

**AUCTIONEERS BOARD MEETING
MINUTES**

The Virginia Auctioneers Board met on July 20, 2011, 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
Marie Torrans
Erlita Joanne Wang

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 10:01 a.m.

Call to Order

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

**Emergency
Evacuation
Procedures**

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

Approval of Agenda

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

Approval of Minutes

- October 21, 2010, Auctioneers Board Meeting;
- June 2, 2011, Informal Fact-finding Conference; and
- June 8, 2011, Informal Fact-finding Conference

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

Public Comment Period – There was no public comment.

**Public Comment
Period**

Ms. Pam Simmons, complainant, was present to address the Board. Ms. Simmons stated that she agreed with the recommendation contained in the IFF summary.

**File Number 2011-
00603, Bland Land
Company**

Mr. Litten, counsel for Bland Land Company, was present to address the Board. Mr. Litten stated that his client had read the recommendation and felt it was strict, but accepted that his company was not in compliance with the Board's regulations.

Regarding **File Number 2011-00603, Bland Land Company**, 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. Mr. Bryant 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: 18VAC25-21-180.4 (Count 1); 18VAC25-21-110.A (Count 3); 18VAC25-21-100.B (Count 4); and 18VAC25-21-185.A (Count 5). Count 2 was closed with a finding of no violation. Ms. Torrans seconded the motion which was unanimously approved by members: Bryant, Daniel, Torrans and Wang. As the presiding board member, Ms. Bennett was not present for the discussion or vote.

Ms. Perkins informed the Board that Bland Land Company had no prior violations. Mr. Bryant moved to accept the recommended sanctions as contained in the Summary of the Informal Fact-Finding Conference: \$2,500.00 for the violation contained in Count 1; \$500.00 for the violation contained in Count 3; \$150.00 for the violation contained in Count 4; and \$2,000.00 for the violation contained in Count 5, for a total monetary penalty of \$5,150.00.

In addition to the monetary penalties, BLC's auctioneer firm license will be placed on probation for a period of five (5) years and BLC shall be required to submit evidence acceptable to the Board that BLC has complied with the following requirements:

1. To submit a revised contract which complies with the Board's regulations;
2. To have Gerald C. Bland complete six hours of Board-approved continuing education. The continuing education hours will not count towards any continuing education requirements, if applicable, for renewal, reinstatement, or activation of a license;
3. To have Gerald C. Bland successfully pass the Virginia

- Licensed Auctioneer's Examination; and
4. To pay all monetary penalties imposed in this order.

BLC shall provide proof acceptable to the Board that it has complied with items #1 through #3 within six (6) months of the effective date of this order. Further, BLC shall pay all monetary penalties imposed by this order within twelve (12) months of the effective date of this order.

If BLC fails to comply with any term of this probation, BLC's license shall be automatically suspended until such time as there is complete satisfactory compliance.

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

Regarding File Number 2011-01708, Las Vegas Auctions, LLC, 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. Mr. Daniel 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: 18VAC25-21-180.5 (Count 1); 18VAC25-21-150.D (Count 2); and 18VAC25-21-170.B (Count 3). Mr. Bryant seconded the motion which was unanimously approved by members: Bennett, Bryant, Daniel, Torrains and Wang.

File Number 2011-01708, Las Vegas Auctions, LLC

Ms. Perkins informed the Board that Las Vegas Auctions, LLC had no prior violations. Mr. Daniel moved to accept the recommended sanctions as contained in the Summary of the Informal Fact-Finding Conference: revocation of license for the violations contained in Count 1; Count 2; and Count 3. Ms. Wang seconded the motion which was unanimously approved by members: Bennett, Bryant, Daniel, Torrains and Wang.

Regarding File Number 2011-00719, Whitman L. Sink, the Board members reviewed the Consent Order as seen and agreed to by Mr. Sink. Mr. Bryant moved to accept the Consent Order which cites the following violations of the Board's regulations: 18VAC25-21-150.D (Count 1); and 18VAC25-21-180.A.4 (Count 2). For these violations, Mr. Sink agrees to the following sanctions: \$300.00 for the violation contained in Count 1; \$150.00 for the violation contained in Count 2; and \$150.00 in Board costs. For a total monetary penalty of \$600.00. 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.

File Number 2011-00719, Whitman L. Sink

Mr. Daniel moved to nominate Mr. Bryant as Chair. With no further nominations, Ms. Wang seconded the nomination which was unanimously approved by members: Bennett, Bryant Daniel, Torrains and Wang.

Election of Chair & Vice-Chair

Ms. Wang moved to nominate Ms. Bennett as Vice-Chair. With no further nominations, Mr. Daniel seconded the nomination which was unanimously approved by members: Bennett, Bryant Daniel, Torrains and Wang.

Mr. Daniel moved to adopt the following meeting dates for 2012:

Consideration of 2012 Meeting Dates

10:00 a.m., Wednesday, January 11
10:00 a.m., Wednesday, April 18
10:00 a.m., Wednesday, July 18
10:00 a.m., Wednesday, October 10

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

Ms. Brooks reported that the proposed regulations had been reviewed and approved by the Department of Planning and Budget and the Secretary of Commerce and Trade. The regulations are currently at the Governor's office for approval.

Regulatory Update

Ms. Brooks reported that the first Continuing Education audit had been performed on 5% of licensees, only one regulant did not respond. The regulant's information has been sent to the Compliance and Investigations Division for further action.

Other Business

Ms. Brooks reported that she and Ms. Nosbisch attended the Virginia Auctioneer's Association Mid-Year Conference in Waynesboro, VA, May 9, 2011.

Discussion was held on the auctioning of storage units. Mr. Lief stated that there are new rules regarding the auction of storage units and that he will provide the Board the information at the October board meeting.

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


Conflict of Interest forms were completed by all members present.

Conflict of Interest Forms

There being no further business, the meeting was adjourned at
10:40 a.m.

Adjourn


Betty A. 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: Marie Torrans
2. Title: Board Member
3. Agency: Auctioneers Board
4. Meeting/IFF Date: Board Meeting July 15, 2010^{20, 2011}

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 20, 2011
Date

**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 20, 2011

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

file # 2011-00603, Bland land Co

Nature of Personal Interest Affected by Transaction:

was called by a DPOR person regarding this case.

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

7/20/2011
Date

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

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

1. Name: George A. Daniel
2. Title: Board Member
3. Agency: Auctioneers Board
4. Meeting/IFF Date: Board Meeting July 20, 2011

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

George A. Daniel

Date

7-20-11

**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 20, 2011

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

Nature of Personal Interest Affected by Transaction:

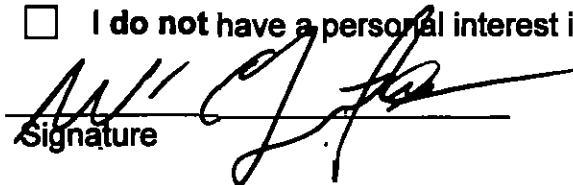
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

7/20/11
Date

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

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

1. Name: Erlita Joanne Wang
2. Title: Board Member
3. Agency: Auctioneers Board
4. Meeting/IFF Date: Board Meeting July 20, 2011
5. I have a personal interest in the following transaction: *None*

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 07/20/2011