$500.00 for the violation contained in Count 3 as well as \$150.00 in Board costs for a total monetary penalty of \$1650.00.

**File Number 2008-04341, Mastin Auctions, Inc.**

As to Count 2, Mastin Auctions Inc agrees to provide documentation to Gerald R Johnson to properly account for all items sold at auction within ten (10) days of the entry of the order. Failure to comply with this term will result in the monetary penalty being increased to \$2,500.00.

As to Count 3, Mastin Auctions Inc agrees to provide the total proceeds due in the amount of \$7,414.75 to Gerald R Johnson from the sale of goods within ten (10) days of the entry of the order. Failure to comply with this term will result in the monetary penalty being increased to \$2,500.00.

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

Regarding **File Number 2009-02457, Mastin Auctions, Inc.**, the 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 moved to accept the Summary of the Informal Fact-Finding Conference as to the facts, which cites the following violations of the Board's regulations: 18 VAC25-21-150.C (Count 1); 18VAC25-21-180A.4 (Count 2); 18VAC25-21-185.A (Count 3). Ms. Wang seconded the motion which was unanimously approved by members: Bennett, Daniel and Wang.

**File Number 2009-02457, Mastin Auctions, Inc.**

Ms. Atkinson informed the Board that Mastin Auctions, Inc., had prior violations. Mr. Daniel moved to accept the recommended sanctions as contained in the Summary of the Informal Fact-Finding Conference: \$700.00 for the violation contained in Count 1; \$800.00 for the violation contained in Count 2; \$1,000.00 for the violation contained in Count 3; as well as revocation of license for the violations contained in Counts 1, 2 and 3. Ms. Wang seconded the motion which was unanimously approved

by members: Bennett, Daniel and Wang.

Regarding **File Number 2009-03088, Daniel Mastin III**, the 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 moved to accept the Summary of the Informal Fact-Finding Conference as to the facts, which cites the following violations of the Board's regulations: 18VAC25-21-150.C. (Count 1); 18VAC25-21-180.A.4 (Count 2); 18VAC25-21-185.A (Count 3). Ms. Wang seconded the motion which was unanimously approved by members: Bennett, Daniel and Wang.

**File Number 2009-03088, Daniel Mastin III**

Ms. Atkinson informed the Board that Daniel Mastin III, had a prior violation. Ms. Wang moved to accept the recommended sanctions as contained in the Summary of the Informal Fact-Finding Conference: \$700.00 for the violation contained in Count 1; \$800 for the violation contained in Count 2; \$1000.00 for the violation contained in Count 3; as well as revocation of license for the violations contained in Counts 1, 2, and 3. Mr. Daniel seconded the motion which was unanimously approved by members: Bennett, Daniel and Wang.

Ms. Brooks updated the Board on the proposed fast track regulations regarding credit card acceptance. Ms. Brooks noted that the Board's regulations are under Secretary review and will then be sent to the Governor's office for review.

**Regulatory Review**

Ms. Brooks requested that the Board members authorize a regulatory review of the Board's regulations in order to modify sections relating to disciplinary actions and other sections as necessary. Mr. Daniel moved to authorize staff to file a Notice of Intended Regulatory Action (NOIRA) for regulatory review. Ms. Wang seconded the motion which was unanimously approved by members: Bennett, Daniel and Wang.

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

**Review of Financial Statements**

Ms. Brooks stated that April 18, 2009 was National Auctioneers Day, and provided statistics on the increase in auction sales.

**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 10:32.

**Adjourn**

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William C. Bryant, III, Chair

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Jay W. DeBoer, Secretary

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