

**AUCTIONEERS BOARD MEETING
MINUTES**

The Virginia Auctioneers Board met on April 24, 2013, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

William C. Bryant, III
George Daniel
Larry Linkous

Board member Erlita Joanne Wang was not present at the meeting.

Board staff present for all or part of the meeting were:

Kathleen R. Nosbisch, Executive Director
Marian Brooks, Board Administrator
Amy Goobic, Administrative Assistant

Agency staff present for all or part of the meeting were:

Mark N. Courtney, Senior Director, Regulatory and Public Affairs
Kristin Clay, Legal Analyst

Joshua Lief, Senior Assistant Attorney General was present from the Office of the Attorney General.

Finding a quorum of the Board present, Mr. Bryant, Chair, called the meeting to order at 10:03 a.m.

Call to Order

Ms. Brooks advised the Board of the emergency evacuation procedures. Ms. Brooks also recognized National Auctioneer's Day.

**Emergency
Evacuation
Procedures**

Mr. Linkous moved to approve the agenda. Mr. Daniel seconded the motion which was unanimously approved by members: Bryant, Daniel and Linkous.

Approval of Agenda

Mr. Daniel moved to approve the minutes from the following meeting:

Approval of Minutes

- January 16, 2013, Auctioneers Board Meeting

Mr. Linkous seconded the motion which was unanimously approved by members: Bryant, Daniel and Linkous.

Public Comment Period – There were no public comments.

**Public Comment
Period**

Ms. Nosbisch recognized members of the Complaint Analysis Resolution Division in the audience, Bonnie Rhea-Adams and Michelle Couch. Ms. Brooks informed the Board that no appointments have been made for the citizen member seats on the Board.

Regarding **File Number 2013-00053, Dale Wayne Fox, Sr.**, Board members reviewed the Consent Order as seen and agreed to by Mr. Fox. Mr. Daniel moved to accept the Consent Order which cites the following violation of the Board's regulations: 18VAC25-21-110.A.1.a (Count 1). For this violation, Mr. Fox agrees to the following sanctions: \$500.00 for the violation contained in Count 1; and \$150.00 in Board costs, for a total monetary penalty of \$650.00. Mr. Linkous seconded the motion which was unanimously approved by members: Bryant, Daniel and Linkous. Former Board member Samuel (Buddy) Updike was the reviewing officer.

**File Number 2013-
00053, Dale Wayne
Fox, Sr.**

Regarding **File Number 2013-00502, James Leslie Gordon**, Board members reviewed the Consent Order as seen and agreed to by Mr. Gordon. Mr. Daniel moved to accept the Consent Order which cites the following violation of the Board's regulations: 18VAC25-21-180.4 (Count 1). For this violation, Mr. Gordon agrees to the following sanctions: \$250.00 for the violation contained in Count 1; and \$150.00 in Board costs, for a total monetary penalty of \$400.00. Mr. Linkous seconded the motion which was unanimously approved by members: Bryant, Daniel and Linkous. Former Board member Samuel (Buddy) Updike was the reviewing officer.

**File Number 2013-
00502, James Leslie
Gordon**

Ms. Brooks reminded the Board that at its October 10, 2012, meeting, the Board voted to remove regulation 18VAC25-21-95.B, in order to refile the proposed regulations. The documents were amended and submitted to the Governor's office for review, Ms. Brooks has not heard anything further.

Regulatory Update

Board members were provided a comprehensive report of enforcement activity for informational purposes.

**Review of Compliance
and Investigations
Division Activity**

Board members were provided financial statements for informational purposes.

**Review of Board
Financial Statements**

Ms. Brooks provided the regulant count of individual and business licenses.

Other Business

Discussion was held on contracts and the requirement for listing items to be auctioned. Mr. Lief noted that the regulations do state that items listed should be readily identifiable. Mr. Linkous suggested that the Board consider reviewing the regulation, as it is unrealistic, when for instance a

box of 'household goods' is listed and not the individual contents. Ms. Brooks stated that as the regulations are in proposed stage of the review process, there will be opportunities in the future for public comment and changes may still be made. Mr. Lief added that the courts will defer to the Board's interpretation should the need arise.

Discussion was held on internet auctions with regards to licensing. Mr. Courtney stated that the Interstate Commerce Act provided for out-of-state Companies with regards to online auctions, and also that the Federal Trade Commission oversees as well. Ms. Nosbisch stated that discussions regarding online auctions were held several years ago, and will have staff research past meeting minutes and any possible correspondence with Elizabeth Peay, who was Board counsel at that time. The information will be provided to Board members at the July 18, 2013, Board meeting.

Ms. Nosbisch recognized Amy Goobic, Administrative Assistant, as it was Administrative Professional's Day.

Ms. Brooks informed the Board that the exam contract with PSI has been extended for one year.

Conflict of Interest forms were completed by all members present.

**Conflict of Interest
Forms**

There being no further business, the meeting was adjourned at 10:33 a.m.

Adjourn

William C. Bryant, III, Chair

Gordon N. Dixon, Secretary