



AUCTION DIGEST

Newsletter of the Virginia Auctioneers Board

Department of Professional & Occupational Regulation

Volume 8– Winter 2010

BOARD INFORMATION

Board Members:

Betty A. Bennett
William C. Bryant, III
George A. Daniel
E. Joanne Wang *
Marie Torrans *
* Public Member

Board Staff:

Kathleen “Kate” R. Nobsisch—
Executive Director

Marian H. Brooks—
Board Administrator
Justin Garofalo—
Board Administrator

Amy Goobic—
Administrative Assistant

Licensing Specialists

Joan B. Leonard
Ramona Norris
Toni H. Spencer
Tonia Burrell
Patty Cordero

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-Betty Bennett, Board Chair

Message From the Chair....

Education for Auctioneers

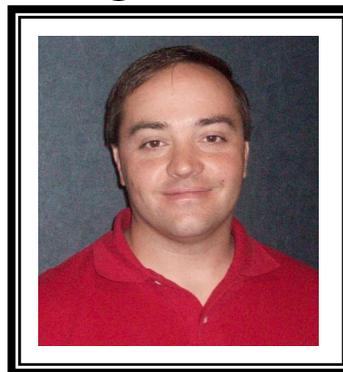
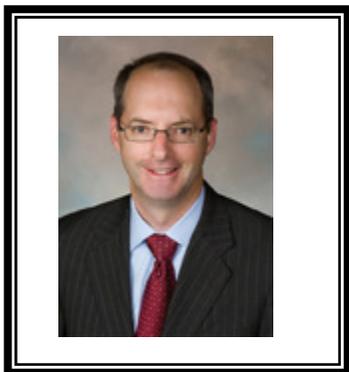
If you are a licensed auctioneer in the Commonwealth of Virginia, you are now required to complete six hours of Board-approved continuing education courses for any individual license renewal or reinstatement. Unlike some of the other Boards, the Auctioneers Board does not require your proof of completion to be submitted with your license renewal. The proof of completion of these courses must be retained by the licensee for 2 years from the date of expiration of the license for which the course was completed. The Board may request proof of completion if you are selected for an audit **or** if you are applying for license reinstatement. In order for the continuing education course(s) to be acceptable, it must have been taken during the two years immediately prior to the expiration date of the license and must be a Board approved class prior to the date the course was taken. Courses offered by the VAA, NAA, CAI are Board approved courses. A complete list of Board approved courses is available on the website at: http://www.dpor.virginia.gov/dporweb/auc_continuing_ed.pdf. Continuing education course hours are valid only for the renewal cycle or reinstatement period for which it was taken. These hours cannot be carried over to subsequent renewal cycles or reinstatement.

In cases of undue hardship or certified illness, the board may grant exemptions or waive or reduce the number of continuing education hours. If you feel that you may qualify for an exemption, you will need to contact the Auctioneers Board in writing to state your case. If you are granted an exemption, waiver, or reduction, you will not be relieved of your obligation to comply with any other requirements, including the renewal of your license.





Welcome!



The Auctioneers Board would like to welcome Gordon N. Dixon, the recently appointed Director of DPOR.

Gordon has over 15 years working with regulatory, public policy and community engagement issues affecting various businesses. He has held numerous leadership positions in corporate and non-profit organizations.

Most recently, Gordon held a management position in Corporate Affairs at Altria Client Services where he successfully developed and enhanced community engagement and corporate social responsibility initiatives, as well as assisting to develop measurement benchmarks.

Prior to his work at Altria Client Services, Gordon led the Virginia chapter of the National Federation of Independent Business (NFIB) with over 9,000 independent business owners. He oversaw public policy and regulatory issues affecting business owners on the state and federal levels to ensure a fair and prosperous business climate. Other organizations Gordon has worked with include the Home Builders Association and the Greater Richmond Chamber of Commerce, where he helped lead government, business and manufacturing issues.

Gordon is a graduate of Mary Washington College (now the University of Mary Washington), is married to the former Valeta Vander Linden, and has two boys. He enjoys mountain and road biking.

The Auctioneers Board would also like to welcome new staff member, Justin Garofalo. Justin is the Board Administrator for the APELSCIDLA Board, one of the five boards under the direction of Kate Nosbisch. Justin comes to us from the Board for Asbestos, Lead, and Home Inspectors and the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals, where he was Board Administrator for two years. Prior to that, Justin worked as a licensing specialist for the Board of Contractors.

Justin is originally from Waldo, Wisconsin; after moving to Virginia he attended Virginia Commonwealth University where he graduated Magna Cum Laude with a BA in International Studies, with a concentration in International Relations and a minor in Spanish. Justin also served in the 82nd Airborne Division as a paratrooper and was stationed at Camp Greaves, South Korea.

Did You Know . . .

