

AUCTIONEERS BOARD MEETING

MINUTES

The Virginia Auctioneers Board met on July 15, 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
Marie Torrans**

Board members George Daniel and Erlita Joanne Wang were 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
Justin Garofalo, Board Administrator
Betty Jones, Administrative Assistant
Earlyne Perkins, Legal Analyst**

There was no representative from the Attorney General's office present at the meeting.

Finding a quorum of the Board present, Ms. Bennett, Chair, called the meeting to order at 10:07 a.m.

Call to Order

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

**Emergency
Evacuation
Procedures**

Ms. Nosbisch introduced Gordon N. Dixon, the recently appointed Director of DPOR. Mr. Dixon thanked the board members for their service. Ms. Nosbisch introduced Betty Jones, who was filling in as Administrative Assistant for Amy Goobic.

**Introduction of New
DPOR Director -
Gordon N. Dixon**

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

Approval of Agenda

Mr. Bryant moved to approve the minutes from the following meetings: Approval of Minutes

- April 22, 2010, Auctioneers Board meeting
- May 18, 2010, Informal Fact-finding Conference

Ms. Torrans seconded the motion which was unanimously approved by members: Bennett, Bryant and Torrans.

Public Comment Period – There was no public comment.

Public Comment
Period

Regarding **File Number 2010-04711, David C. Snipes**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Snipes. Mr. Bryant moved to accept the Consent Order which cites the following violation of the Board's regulations: 18VAC25-21-180.2 (Count 1). For this violation, Mr. Snipes agrees to the following sanction: no monetary penalty for the violation contained in Count 1; and \$150.00 in Board costs. Ms. Torrans seconded the motion which was unanimously approved by members: Bennett, Bryant and Torrans.

File Number 2010-
04711, David C.
Snipes

Regarding **File Number 2010-04558, Anita Faith Weaver**, the Board members reviewed the Consent Order as seen and agreed to by Ms. Weaver. Mr. Bryant moved to accept the Consent Order which cites the following violation of the Board's regulations: 18VAC25-21-110.A (Count 1). For this violation, Ms. Weaver 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. Ms. Torrans seconded the motion which was unanimously approved by members: Bennett, Bryant and Torrans.

File Number 2010-
04558, Anita Faith
Weaver

Regarding **File Number 2010-02474, Antique Works, LLC**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Amory LeCuyer, Owner, Antique Works, LLC. Mr. Bryant moved to accept the Consent Order which cites the following violation of the Board's regulations: 18VAC25-21-110 (Count 1). For this violation, Mr. LeCuyer agrees to the following sanction: \$200.00 for the violation contained in Count 1; and \$150.00 in Board costs. For a total monetary penalty of \$350.00. Ms. Torrans seconded the motion which was unanimously approved by members: Bennett, Bryant and Torrans.

File Number 2010-
02474, Antique
Works, LLC

Regarding **File Number 2010-02863, Stephen Zedd**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Zedd. Mr. Bryant moved to accept the Consent Order which cites the following violations of the Board's regulations: 18VAC25-21-150.A

File Number 2010-
02863, Stephen Zedd

(Count 1); 18VAC25-21-150.G (Count 2); and 18VAC25-21-150.F (Count 3). For these violations, Mr. Zedd agrees to the following sanctions: \$500.00 for the violation contained in Count 1; \$1,000.00 (two violations at \$500.00 each) for the violations contained in Count 2; \$500.00 for the violation contained in Count 3; and \$150.00 in Board costs. For a total monetary penalty of \$2,150.00.

In addition, for violation of Counts 1-3, Mr. Zedd agrees to a four (4) year probation of his license as of the effective date of this order. During this four (4) year probation period, Mr. Zedd agrees to:

- (1) License suspension resulting from any complaint received by the Board involving a violation of the Board's escrow fund regulations, with the license suspension remaining in effect until resolution of the complaint or until the completion of the Board's disciplinary process pertaining to said complaint; and
- (2) License revocation if he is found to be continuing to engage in auctioneering activities while under a suspended license;

Mr. Zedd understands the right to have this suspension or revocation considered in an informal fact-finding conference and/or formal hearing under Sections 2.2-4019, 2.2-4020, and 2-2.4021 of the Code of Virginia, and knowingly and voluntarily waives any rights to these proceedings.

