

## AUCTIONEERS BOARD MEETING

### MINUTES

The Virginia Auctioneers Board met on July 16, 2009, 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

Board members Amy Pence and Erlita Joanne Wang 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  
Earlyne Perkins, Legal Analyst

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

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

#### Call to Order

Ms. Brooks introduced the new Administrative Assistant for the Auctioneers Board, Amy Goobic.

#### Introduction of Administrative Assistant

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

#### Approval of Agenda

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

#### Approval of Minutes

- April 23, 2009, Auctioneers Board meeting

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

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

#### Public Comment

Regarding **File Number 2009-00994, Donald Everette Sparks**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Sparks. As the presiding Board member, Mr. Daniel was excused from the meeting. Mr. DeBoer advised the Board that as they would not have a quorum to vote on the case, Mr. Daniel could return for discussion and

#### File Number 2009-00994, Donald Everette Sparks

vote, as it was a Consent Order. Ms. Peay, Assistant Attorney General, concurred. 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); 18VAC25-21-150.F (Count 4) and 18VAC25-21-180.A.4 (Count 5). For these violations, Mr. Sparks, agrees to the following sanctions: \$1,500.00 for the violation contained in Count 1; \$1,000.00 for the violation contained in Count 2; there was no monetary penalty for the violation contained in Count 3; \$150.00 for the violation contained in Count 4; \$250.00 for the violation contained in Count 5, as well as \$150.00 in Board costs for a total monetary penalty of \$3,050.00.

In addition, for the violation of Count 3, Mr. Sparks agrees to reimburse \$3,078.37 to Barbara Edenton Wren and provide the Board with proof of the payment within 30 days of the effective date of this order. If Mr. Sparks fails to comply with these conditions, his license will be suspended until such time as he comes into compliance.

For the violation of Count 4, Mr. Sparks agrees to submit to the Board an independent audit report prepared by a CPA, of his escrow accounts. The report must certify that the escrow account is in compliance with the Board's regulations and must be provided to the Board within 60 days of the effective date of the order. Failure to comply with these conditions, will result in license suspension until such time as he comes into compliance.

Ms. Brooks informed the Board that the proposed fast track regulation regarding credit cards had been filed with the Registrar's office and that the proposed regulation will be published in the Registry on August 3, 2009. The 30 day comment period will end September 2, 2009.

**Regulation Update**

Ms. Brooks also reported that the NOIRA had been filed and staff will try and have proposed language to be discussed at the October meeting.

Ms. Bennett moved to approve the following meeting dates for 2010:

**Consideration of 2010  
Meeting Dates**

Thursday, January 21

Thursday, April 22

Thursday, July 15

Thursday, October 21

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

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

**Election of Officers**

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 participated in the Conflict of Interests Act training as it is required of all board members. Board members signed certificates verifying that they had completed the training course.

**Conflict of Interests  
Act Training**

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

**Review of Financial  
Statements**

Ms. Brooks discussed the processing of school applications with the Board members. She informed them that prior to the change by the Board on July 23, 1998, applications were reviewed by staff and presented to the Board for their approval. If an application was rejected and the applicant appeals the Board's decision, the Board could be tainted. Therefore, the Board voted that the process be changed to include a staff review and review by one board member. The Vice Chair was elected to be to Board member for the review process.

**Other Business**

Ms. Brooks informed the Board that bottled water would no longer be available at Board meetings in accordance with Executive Order #82.

Ms. Brooks asked that the Board members submit any ideas they may have for the upcoming newsletter.

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