

## **AUCTIONEERS BOARD MEETING**

### **MINUTES**

The Virginia Auctioneers Board met on October 5, 2006, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, with the following members present:

G. Thomas Garten  
Mark T. Motley  
Amy Pence  
James H. Perkinson  
Erlita Joanne Wang

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director  
David Ashe, Chief Deputy  
Mark N. Courtney, Executive Director  
Marian H. Brooks, Board Administrator  
Earlyne Perkins, Legal Analyst  
Michelle Gowen, Administrative Assistant

Elizabeth Peay of the Office of the Attorney General was present for all or part of the meeting.

Finding a quorum of the Board present, Mr Perkinson, Chair, called the Call to Order meeting to order at 10:08 a.m.

Mr. Courtney introduced new Board counsel from the Attorney General's Office, Elizabeth Peay, and welcomed her.

Introduction of  
Elizabeth Peay

Mr. Motley moved to approve the agenda as amended. Ms. Wang seconded the motion which was unanimously approved by members: Garten, Motley, Pence, Perkinson, and Wang.

Approval of Agenda

Ms. Wang moved to approve the minutes from the July 6, 2006, Board meeting Mr. Garten seconded the motion which was unanimously approved by members: Garten, Motley, Pence, Perkinson, and Wang.

Approval of Minutes

Mr. Motley moved to approve the minutes from the August 16, 2006, Informal Fact-Finding Conference Ms. Wang seconded the motion which was unanimously approved by members: Garten, Motley, Pence, Perkinson, and Wang.

Mr. Perkinson read the following rules for the public hearing:

**Public Hearing on  
Proposed Continuing  
Education  
Regulations**

“Good morning ladies and gentlemen. I am J. Hartwell Perkinson and I am the Chairman of the Auctioneers Board.

“This is a public hearing held at the Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia. This hearing is being held pursuant to § 2-2-4007 of the Administrative Process Act of the Code of Virginia for the purpose of receiving public comment on the Board's proposed regulations published in the Virginia Register on Monday, September 4, 2006.

“The list of interested parties and organizations which were notified of this process and invited to comment is available upon written request.

“The staff of the Department of Professional and Occupational Regulation will prepare a report of all public comment received which will be presented to the Board for consideration of any revisions to the proposed regulations.

“Please allow me to introduce the members of the Auctioneers Board at this time, they are: Mark Motley, Motley's Auction and Realty Group, Richmond, VA; Amy Pence, Vienna, VA; Joanne Wang, Annandale, VA; and Tommy Garten, Greenway's Real Estate and Auction Company, Covington, VA.

“Now I would like to present the rules for this public hearing -

“Comments will be received from any member of the public and initial comments will be limited to a maximum of 5 minutes depending on the number of individuals who wish to speak. If you have not signed up to speak and you wish to give testimony today, please sign your name on the sign up sheet at this time.

“We will be using the light box this morning to assist you in being aware of the allotted five minutes - the green light will be on for the first four minutes, the yellow light will come on when one minute remains, and then the red light will come on when the five minutes are up and your testimony will need to end.

“Board members may ask speakers questions or to clarify statements. However, this is not the proper forum for questions to the Board. If you have a question for the Board, please forward them in writing, to the

Board.

“Any speaker, who wishes to provide a written statement in addition to his oral testimony, or in lieu of oral testimony, may do so until Friday, November 3, 2006.”

There were no comments made to the Board.

“The record of the public hearing will be kept open until Friday, November 3, 2006, and written comments will be accepted through 5:00 p.m. that day. This hearing is now closed.”

Mr. Dodson, complainant, was present to ask how the Board came up with the \$10,000 figure that Zedd Auctioneers, LTD, is to repay him according to the Consent Order.

**File Number 2006-01853, Zedd Auctioneers, LTD**

At 10:25 a.m., Mr. Motley moved that this meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of deliberation on disciplinary cases resulting from Informal or Formal Hearings in order to reach a decision as permitted by § 2.2-3711.A.28 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: David Ashe, Mark Courtney, Marian Brooks, Elizabeth Peay, and Earlyne Perkins. This motion was made with respect to the matter identified as agenda item: #7, 2006-01853, Zedd Auctioneers, LTD.

**Closed Meeting**

At 11:18 a.m., Mr. Motley moved to adjourn the closed meeting and immediately reconvene in open meeting. Ms. Pence seconded the motion which was unanimously approved by members: Garten, Motley, Pence, Perkinson, and Wang.

**Open Meeting**

The Board members took a break from 11:20 a.m. to 11 28 a.m.

**Break**

WHEREAS, the Auctioneers Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

**Certification of Closed Meeting**

WHEREAS, § 2.2-3712 of the Code of Virginia requires a certification by this Auctioneers Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Auctioneers Board hereby certifies that, to the best of each member’s knowledge, (i) only

public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Auctioneers Board.

VOTE: 5-0-0

AYES: Garten, Motley, Pence, Perkinson, Wang

NAYS: None.

ABSENT DURING VOTE: None.

