

AUCTIONEERS BOARD MEETING

MINUTES

The Virginia Auctioneers Board met on April 8, 2004, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, with the following members present:

Larry J. Linkous
Donna Newcomb
Amy R. Pence
James H. Perkinson
Samuel K. Updike

Staff present for all or part of the meeting were:

Louise Fontaine Ware, Director
Karen W. O'Neal, Deputy Director of Regulatory Programs
Mark N. Courtney, Executive Director
Marian H. Brooks, Regulatory Board Administrator
Sharon M. Sweet, Director of Education and Examinations
Trisha L. Henshaw, Administrative Assistant

No representative from the Office of the Attorney General was present at the meeting.

Finding a quorum of the Board present, Mr. Linkous, Chair, called the meeting to order at 10:05 a.m.

Call to Order

Mr. Updike moved to approve the agenda as written. Ms. Newcomb seconded the motion which was unanimously approved by members: Linkous, Newcomb, Perkinson, and Updike.

Approval of Agenda

Mr. Updike moved to approve the minutes from the October 9, 2003, Board meeting and the February 23, 2004, Informal Fact-Finding Conference. Ms. Newcomb seconded the motion which was unanimously approved by members: Linkous, Newcomb, Perkinson, and Updike.

Approval of Minutes

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

Public Comment

Ms. Pence, the Board's new public member, arrived at 10:10 a.m. The Board members introduced themselves to Ms. Pence.

Introduction of Amy Pence

In reference to **File Number 2003-02911, Jimmy Grindstaff**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Grindstaff. After discussion, Mr. Perkinson moved to accept the Consent Order as written. Mr. Grindstaff was convicted of filing a false statement on a tax return while in the course of performing his duties as a Virginia licensed auctioneer; therefore, he was found in violation of 18 VAC 25-21-180.A.2 of the Board's 2002 regulations. The Consent Order imposes a probationary period of ten years on Mr. Grindstaff's auctioneers license. During this period, Mr. Grindstaff agrees not to violate any of the Board's regulations, and if he is found in violation during this time, his license will automatically be revoked. Ms. Newcomb seconded the motion which was unanimously approved by members: Linkous, Newcomb, Pence, and Perkinson. As the presiding Board member at the Informal Fact-Finding Conference, Mr. Updike was not present during the discussion or vote.

File Number 2003-02911, Jimmy Grindstaff

Ms. Sweet spoke to the Board regarding a request for proposal (RFP) that is being published to find a vendor for administration of the auctioneers examination. The examination will be changing to a computer-based format, which will allow the examination to be offered more often in more locations. A panel consisting of staff members and board members will be formed to review the responses to the RFP. Ms. Sweet asked that the Board appoint a member to serve on this panel. Ms. Newcomb stated that she would serve on the panel, and Mr. Perkinson was selected to serve as her alternative. Ms. Sweet also provided the Board members with the examination statistics from last year.

Discussion of Examination RFP

Mr. Courtney provided the Board members with an update on the appeal status of **File Numbers 1999-01227, Azam M. Khan, and 2000-02099, Park Royal Galleries, Ltd.** After providing background information regarding the cases, Mr. Courtney stated that the appellate court affirmed the decision of the lower court, which had agreed with the decision of the Board. Mr. Courtney indicated that the monetary penalties had not been received by the Board as of this date, but they are currently being held by the court.

Update on Appeals

The Board members discussed House Bill 1022 which was passed by the General Assembly during the 2004 session and is currently with the Governor for approval. This bill requires that auctioneer licensees complete continuing education as a requirement for renewal and reinstatement. Further, while it approves courses offered by the

House Bill 1022, Continuing Education

National Auctioneers Association, Virginia Auctioneers Association, and the Certified Auctioneer's Institute, it would require that the Board approve any other courses based on criteria established by the Board, including content and subject matter, curriculum, standards and procedures for the approval of course, course sponsors, course instructors, methods of instruction, and the computation of course credit.

The Board members were provided with a report that was sent to the National Auctioneer License Law Officials Association (NALLOA) as the Board requested at the last meeting. The report provided NALLOA with information regarding the Board members and the Board's recent activities.

Report to NALLOA

The Board members were provided with Board financial statements for January 2004 for informational purposes.

Review Financial Statements

Ms. Brooks stated that staff is beginning to work on the next issue of the Auctioneers Board newsletter and requested that the Board members submit any article ideas they may have.

Other Business

Ms. Brooks also indicated that elections will be held at the next meeting to cover the term from July 1, 2004, to June 30, 2005.

Ms. Brooks reminded the Board members that electronic deposit forms must be completed in order for reimbursements to be made to them.

Ms. Brooks stated that the Board has new counsel, Eric Gregory, and that he plans to attend the next meeting in order to become familiar with the Board.

The Board members were provided with a draft resolution of service for former Board member Beverly Darby. Mr. Updike moved to adopt the resolution as written. Mr. Perkinson seconded the motion which was unanimously approved by members: Linkous, Newcomb, Pence, Perkinson, and Updike.

Mr. Perkinson stated that National Auctioneers Day is April 17.

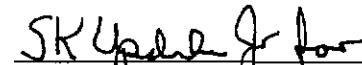
Mr. Linkous indicated that Kathy Cole, Executive Director of the Virginia Auctioneers Association, has resigned and the VAA Board is now considering hiring a management company to assume her duties.

Conflict of Interest forms were completed by all members present.

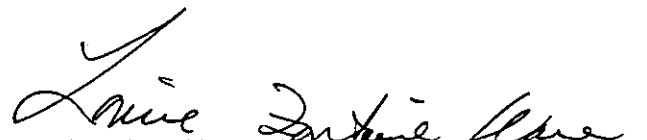
Conflict of Interest
Forms

There being no further business, the meeting was adjourned at 11:07
a.m.

Adjourn



Larry J. Linkous, Chair



Louise Fontaine Ware, Secretary