

AUCTIONEERS BOARD MEETING

MINUTES

The Virginia Auctioneers Board met on April 22, 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 A. Daniel
Marie Torrans
Erlita Joanne Wang

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director
Mark N. Courtney, Deputy Director
Kathleen R. Nosbisch, Executive Director
Marian H. Brooks, Board Administrator
Justin Garofalo, Board Administrator
Amy Goobic, Administrative Assistant

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

Finding a quorum of the Board present, Mr. Daniel, Chair, called the meeting to order at 10:03 a.m.

Call to Order

Mr. Daniel advised the Board of the emergency evacuation procedures.

Emergency Evacuation Procedures

New Board Member Marie Torrans, introduced herself and gave a brief background. Justin Garofalo, new Board Administrator, introduced himself and gave a brief history of his employment with DPOR. The board members and staff then introduced themselves and welcomed Ms. Torrans and Mr. Garofalo.

Introduction of New Board Member and New Staff

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

Approval of Agenda

Ms. Bennett moved to approve the minutes from the following meeting:

Approval of Minutes

- January 21, 2010, Auctioneers Board meeting
- February 4, 2010, Informal Fact-finding Conference

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

Ms. Brooks acknowledged National Auctioneer's Day which was April 17. Ms. Brooks informed the Board that as of April 1, there were 1,435 auctioneers licensed and 245 auction firms. Additionally, Ms. Brooks provided exam statistics for January 1, 2009 through April 1, 2010.

**Recognition of
National Auctioneer's
Day**

Public Comment Period – Mr. Danny Mastin was present to address the Board regarding the revocation of his auctioneer's license. Mr. Mastin explained to the Board that he had suffered financial difficulties and had made some extremely bad decisions. Mr. Mastin offered his apologies to the Board, and expressed his sorrow at letting down his profession.

**Public Comment
Period**

Regarding **File Number 2010-0155, Dion Guy Abadi**, 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. Bennett 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.3 – three violations (Count 1); and 18VAC25-21-180.A.1 (Count 2). Mr. Bryant seconded the motion which was unanimously approved by members: Bennett, Bryant, Daniel, Torrains and Wang.

**File Number 2010-
01955, Dion Guy
Abadi**

Ms. Perkins informed the Board that Mr. Abadi had a prior Consent Order in 2005, which was contained in the case information. Ms. Bennett moved to accept the recommended sanctions as contained in the Summary of the Informal Fact-Finding Conference: \$3,000.00 and revocation of license for the violations contained in Count 1; no monetary penalty was imposed for the violation contained in Count 2, for a total monetary penalty of \$3,000.00. Ms. Wang seconded the motion which was unanimously approved by members: Bennett, Bryant, Daniel, Torrains and Wang.

Regarding **File Number 2010-01269, Donald Everette Sparks**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Sparks. Ms. Bennett moved to accept the Consent Order which cites the following violations of the Board's regulations: 18VAC25-21-140 (Count 1); 18VAC25-21-150.C (Count 2); 18VAC25-21-150.E (Count 3); 18VAC25-21-180.4 (Count 4); 18VAC25-21-160 (Count 5); 18VAC25-21-185.A (Count 6); and 18VAC25-21-170.B (Count 7). For these violations, Mr. Sparks agrees to the following sanctions: revocation of

**File Number 2010-
01269, Donald
Everette Sparks**

license for the violations contained in Counts 1-6; and \$150.00 in Board costs. Ms. Wang seconded the motion which was unanimously approved by members: Bennett, Bryant, Torrains and Wang. As the presiding board member, Mr. Daniel was not present for the discussion or vote.

Mr. Bryant moved to nominate Ms. Bennett as Chair and Mr. Daniel as Vice-Chair. Ms. Wang seconded the motion which was unanimously approved by members: Bennett, Bryant, Daniel, Torrains and Wang.

Election Of Officers

The board was provided correspondence from Mr. Alferd Bontrager regarding obtaining a Virginia auctioneer license. Mr. Bontrager has been an auctioneer in the state of New York, which does not require a license. Mr. Bontrager is requesting that his degree from the Certified Auctioneers Institute, be considered as equivalent to the education required for licensing in Virginia.

Correspondence from Mr. Alferd Bontrager

Mr. Bryant moved to have board staff draft a letter requesting Mr. Bontrager provide course syllabus and certificate of completion to verify that his education is equivalent to the board requirement. If his education is deemed equivalent by the board, he will be permitted to sit for the auctioneer's exam. If Mr. Bontrager's education is not accepted, he will be able to request an IFF. Ms. Bennett seconded the motion which was unanimously approved by members: Bennett, Bryant, Daniel, Torrains and Wang.

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

Board members were provided with a draft copy of the regulations with suggested changes. The draft regulations were reviewed by the board and discussion continued on the recommended changes.

Regulatory Update

The Board recessed from 11:20 a.m. until 11:45 a.m.

Recess

Mr. Courtney requested permission to provide 'other business' information, as he had to leave the meeting. Mr. Courtney reported that the exam vendor for the Auctioneer Board, Psychological Services Institute (PSI) discovered a proctor in Virginia Beach offering examination questions for sale. The questions were not from the Auctioneer's examination.

Other Business

Discussion resumed on the draft regulations.

Regulatory Update

The Board agreed to have the staff continue work on the draft regulations for further discussion at the July 15, 2010 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 12:05 p.m.

Adjourn

George Daniel, Chair

Gordon N. Dixon, Secretary