

## **AUCTIONEERS BOARD MEETING**

### **MINUTES**

The Virginia Auctioneers Board met on April 17, 2008, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

**William C. Bryant, III  
Mark T. Motley  
Amy Pence  
Erlita Joanne Wang**

Staff present for all or part of the meeting were:

**Jay W. DeBoer, Director  
Saba L. Shami, Chief Deputy  
Mark N. Courtney, Executive Director  
Nick Christner, Deputy Director of Compliance and Investigations Division  
Michelle Gowen, Administrative Assistant  
Earlyne Perkins, Legal Analyst**

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

Finding a quorum of the Board present, Mr. Motley, Chair, called the meeting to order at 10:04 a.m.

#### **Call to Order**

Mr. Courtney noted that the Department has added many new positions to the Compliance and Investigations Division. Mr. Christner introduced the new employees and stated they are a welcome addition to the Department.

#### **Introduction of Staff**

Mr. Motley noted that he appreciates all the work that Mr. Updike does for the Auctioneers Board; he does a great job for the Board and the profession.

#### **Recognition of Board Designee**

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

#### **Approval of Agenda**

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

#### **Approval of Minutes**

January 17, 2008, Auctioneers Board meeting;  
February 21, 2008, Informal Fact-Finding Conference; and

March 6, 2008, Informal Fact-Finding Conference.

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

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

**Public Comment**

Mr. Courtney informed the Board of Mr. Garten's recent resignation from the Board. Mr. DeBoer stated that new appointments are in limbo at this time but hoped that a new member would be appointed before the next Board meeting in July.

**Board Member  
Resignation**

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

**Transfer of Chair**

Regarding **File Number 2007-01975, Carwile Auctions**, the Board members reviewed the Consent Order as seen and agreed to by Carwile Auctions. Ms. Wang moved to accept the Consent Order which cites a violation of 18 VAC 25-21-110 of the Board's regulations. For this violation, Carwile Auctions agrees to the following sanctions: \$1,000.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total monetary penalty of \$1,150.00. Mr. Bryant seconded the motion which was unanimously approved by members: Bryant, Pence, and Wang.

**File Number 2007-  
01975, Carwile  
Auctions**

As the reviewing Board member Mr. Motley was not present during the discussion or vote.

Mr. Motley returned to the meeting and resumed the position of Chair.

**Transfer of Chair**

Regarding **File Number 2008-00627, Mount Vernon**, 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. Ms. Pence 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: 18 VAC 25-21-110 (Count 1); 18 VAC 25-21-150.C (Count 2); 18 VAC 25-21-140 (Count 3); and 18 VAC 25-21-180.A.6 (Count 4). Mr. Bryant seconded the motion which was unanimously approved by members: Bryant, Motley, Pence, and Wang.

**File Number 2008-  
00627, Mount Vernon**

Ms. Perkins informed the Board that Mount Vernon has had no prior violations. Mr. Bryant moved to accept the recommended sanctions as contained in the Summary of the Informal Fact-Finding Conference:

\$200.00 for the violation contained in Count 1; \$650.00 and license revocation for the violation contained in Count 2; \$1,700.00 and license revocation for the violation contained in Count 3; and \$2,500.00 and license revocation for the violation contained in Count 4; for a total monetary penalty of \$5,050.00. Ms. Wang seconded the motion which was unanimously approved by members: Bryant, Motley, Pence, and Wang.

Regarding **File Number 2008-01073, Mount Vernon**, 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. Ms. Pence 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: 18 VAC 25-21-110 (Count 1); 18 VAC 25-21-150.C (Count 2); 18 VAC 25-21-140 (Count 3); and 18 VAC 25-21-180.A.6 (Count 4). Ms. Wang seconded the motion which was unanimously approved by members: Bryant, Motley, Pence, and Wang.

