

AUCTIONEERS BOARD MEETING

MINUTES

The Virginia Auctioneers Board met on October 9, 2003, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, with the following members present:

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

Board Member Beverly B. Darby was not present at the meeting.

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
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 10:04 a.m.

Call to Order

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

Approval of Agenda

Mr. Perkinson moved to approve the minutes from the July 8, 2003, meeting as written. Ms. Newcomb seconded the motion which was unanimously approved by members: Linkous, Newcomb, Perkinson, and Updike.

Approval of Minutes

Mark Motley, a Virginia licensed Auctioneer, spoke to the Board regarding an issue that is being reviewed by the Virginia Auctioneers Association (VAA). The VAA is looking at a perceived problem with the definition of the word "auction" in the *Code of Virginia*. According to Mr. Motley, the definition as it is now does not encompass the multifaceted profession of auctioning and leaves loopholes for some that are not licensed to practice. The VAA believes that the current definition does not reflect all aspects of today's auctions. Mr. Motley

Public Comment

discussed an article that was recently published in a local newspaper regarding individuals operating businesses that sell items for third parties on internet auction sites. Mr. Motley stated that individuals selling their own items on internet auction sites is not seen as a problem with VAA; however, they do see a problem with individuals selling items for third parties. Mr. Motley concluded by stating that his appearance before the Board to introduce this issue is the first step VAA plans to take. The next step is for the VAA to draft and adopt proposed language to amend the definition of "auction" and then return to the Board in hopes of getting their support before pursuing this issue in the legislature.

Ms. Newcomb moved to adopt the following meeting dates for 2004:

**Set 2004 Meeting
Dates**

Thursday, January 15, 2004
Thursday, April 8, 2004
Thursday, July 8, 2004
Thursday, October 7, 2004

Mr. Perkinson seconded the motion which was unanimously approved by members: Linkous, Newcomb, Perkinson, and Updike.

The Board members were provided with revisions to the proposed Public Participation Guidelines (PPGs). After discussion, Ms. Newcomb moved to adopt the proposed Public Participation Guidelines as amended and authorize staff to file the PPGs as necessary. Further, Ms. Newcomb moved to authorize staff to make minor changes as needed with the concurrence of the Chair. Mr. Perkinson seconded the motion which was unanimously approved by members: Linkous, Newcomb, Perkinson, and Updike.

**Adoption of Proposed
Public Participation
Guidelines**

Ms. O'Neal proposed a new procedure for processing licensing applications for the Board. Ms. O'Neal discussed the possibility of using a staff member as the presiding officer for Informal Fact-Finding Conferences, specifically application files, that do not require professional expertise. This would speed up the process, as well as prevent a Board member from recusing himself from a vote due to his participation in the Informal Fact-Finding Conference. After discussion, Ms. Newcomb moved to allow staff members to preside over Informal Fact-Finding Conferences for application files and disciplinary files that do not involve professional expertise issues. Mr. Perkinson seconded the motion which was unanimously approved by members: Linkous, Newcomb, Perkinson, and Updike. Mr. Courtney stated that if there was any doubt as to whether staff could preside, he would contact the

**Discussion of
Enforcement
Procedures**

Chair.

The Board members were provided with correspondence from the National Auctioneer License Law Officials Association (NALLOA) regarding participation by the member states in the NALLOA meetings. After discussion, the Board members directed staff to notify NALLOA that while the Board is not able to send a member to the meetings, they will periodically send a report to NALLOA to update them on the Board's activities.

Discussion of
NALLOA
Correspondence

The Board members were provided with the Board's financial statements for August 2003 for informational purposes.

Review Financial
Statements

The Board members were provided with an enrollment form to allow travel reimbursements to be directly deposited into the Board member's bank account. Mr. Courtney explained that the Department is greatly encouraging participation in this program as direct deposit is less expensive than issuing a check, and the recipient receives their reimbursement much faster through direct deposit. The Board members stated that they would return the completed enrollment form to Mr. Courtney as soon as possible.

Other Business

Mr. Courtney informed the Board members that the newsletter has been completed and the Department is considering preparing postcards for mailing to the Auctioneers Board regulants to notify them that the newsletter is available on the Web.

The Board members were provided with the *New Board Member Training Manual 2003-2004* on compact disk.

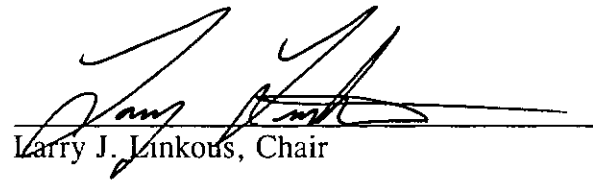
The Board members discussed the presentation of Mr. Motley during the public comment period as it relates to the definition of "auction" in the *Code of Virginia*.

Conflict of Interest forms were completed by all members present.

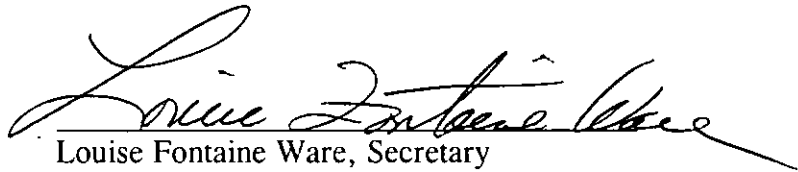
Conflict of Interest
Forms

There being no further business, the meeting was adjourned at 10:55 a.m.

Adjourn



Larry J. Linkous, Chair



Louise Fontaine Ware, Secretary

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Custodian of Records