Ms. Torrans seconded the motion which was unanimously approved by members: Bennett, Bryant and Torrans.

Ms. Perkins informed the Board that there was a correction to the Informal Fact Finding Summary. The date of the IFF was May 18, 2010, and was incorrectly written as May 6.

File Number 2010-03685, Aaron Joseph-Lee Estrada

Mr. Estrada was present to address the Board. Mr. Estrada gave a brief presentation and thanked the Board for their consideration of his application for licensure.

Regarding File Number 2010-03685, Aaron Joseph-Lee Estrada, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the Section's recommendation.

The Board recessed from 10:25 a.m. until 10:35 a.m.

Recess

Mr. Bryant moved to accept the recommendation of the presiding Board member, and approve Mr. Estrada's application for licensure. Ms. Torrans seconded the motion which was unanimously approved by members: Bennett, Bryant and Torrans.

File Number 2010-03685, Aaron Joseph-Lee Estrada

Ms. Bennett read the following resolution from the Auctioneers Board to be presented to Jay DeBoer for his service as Director of DPOR.

Resolution for Jay W. DeBoer

**RESOLUTION TO
*Jay W. DeBoer***

WHEREAS, Jay W. DeBoer did faithfully and diligently serve the Virginia Auctioneers Board as the Director of the Department of Professional and Occupational Regulation from 2006 to 2010;

WHEREAS, Jay W. DeBoer has devoted generously of his time, talent and leadership to the Board;

WHEREAS, Jay W. DeBoer did endeavor at all times to render assistance and advice to the Board with fairness and good judgment in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Virginia Auctioneers Board wishes to acknowledge its gratitude for devoted service of a person who is held in the highest esteem by the members of the Board and the citizens of the Commonwealth; and

NOW THEREFORE BE IT RESOLVED, by the Virginia Auctioneers Board this fifteenth day of July 2010, that Jay W. DeBoer be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

The resolution was adopted by consensus.

Mr. Bryant moved to approve the following meeting dates for 2011:

- January 13, 2011
- April 7, 2011
- July 20, 2011
- October 13, 2011

**Consideration of 2011
Meeting Dates**

Ms. Torrans seconded the motion which was unanimously approved by members: Bennett, Bryant and Torrans.

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 an updated draft copy of the regulations with suggested revisions. The draft regulations were reviewed by the Board and discussion was held on the recommended changes.

Regulatory Update

Mr. Bryant moved to approve the regulations as proposed with the revisions discussed. Ms. Torrans seconded the motion which was unanimously approved by members: Bennett, Bryant and Torrans.

Ms. Nosbisch discussed the 45 day temporary licensure bill (SB 474) passed by the 2010 General Assembly. Mr. Bryant moved to adopt the emergency regulation not to issue the 45 day temporary license. Ms. Torrans seconded the motion which was unanimously approved by members: Bennett, Bryant and Torrans.

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 11:01 a.m.

Adjourn


Betty Bennett, Chair


Gordon N. Dixon, Secretary

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Betty A. Bennett
2. Title: Board Member
3. Agency: Auctioneers Board
4. Meeting/IFF Date: Board Meeting July 15, 2010

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Betty A. Bennett
Signature

7/15/2010
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Marie Torrans
2. Title: Board Member
3. Agency: Auctioneers Board
4. Meeting/IFF Date: Board Meeting July 15, 2010

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Marie Torrans
Signature

July 15⁵ 2010
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: William C. Bryant, III
2. Title: Board Member
3. Agency: Auctioneers Board
4. Meeting/IFF Date: Board Meeting July 15, 2010

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

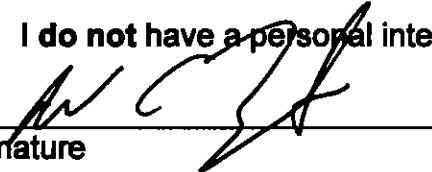
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Signature



Date

7/15/10