**File Number 2008-01073, Mount Vernon**

Ms. Perkins informed the Board that Mount Vernon has had no prior violations. Mr. Bryant moved to accept the recommended sanctions as contained in the Summary of the Informal Fact-Finding Conference: \$200.00 for the violation contained in Count 1; \$650.00 and license revocation for the violation contained in Count 2; \$2,500.00 and license revocation for the violation contained in Count 3; and \$2,500.00 and license revocation for the violation contained in Count 4; for a total monetary penalty of \$5,850.00. Ms. Wang seconded the motion which was unanimously approved by members: Bryant, Motley, Pence, and Wang.

Regarding **File Number 2008-01616, Mount Vernon**, 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. Ms. Pence 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: 18 VAC 25-21-110 (Count 1); 18 VAC 25-21-150.C (Count 2); 18 VAC 25-21-140 (Count 3); and 18 VAC 25-21-180.A.6 (Count 4). Mr. Bryant seconded the motion which was unanimously approved by members: Bryant, Motley, Pence, and Wang.

**File Number 2008-01616, Mount Vernon**

Ms. Perkins informed the Board that Mount Vernon has had no prior violations. Mr. Bryant moved to accept the recommended sanctions as contained in the Summary of the Informal Fact-Finding Conference:

\$200.00 for the violation contained in Count 1; \$650.00 and license revocation for the violation contained in Count 2; \$1,700.00 and license revocation for the violation contained in Count 3; and \$2,500.00 and license revocation for the violation contained in Count 4; for a total monetary penalty of \$5,050.00. Ms. Wang seconded the motion which was unanimously approved by members: Bryant, Motley, Pence, and Wang.

Regarding **File Number 2008-00457, Mount Vernon**, 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. Ms. Pence 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: 18 VAC 25-21-110 (Count 1); 18 VAC 25-21-140 (Count 2); 18 VAC 25-21-150.C (Count 3); 18 VAC 25-21-180.A.4 (Count 4); and 18 VAC 25-21-180.A.6 (Count 5). Mr. Bryant seconded the motion which was unanimously approved by members: Bryant, Motley, Pence, and Wang.

**File Number 2008-00457, Mount Vernon**

Ms. Perkins informed the Board that Mount Vernon has had no prior violations. Mr. Bryant moved to accept the recommended sanctions as contained in the Summary of the Informal Fact-Finding Conference: \$200.00 for the violation contained in Count 1; \$1,700.00 and license revocation for the violation contained in Count 2; \$650.00 and license revocation for the violation contained in Count 3; \$400.00 and license revocation for the violation contained in Count 4; and \$2,500.00 and license revocation for the violation contained in Count 5; for a total monetary penalty of \$5,450.00. Ms. Wang seconded the motion which was unanimously approved by members: Bryant, Motley, Pence, and Wang.

Regarding **File Number 2007-02784, Calvin Zedd**, 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: 18 VAC 25-21-110.1.a (Count 1); 18 VAC 25-21-150.C (Count 2); and 18 VAC 25-21-180.A.6 (Count 3). Ms. Wang seconded the motion which was unanimously approved by members: Bryant, Motley, Pence, and Wang.

**File Number 2007-02784, Calvin Zedd**

Ms. Perkins informed the Board that Calvin Zedd has had prior violations. Mr. Motley moved to accept and amend the recommended sanctions as contained in the Summary of the Informal Fact-Finding

Conference amending the sanction contained in Count 2 from \$500.00 to \$2,000.00 due to the severity of the violation as well as the previous violations to the Board's regulations: \$200.00 for the violation contained in Count 1; \$2,000.00, as amended, and license revocation for the violation contained in Count 2; and \$2,450.00 and license revocation for the violation contained in Count 3; for a total monetary penalty of \$4,650.00. Ms. Pence seconded the motion which was unanimously approved by members: Bryant, Motley, Pence, and Wang.

