

AUCTIONEERS BOARD MEETING

MINUTES

The Virginia Auctioneers Board met on October 21, 2010, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Betty A. Bennett
William C. Bryant, III
George Daniel
Erlita Joanne Wang

Board member Marie Torrans was not present.

Staff present for all or part of the meeting were:

Gordon N. Dixon, Director
Mark N. Courtney, Deputy Director
Kathleen R. Nosbisch, Executive Director
Marian Brooks, Board Administrator
Amy Goobic, Administrative Assistant
Earlyne Perkins, Legal Analyst

Josh Lief, Senior Assistant Attorney General, was present at the meeting.

Finding a quorum of the Board present, Ms. Bennett, Chair, called the meeting to order at 10:02 a.m.

Ms. Brooks welcomed and introduced new Board Counsel, Josh Lief. Mr. Lief provided a brief biography for the Board.

Ms. Brooks also introduced Ms. Bonnie Rhea-Adams, Director of Complaint Analysis and Resolution. Ms. Rhea-Adams introduced members of CAR staff present at the meeting: Rachel Welch, Susan Garbini, Loraine Schroeder, Stacey Payne, Michelle Couch and Michael Leedom.

Ms. Bennett advised the Board of the emergency evacuation procedures.

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

Call to Order

Introduction of New Board Counsel – Josh Lief

Introduction of CAR Staff

Emergency Evacuation Procedures

Approval of Agenda

Mr. Bryant moved to approve the minutes as amended from the following meeting:

Approval of Minutes

- July 15, 2010, Auctioneers Board meeting

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

Public Comment Period – There was no public comment.

Public Comment Period

Regarding **File Number 2010-03520, James Wayne Reese**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Reese. Mr. Daniel moved to accept the Consent Order which cites the following violations of the Board's regulations: 18VAC25-21-110 (Count 1) and 18VAC25-21-140 (Count 2). For these violations, Mr. Reese agrees to the following sanctions: \$200.00 for the violation contained in Count 1; \$500.00 for the violation contained in Count 2; and \$150.00 in Board costs. For a total monetary penalty of \$850.00. Ms. Wang seconded the motion which was unanimously approved by members: Bennett, Daniel and Wang. As the presiding Board member, Mr. Bryant was not present for the discussion or vote.

File Number 2010-03520, James Wayne Reese

Regarding **File Number 2010-03606, Greenway Real Estate and Auction Co.**, the Board members reviewed the Consent Order as seen and agreed to by Greenway Real Estate and Auction Co. Mr. Daniel moved to accept the Consent Order which cites the following violations of the Board's regulations: 18VAC25-21-110 (Count 1); 18VAC25-21-180A.4 (Count 2); 18VAC25-21-100.A (Count 3); and 18VAC25-21-180.A.4 (count 4). For these violations, Greenway agrees to the following sanctions: \$800.00 for the violations contained in Count 1 (4 violations at \$200 each); \$200.00 for the violation contained in Count 2; \$200.00 for the violation contained in Count 3; \$200.00 for the violation contained in Count 4; and \$150.00 in Board costs. For a total monetary penalty of \$1,550.00. Ms. Bennett seconded the motion which was unanimously approved by members: Bennett, Daniel and Wang. As the presiding Board member, Mr. Bryant was not present for the discussion or vote.

File Number 2010-03606, Greenway Real Estate and Auction Co.

Regarding **File Number 2010-05760, George Matthew Garten**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Garten. Ms. Wang moved to accept the Consent Order which cites the following violation of the Board's regulations: 18VAC25-21-100.A (Count 1). For this violation, Mr. Garten agrees to the following sanctions: \$250.00 for the violation contained in Count 1; and \$150.00 in Board costs. For a total monetary penalty of \$400.00. Mr. Daniel seconded the motion which was unanimously approved by members: Bennett, Bryant, Daniel and Wang.

File Number 2010-05760, George Matthew Garten

The Board members were provided with a comprehensive report of enforcement activity since the last Board meeting.

**Comprehensive
Report of Compliance
and Investigations
Divisions Activity**

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

**Review of Financial
Statements**

Ms. Brooks informed the Board that the proposed regulations adopted at the July 15, 2010, meeting, are with the Department of Planning and Budget for review. The regulations will then go to the Secretary's office and the Governor's office for approval, before the public comment period begins.

Regulatory Update

Ms. Brooks informed the Board that the emergency regulation regarding temporary licensure voted on at the July 15, 2010, meeting needed to be reconsidered. Mr. Bryant moved to reconsider the emergency regulation. Mr. Daniel seconded the motion which was unanimously approved by members: Bennett, Bryant, Daniel and Wang.

Mr. Bryant moved to withdraw the emergency regulation package. Ms. Wang seconded the motion which was unanimously approved by members: Bennett, Bryant, Daniel and Wang.

Ms. Brooks informed the Board that the fall newsletter would be ready soon and that they would receive an electronic copy. Ms. Brooks also asked that the Board members submit ideas for articles.

Other Business

Ms. Brooks reported that the first Continuing Education audit would take place within the next two weeks. Approximately 5% of those licensed will be audited.

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 a.m.

Adjourn

Betty A. Bennett, Chair

Gordon N. Dixon, Secretary