

## **AUCTIONEERS BOARD MEETING**

### **MINUTES**

The Virginia Auctioneers Board met on October 18, 2007, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

G. Thomas Garten  
Amy Pence  
Erlita Joanne Wang

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director  
Karen W. O'Neal, Deputy Director of Licensing and Regulation  
Mark N. Courtney, Executive Director  
Michelle Gowen, Administrative Assistant  
Sharon Sweet, Director of Examinations

Board member Mark T. Motley was not present at the meeting.

Elizabeth Peay, Assistant Attorney General, was present at the meeting.

Finding a quorum of the Board present, Ms. Pence, Acting Chair, called the meeting to order at 10:30 a.m.

#### **Call to Order**

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

#### **Approval of Agenda**

Ms. Wang moved to approve the minutes from the July 12, 2007, Board meeting as amended. Mr. Garten seconded the motion which was unanimously approved by members: Garten, Pence, and Wang.

#### **Approval of Minutes**

**Public Comment Period** – Mr. Ricky Foster was present to address the Board regarding his numerous attempts at passing the auctioneers examination. Mr. Foster stated that he believes that several of the test questions have more than one correct answer and that his scores have been manipulated. After discussion, the Board asked Ms. Sweet to look into Mr. Foster's concerns and share her findings with Mr. Foster.

#### **Public Comment**

Ms. Wang nominated Mr. Motley as Chair and Ms. Pence as Vice-Chair for a term beginning July 1, 2007, and ending June 30, 2008. Mr. Garten seconded the motion which was unanimously approved by members: Garten, Pence, and Wang.

#### **Election of Officers**

Mr. Garten moved to adopt the following resolution in memory of Board member J. Hartwell “Perk” Perkinson:

**Consideration and  
Presentation of  
Resolution**

**J. Hartwell “Perk” Perkinson**

WHEREAS, **J. Hartwell “Perk” Perkinson** faithfully and diligently served as a member of the Auctioneers Board from July 2002 to September 2007; and

WHEREAS, **J. Hartwell “Perk” Perkinson** devoted generously of his time, talent and leadership to the Board; and

WHEREAS, **J. Hartwell “Perk” Perkinson** endeavored at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and this profession; and

WHEREAS, the Auctioneers Board is grateful for the dedication and service of **J. Hartwell “Perk” Perkinson** to the Board and to the citizens of the Commonwealth; and

WHEREAS, the Auctioneers Board mourns the passing of **J. Hartwell “Perk” Perkinson** which occurred on September 20, 2007;

NOW THEREFORE BE IT RESOLVED, this eighteenth day of October 2007, that the Auctioneers Board expresses utmost regard and respect for **J. Hartwell “Perk” Perkinson** and his professional legacy; and, so that all may know of the Board’s depth of sorrow and its expression of sympathy, it is ORDERED this resolution be made a part of the official minutes of the Board and that a copy hereof be presented to the family of **J. Hartwell “Perk” Perkinson**.

Ms. Wang seconded the motion which was unanimously approved by members: Garten, Pence, and Wang.

Ms. Pence welcomed the family of Mr. Perkinson and remembered J. Hartwell “Perk” Perkinson’s service to the Board. Ms. Pence presented the resolution to Sheri and Ed Cogle; Mr. Perkinson’s daughter and son-in-law.

The Board members reviewed a summary of the public comments regarding the proposed regulations as well as a draft Board response to

**Review Public  
Comment and Adopt**

each of the comments. After reviewing each of the comments and the draft Board response for each comment, Mr. Garten moved to adopt the Board response as presented. Ms. Wang seconded the motion which was unanimously approved by members: Garten, Pence, and Wang.

**Board Response**

The Board members reviewed the draft final regulations as prepared by staff. After review, Ms. Wang moved to adopt the final regulations. Ms. Wang further moved to authorize staff, in conjunction with the Chair, to make any minor changes as necessary, on behalf of the Board, so that the regulations can be approved. Mr. Garten seconded the motion which was unanimously approved by members: Garten, Pence, and Wang.

**Consideration of Final Regulations**

The Board members took a break from 11:03 a.m. to 11:08 a.m.

**Break**

At 11:09 a.m., Mr. Garten moved that the meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and/or briefings by staff members pertaining to actual or probable litigation as permitted by § 2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Mark Courtney, Karen O'Neal, Elizabeth Peay, and Jay DeBoer. This motion was made with respect to the matter(s) identified as agenda item(s): #8, 2007-00056, Zedd Auctioneers, LTD, and 2007-00194, Calvin Zedd.

**Closed Meeting**

At 11:26 a.m., Ms. Wang moved to adjourn the closed meeting and immediately reconvene in open meeting. Mr. Garten seconded the motion which was unanimously approved by members: Garten, Pence, and Wang.

**Open Meeting**

WHEREAS, the Auctioneers Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

**Certification of Closed Meeting**

WHEREAS, § 2.2-3712 of the Code of Virginia requires a certification by this Auctioneers Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Auctioneers Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Auctioneers Board.

VOTE: 3-0-1

AYES: Garten, Pence, Wang

NAYS: None.

ABSENT DURING VOTE: Motley.

ABSENT DURING MEETING: Motley.

The Board members were provided with the August 2007 financial statements for informational purposes.

**Review Financial Statements**

Mr. Courtney informed the Board members that they will be receiving a draft of the newsletter in a few weeks for their review.

**Other Business**

Mr. Courtney also informed the Board members that the first continuing education course has been approved and a second course application has been received for review.

Conflict of Interest forms were completed by all members present.

**Conflict of Interest Forms**

There being no further business, the meeting was adjourned at 11:36 a.m.

**Adjourn**

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Amy Pence, Acting Chair

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Jay W. DeBoer, Secretary