Regarding **File Number 2007-03360, Zedd Auctioneers, LTD**, 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. Ms. Pence 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: 18 VAC 25-21-110.1.a (Count 1); 18 VAC 25-21-150.C (Count 2); and 18 VAC 25-21-180.A.6 (Count 3). Ms. Wang seconded the motion which was unanimously approved by members: Bryant, Motley, Pence, and Wang.

**File Number 2007-03360, Zedd Auctioneers, LTD**

Ms. Perkins informed the Board that Zedd Auctioneers, LTD, has had prior violations. Mr. Motley moved to accept and amend the recommended sanctions as contained in the Summary of the Informal Fact-Finding Conference amending the sanction contained in Count 2 from \$500.00 to \$2,000.00 due to the severity of the violation as well as the previous violations to the Board's regulations: \$200.00 for the violation contained in Count 1; \$2,000.00 as amended, and license revocation for the violation contained in Count 2; and \$2,450.00 and license revocation for the violation contained in Count 3; for a total monetary penalty of \$4,650.00. Ms. Pence seconded the motion which was unanimously approved by members: Bryant, Motley, Pence, and Wang.

Mr. Courtney provided the Board members with information regarding the eBay Trading Assistant Program. Mr. Courtney noted that the agreement states that a Trading Assistant may not use the terms "Auction" or "Auctioneer."

**Discussion of Trading Assistant Program on eBay**

Mr. Christner, Deputy Director of Compliance and Investigations Division, provided the Board members with an overview of the processes of the Compliance and Investigations division.

**Overview of Enforcement Process**

The Board members were provided with a comprehensive report of enforcement activity.

**Comprehensive  
Report of Compliance  
and Investigations  
Division Activity**

The Board members were provided with the February 2008 financial statements for informational purposes.

**Review Financial  
Statements**

Mr. Courtney informed the Board members that the two cases on appeal for Calvin Zedd and Zedd Auctioneers, LTD, have been dismissed in the Chesapeake Circuit Court.

**Other Business**

Mr. Courtney reminded the Board members that elections will be held at their next Board meeting on July 17, 2008.

Mr. Courtney notified the Board members that Karen W. O'Neal, former Deputy Director of Licensing and Regulation, had retired and that he would be assuming the duties of that role. Mr. Courtney also stated that, hopefully, a new Executive Director would be hired before the next Board meeting.

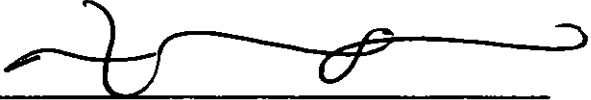
Mr. Courtney noted that the final regulations the Board members had previously approved needed some minor changes and then would be sent for Executive Branch review before being put out for the last 30 day public comment period.


Conflict of Interest forms were completed by all members present.

**Conflict of Interest  
Forms**

There being no further business, the meeting was adjourned at 11:16 a.m.

**Adjourn**

  
\_\_\_\_\_  
Mark T. Motley, Chair

  
\_\_\_\_\_  
Jay V. DeBoer, Secretary

**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 April 17, 2008

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:

\_\_\_\_\_

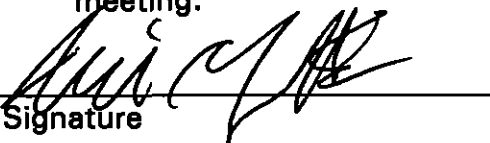
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

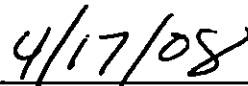
I did not participate in the transaction.

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

Signature



Date



**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 April 17, 2008

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

E. Wang

Date

04/17/2008



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

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

1. Name: Mark T. Motley  
2. Title: Board Member  
3. Agency: Auctioneers Board  
4. Meeting/IFF Date: Board Meeting April 17, 2008

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

4/17/08

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

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

1. Name: Amy Reynolds Pence  
2. Title: Board Member  
3. Agency: Auctioneers Board  
4. Meeting/IFF Date: Board Meeting April 17, 2008

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.

Amy R. Pence  
Signature

4/17/08  
Date