ALL auctioneers licensed by the Virginia Board are required to carry their pocket cards with them and produce them upon request. 18VAC25-21-130 of the Board's regulations requires all individual licensees to carry their pocket cards on their person, and requires all firms to display their license in a conspicuous location at the address of record. ❖



Compliance & Investigations Division

The Compliance & Investigations Division of the Department of Professional and Occupational Regulation ("the Department") is divided into the following sections:

Complaint Analysis and Resolution

The Complaint Analysis and Resolution section is responsible for the receipt, processing, and analysis of all complaints coming into the Department. Upon review, the Complaint Analysis and Resolution Section may close the file, investigate the complaint, resolve the matter by a consent order, or refer the case to Alternative Dispute Resolution or Investigations for further action.

Investigations

Investigators are responsible for obtaining the evidence regarding complaints and determining whether the evidence supports a probable violation of the Board's regulations and/or laws. Investigators prepare a Report of Findings, which outlines the facts in support of probable violation(s) of the Board's regulations and/or laws.

Investigators also enforce the criminal laws under the Agency's jurisdiction, including practicing without a license and filing a false or fraudulent application for licensure or registration.

Investigators are also responsible for other special investigations involving potential public harm and are the Agency's liaison and networking arm providing assistance and support to other law enforcement and government agencies.

This section is active in the identification and apprehension of itinerant home improvement scam artists and provides information to the public on protection from fraudulent or illegal activity. For more information, contact the Department of Professional and Occupational Regulation, (804)367-2195.

Compliance & Investigations continued.

Adjudication

The Adjudication section reviews files referred from Complaint Analysis and Resolution or Field Investigations that there is probable cause of a violation of the Board's regulations and/or laws. The Adjudication section is responsible for conducting Informal Fact-Finding Conferences ("IFF"), which includes scheduling the IFF, sending the Notice, presenting the IFF, and providing support to the Presiding Officer or Board member at the IFF in preparing the Summary.

Auctioneer Resources

Virginia Auctioneers
Association

www.vaa.org

888 878-0601 (toll free from Virginia)

919 878-0601 (from outside Virginia)

National Auctioneers
Association

www.auctioneers.org

913-541-8084





This and that...

Continuing Education



Just a reminder that continuing education is a requirement for the renewal and reinstatement of your auctioneers license. You will receive your renewal form near the expiration date of your license and you will be required to certify that you have completed six hours of Board-approved continuing education. You may find all approved courses by visiting our

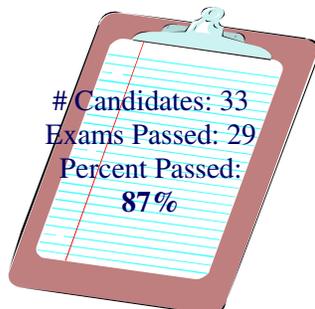
website at:

http://www.dpor.virginia.gov/dporweb/auc_continuing_ed.pdf



Examination Statistics

The following statistics are the Virginia candidates who sat for the Auctioneers examination between January and September 2010—



For Regulatory Information—
www.townhall.virginia.gov

The Virginia Regulatory
Town Hall

Reminder!

When renewal time approaches, be sure not to rely solely on your bonding company to send your bond information. If the company fails to send the needed information in time, you will be

responsible for the penalty if your license isn't renewed before its expiration date.

If you have not changed bond companies, you must submit the renewal/continuation certificate issued by your bond company that shows that your bond will run with the next two-year term of your license. If you have changed bond companies, you must submit the new bond that shows that your bond will run with the next two-year term of your license. Copies of invoices are not acceptable.

Laughter is the Best Medicine...



One day a man went to an auction, While there, he bid on a parrot. He really wanted the bird, so he got caught up in the bidding. He kept on bidding, by kept getting outbid, so he bid higher and higher and higher. Finally, after he

bid way more than he intended, he won the bid—the parrot was his at last!

As much as he was paying for the parrot, he said to the auctioneer, "I sure hope this parrot can talk. I would hate to have paid this much for it, only to find out he can't talk!"

"Don't worry." said the Auctioneer, "He can talk. Who do you think kept bidding against you?"



Disciplinary Action

The following is a summary of actions taken against regulants by the Virginia Auctioneers Board. Although every effort is made to ensure the information is correct, before making any specific decision based upon this information, you should check with the Board office to ensure complete accuracy.

