

AUCTIONEERS BOARD MEETING

MINUTES

The Virginia Auctioneers Board met on January 19, 2006, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, with the following members present

G Thomas Garten
Amy Pence
James H Perkinson
Erlita Joanne Wang

Board member Mark T Motley was not present for the meeting

Staff present for all or part of the meeting were

Louise Fontaine Ware, Director
Brian Hannigan, Chief Deputy Director
Karen W O'Neal, Deputy Director of Licensing and Regulation Division
Mark N Courtney, Executive Director
Marian H Brooks, Board Administrator
Earlyne Perkins, Legal Assistant
Michelle Gowen, Administrative Assistant

No representative of the Office of the Attorney General was present for the meeting

Finding a quorum of the Board present, Mr Perkinson, Chair, called the meeting to order at 10 09 a m **Call to Order**

Mr Garten moved to approve the agenda as amended Ms Wang seconded the motion which was unanimously approved by members Garten, Pence, Perkinson, and Wang **Approval of Agenda**

Ms Pence moved to approve the minutes from the October 6, 2005, Board meeting Ms Wang seconded the motion which was unanimously approved by members Garten, Pence, Perkinson, and Wang **Approval of Minutes**

Public Comment Period – No comments were made to the Board members

Regarding **File Number 2005-01445, Kendall J. Bennett**, the Board members reviewed the Consent Order as seen and agreed to by Mr Bennett Mr Garten moved to accept the Consent Order which cites a violation of 18 VAC 25-21-110 1 a of the Board's 2002 regulations For this violations, Ms Bennett agrees to pay a fine in the amount of \$100 00

File Number 2005-01445, Kendall J. Bennett

as well as \$150 00 in Board costs, for a total monetary penalty of \$250 00
Ms Wang seconded by
members Garten, Pence, Perkinson, and Wang

Mr Perkinson turned over the position of Chair to Ms Pence and recused himself from the meeting

Transfer of Chair

Mr Jones was present for the meeting and available to the Board members should they have any questions for him

File Number 2006-00595, Calvin S. Jones

Regarding **File Number 2006-00595, Calvin S. Jones**, the Board members reviewed the Consent Order as seen and agreed to by Mr Jones Ms Wang moved to accept the Consent Order which cites a violation of 18 VAC 25-21-180 A 4 of the Board's 2002 regulations For this violation Mr Jones agrees to pay a fine in the amount of \$50 00 as well as Board costs in the amount of \$150 00, for a total monetary penalty of \$200 00 Mr Garten seconded the motion which was unanimously approved by members Garten, Pence, and Wang As the reviewing Board member, Mr Perkinson was not present for the discussion or vote

William Walker was present to request that the Board take into consideration that he had not had a violation of the regulations in the past 15 years that he has been licensed Mr Walker requested that this violation not be made a part of his record Mr Courtney explained to Mr Walker that any violation would be part of his firm's record Mr Walker indicated his willingness to continue forward with the Consent Order and thanked the Board for hearing him and explained that he would remain at the meeting for any questions they may have

File Number 2005-03882, Walker Commercial Services

Regarding **File Number 2005-03882, Walker Commercial Services**, the Board members reviewed the Consent Order as seen and agreed to by Mr Walker on behalf of Walker Commercial Services Mr Garten moved to accept the Consent Order which cites a violation of §54 1-607(B) of the *Code of Virginia* Further, the Consent Order imposes a monetary penalty of \$1,000 00 as well as \$500 00 in Board costs Ms Wang seconded the motion which was unanimously approved by members Garten, Pence, and Wang As the presiding Board member, Mr Perkinson was not present for the discussion or vote

Mr Perkinson returned to the meeting and resumed the position of Chair

Transfer of Chair

After reviewing the application and discussion, Ms Wang moved to accept the Agreement for Licensure as written Ms Pence seconded the motion which was unanimously approved by members Garten, Pence,

Rande Banks – Agreement for Licensure

Perkinson, and Wang

Ms Brooks informed the Board members that the regulations are currently at the Governor's office for review and approval

Update on Continuing Education Regulations

The Board members were provided with a handout of the recommended changes to the regulations Ms Brooks requested that the Board members review the regulations before the April board meeting for consideration

Consideration of Revisions to Regulations

Ms Brooks notified the Board members that we are in the process of finalizing the agreements with Massachusetts and Wisconsin New Hampshire has also agreed to enter into an agreement with Virginia We are waiting to receive New Hampshire's regulations for review and approval

Update on Reciprocal Agreements

The Board members were provided with the October 2005 financial statements for informational purposes

Review Financial Statements

Mr Courtney was invited to speak at the convention He provided the attendees with presentations on the upcoming continuing education program as well as on how not to get in trouble with the board and the Board regulations.

Report from VAA Annual Convention

The Board members took a break from 10 45 a m to 10 52 a m

Break

Ms Brooks provided the Board members with training on the role structure and authority of the Board

Board Member Training

Ms Brooks reviewed the report written by staff which will be turned in to NALLOA and requested that the Board members suggest any changes necessary They agreed by consensus that the report is satisfactory as written

Other Business

Mr Courtney noted that the General Assembly began January 11, 2006, and, to date, no bills have been introduced that will affect the Auctioneers Board.

Mr Perkinson made note that he really learned that on all real estate sold, the buyer has a 3 day right of rescission and this also applies to auctioneers

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 49 a m Adjourn



J Hartwell Perkinson, Chair



Jay W DeBoer, Secretary

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

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

1. Name: Erlita Joanne Wang
2. Title: Member
3. Agency: Auctioneers Board
4. Transaction: Board Meeting on January 19, 2006
5. Nature of Personal Interest Affected by Transaction: _____

NONE

6. I declare that

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction.

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

Signature

E. Wang

Date

01/19/2006

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

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

1. Name: Amy Reynolds Pence
- 2 Title: Member
- 3 Agency: Auctioneers Board
4. Transaction: Board Meeting on January 19, 2006
- 5 Nature of Personal Interest Affected by Transaction: _____

6 I declare that:

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

(b) I am able to participate in this transaction fairly, objectively, and in the public interest

Amy R. Pence 1/19/06
Signature Date

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

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

1 Name George Thomas Garten

2. Title. Member

3. Agency' Auctioneers Board

4 Transaction: Board Meeting on January 19, 2006

5 Nature of Personal Interest Affected by Transaction. _____

NONE

6 I declare that

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction

(b) I am able to participate in this transaction fairly, objectively, and in the public interest

George Thomas Garten
Signature

1-19-2006
Date