ABSENT DURING MEETING. None.

Regarding file number **2006-01853, Zedd Auctioneers, LTD**, the Board members reviewed the Consent Order as seen and agreed to by Zedd Auctioneers, LTD. Mr Motley moved to accept the Consent Order which cites a violation of 18 VAC 25-21-180.A.4 of the Board's 2002 regulations. In addition, Zedd Auctioneers, LTD, agrees to revocation of its license. However, the Board agrees to suspend imposition of the revocation based on the following terms: 1) Zedd Auctioneers, LTD, is to reimburse \$10,000.00 to Thomas Dobson and provide the Board with proof of the payment within thirty (30) days of the effective date of this order. 2) Zedd Auctioneers, LTD, is placed on probation for a period of two (2) years from the effective date of this order. During this two (2) year probation period, Zedd Auctioneers Ltd is not to violate any law or regulation of the Board 3) Zedd Auctioneers, LTD, pays \$500.00 in Board costs within thirty (30) days of the effective date of this order. Ms Wang seconded the motion which was unanimously approved by members: Garten, Motley, Pence, Perkinson, and Wang.

**File Number 2006-01853, Zedd Auctioneers, LTD**

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

**Public Comment**

Mr Courtney updated the Board members on the status of the Auctioneers Board continuing education regulations.

**Update on Status of Continuing Education Regulations**

The Board members were provided with a copy of the changes requested by the Governor's office. After review and discussion, Mr. Motley moved that the Board readopt the amended proposed regulations. Mr. Motley further moved to authorize staff, in conjunction with the Chair, to make any minor changes as necessary, on behalf of the Board, so that the regulations can be approved. Ms. Pence seconded the motion which

**Update on Status of General Review of Regulations**

was unanimously approved by members: Garten, Motley, Pence, Perkinson, and Wang.

Ms. Brooks updated the Board members on the status of the fee decrease regulations.

**Update on Fee  
Decrease Regulations**

Mr. Motley moved to approve the following meeting dates for 2007 with the exception of the April 12, 2007, meeting due to a conflict:

**Set 2007 Meeting  
Dates**

Thursday, January 18, 2007

Thursday, April 12, 2007 (to be changed to either April 5 or April 19)

Thursday, July 12, 2007

Thursday, October 18, 2007.

Ms. Pence seconded the motion which was unanimously approved by members: Garten, Motley, Pence, Perkinson, and Wang.

Mr. Courtney provided the Board members with training on the roles and responsibilities of members of the Board.

**Board Member  
Training**

The Board members were provided with the August 2006 financial statements for informational purposes.

**Review Financial  
Statements**

Mr. Motley nominated J. Hartwell Perkinson as Chair for the term of July 1, 2006 to June 30, 2007. Mr. Garten seconded the motion which was unanimously approved by members: Garten, Motley, Pence, Perkinson and Wang.

**Other Business**

Mr. Garten nominated Mark Motley as Vice-Chair for the term of July 1, 2006 to June 30, 2007. Ms. Pence seconded the motion which was unanimously approved by members: Garten, Motley, Pence, Perkinson, and Wang.

Ms. Brooks informed the Board members that the next edition of *Auction Digest* will be e-mailed to them for review next week and published on the Department's website by the end of October 2006.

Mr. Courtney informed the Board members that VAA has invited him to speak at their next annual meeting in southwest, VA, in January 2007.

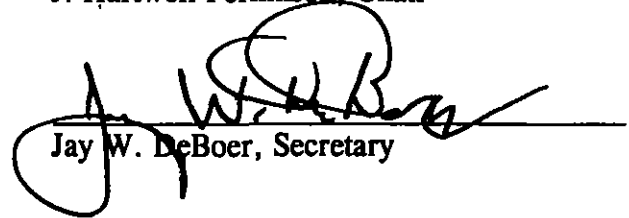
Conflict of Interest forms were completed by all members present.

**Conflict of Interest  
Forms**

There being no further business, the meeting was adjourned at 12:04  
p.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: Amy Reynolds Pence
- 2. Title: Member
- 3. Agency: Auctioneers Board
- 4. Transaction: Board Meeting on October 5, 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.

*Amy R Pence*  
\_\_\_\_\_  
Signature

*10/5/06*  
\_\_\_\_\_  
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 October 5, 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.

  
\_\_\_\_\_  
Signature

Oct. 5, 2006  
\_\_\_\_\_  
Date



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

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

1. Name: James H. Perkinson
2. Title: Member
3. Agency: Auctioneers Board
4. Transaction: Board Meeting on October 5, 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:

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

  
Signature

10-5-06  
Date

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

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


- 1. Name: Mark T. Motley
- 2. Title: Member
- 3. Agency: Auctioneers Board
- 4. Transaction: Board Meeting on October 5, 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:

Auctioneer . Realtor

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

 \_\_\_\_\_

Signature

Date

10/5/06

**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 October 5, 2006
5. Nature of Personal Interest Affected by Transaction: None
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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:

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

Signature



Date

Oct. 5, 2006