FILE NUMBER 2009-00994, Donald Everette

Sparks

VIOLATION—Mr. Sparks did not provide proper documentation to client and also failed to disburse proceeds from sale of goods within 30 days after auction and improperly used escrow account to pay business expenses. **BOARD ACTION**—Consent order imposing \$3,050 in fines and costs **REGULATIONS VIOLATED**—18VAC25-21-240; 18VAC25-21-150.C; 18VAC25-21-150.E; 18VAC25-21-150.F; and 18VAC25-21-180.A.4 **EFFECTIVE DATE**—July 16, 2009

FILE NUMBER 2009-03528, Luper Auction Galleries

VIOLATION—Luper Auction Galleries failed to disburse proceeds from sale of goods within 30 days of the date of six separate auctions. **BOARD ACTION**—Consent Order imposing \$1650 in fines and costs **REGULATION VIOLATED**—18VAC25-21-150.C (six counts) **EFFECTIVE DATE**—October 15, 2009

FILE NUMBER 2010-01955, Dion Guy Abadi

VIOLATION—Mr. Abadi was issued a Consent Order in 2005 which imposed 5 years probation. Mr. Abadi received disciplinary action from Pennsylvania and Florida, thus violating his probationary period. Mr. Abadi failed to disclose the disciplinary actions taken against him in the other states when renewing his Virginia license. **BOARD ACTION**—Final Opinion and Order imposing \$3000 in fines and revocation of license. **REGULATION VIOLATED**—18VAC25-21-180.A.3 (3 violations) **EFFECTIVE DATE**—April 22, 2010

FILE NUMBER 2010-01269, Donald Everette Sparks

VIOLATION—Mr. Sparks did not provide proper documentation to his client and failed to disburse proceeds within 30 days of the auction. Mr. Sparks did not cooperate in the investigation, by not providing requested information and documentation.

BOARD ACTION—Consent Order imposing \$150 in costs and revocation of license. **REGULATIONS VIOLATED**—18VAC25-21-140; 18VAC25-21-150.C; 18VAC25-21-150.E; 18VAC25-21-180.4; 18VAC25-21-160; 18VAC25-21-185.A; and 18VAC25-21-70.B **EFFECTIVE DATE**—April 22, 2010

FILE NUMBER 2010-04711, David C. Snipes

VIOLATION—Mr. Snipes was convicted of a misdemeanor for embezzlement. Mr. Snipes cooperated with the investigation and received a suspended sentence and was not ordered to pay restitution. However, Mr. Snipes was in violation of 18VAC25-21-180.2 **BOARD ACTION**—Consent Order imposing \$150 in board costs **REGULATION VIOLATED**—18VAC25-21-180.2 **EFFECTIVE DATE**—July 15, 2010

FILE NUMBER 2010-04558, Anita Faith Weaver,

VIOLATION—Ms. Weaver failed to utilize a written contract for the auction of personal property. **BOARD ACTION**—Consent Order imposing \$400 in fines and costs **REGULATION VIOLATED**—18VAC25-21-110.A **EFFECTIVE DATE**—July 15, 2010

FILE NUMBER 2010-02863, Stephen Zedd—

Mr. Zedd was in violation of Board's escrow funds regulations. Mr. Zedd improperly used escrow account for payroll, debit withdrawals and personal/business expenses. **BOARD ACTION**—consent Order imposing \$2150 in fines and costs **REGULATIONS VIOLATED**—18VAC25-21-150.A; 18VAC25-21-150.G (2 counts) and 18VAC25-21-150.F **EFFECTIVE DATE**—July 15, 2010

(Continued on page 6)

CALENDAR OF EVENTS

| | | | |
|------------------|---------------------------|------------------|---------------------------|
| January 13, 2011 | Auctioneers Board Meeting | April 7, 2011 | Auctioneers Board Meeting |
| July 20, 2011 | Auctioneers Board Meeting | October 13, 2011 | Auctioneers Board Meeting |

Please note that meetings usually begin at 10:00 a.m. at the Department offices located at 9960 Mayland Drive, Richmond, Virginia

AUCTIONEERS BOARD MEMBERS

| | |
|--|--|
| <u>Licensed Members</u> Betty A. Bennett * William C. Bryant, III George A. Daniel ** | <u>Public Members</u> E. Joanne Wang Marie Torrans |
|--|--|

* Chair ** Vice-Chair

IMPORTANT TELEPHONE NUMBERS

| | | | |
|---------------------------|-------------------------|--------------------------|----------------|
| Licensing or Applications | (804) 367-8512 or -8506 | Examination Vendor (PSI) | (800) 733-9267 |
| Board Administration | (804) 367-8514 | Complaints | (804) 367-8504 |

IMPORTANT WEB SITE AND E-MAIL ADDRESSES

| | | | |
|---------------|---|--------------|--|
| DPOR Web Site | http://www.dpor.virginia.gov | Board E-mail | auctioneers@dpor.virginia.gov |
| PSI | www.psixams.com | Town Hall | www.townhall.virginia.gov |

MOVING? PLEASE NOTIFY THE BOARD OFFICE OF YOUR NEW ADDRESS.

Name:

License Number:

Old Address:

New Address:

(P.O. Box must be accompanied by your physical address)

Signature:

Date:

Mail to:

Auctioneers Board, Department of Professional & Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, VA 23233