



AUCTION DIGEST

NEWSLETTER OF THE VIRGINIA AUCTIONEERS BOARD

Department of Professional
& Occupational Regulation

Volume 6 - Fall 2008

BOARD INFORMATION

Board Members:

Amy Pence , Vice-Chair *

Betty A. Bennett

William C. Bryant, III

George A. Daniel

E. Joanne Wang *

* Public Members

Board Staff:

Kathleen "Kate" R. Nosbisch—
Executive Director

Marian H. Brooks—
Board Administrator

Michelle Gowen—
Administrative Assistant

Sheree Dean—
Office Manager

Licensing Specialists

Joan B. Leonard

Ramona Norris

Toni H. Spencer

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AUCTION DIGEST

We are pleased to bring you the sixth edition of
AUCTION DIGEST! ■



New Auctioneers Board Executive Director

After 14 years of service to the Auctioneers Board, Mark N. Courtney has become the Deputy Director of Licensing and Regulation at DPOR. The Auctioneers Board Office has recently welcomed Kathleen "Kate" R. Nosbisch as the new Executive Director of the Board.

Prior to coming to DPOR to assume the role of Executive Director of the Board, Ms. Nosbisch served as the Deputy Executive Director for Practitioner Information for the Virginia Board of Medicine at the Department of Health Professions (DHP) for the past eight years.

She is the President of the Council on Licensure, Enforcement and Regulation (CLEAR) and has held a faculty position in CLEAR's Executive Leadership Program for Regulators for the past five years. She also just finished a two-year term on the Administrators in Medicine (AIM) Board of Directors as the Southern Region Representative.

Before relocating to Virginia in 1999, Kate managed credentialing departments for various health plans and an integrated delivery system in Pittsburgh, Pennsylvania. She received her B.A. in Business/Communication and her M.S. in Professional Leadership (training and development concentration) from Carlow University in Pittsburgh. ■



Welcome New Board Members!

George A. Daniel

Mr. Daniel has been in the auction profession since 1971. He attended the Fort Smith School of Auctioneering in Arkansas. He also went through the Certified Auctioneers Institute in Bloomington, Indiana, where he received his C.A.I. designation.

George is a member of the Virginia, North Carolina, and National Auctioneers Associations, and is a past president of the Virginia Association. He has been the recipient of the Auctioneer of the Year, Gavel and the Hall of Fame awards in Virginia. He is dedicated to the auction profession and was instrumental in getting the license law passed in Virginia in the early 1980s. He owns Daniel Auction Service and is a partner in N & W Salvage Auction in Richmond and Southside Livestock Market in Blackstone.

He was born and raised in Brunswick County and now resides on Lake Gaston in Brunswick County. He owns several farms and raises cattle as well as being a full time auctioneer.

Betty A. Bennett

Betty Bennett serves as a full time auctioneer and realtor with American Real Estate, Inc. and American Auction Gallery, Inc. in Staunton, VA. Prior to joining American Real Estate, Mrs. Bennett was in the field of education for 33 years. She received a Bachelor of Science degree from James Madison University and has been involved in the auction industry for over 20 years.

In 2000, Mrs. Bennett attended Mendenhall School of Auctioneering in High Point, NC, and received her auctioneer's license in the state of Virginia. She is a member of the National Auctioneers Association, Virginia Auctioneers Association, National Association of Realtors, and the Greater Augusta Association of Realtors. Mrs. Bennett is currently serving a three year term on the VAA Board of Directors.

REMINDER

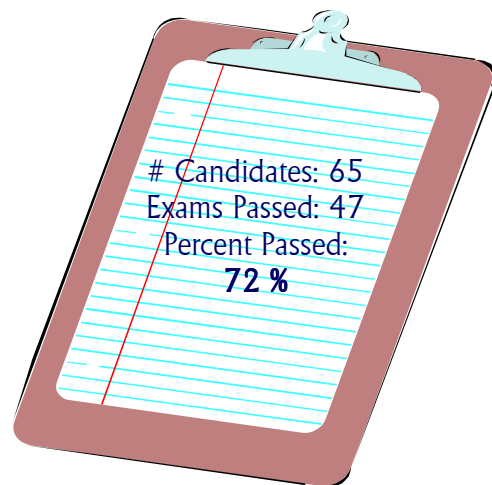
When renewal time approaches, be sure not to rely solely on your bonding company to send your bond information. If the company fails to send the needed information in time, you will be responsible for the penalty fee if your license isn't renewed before its expiration date.

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.■



Examination Statistics

The following statistics are the Virginia candidates who sat for the Auctioneers examination between January and September 2008.■



Business Registrations

As business registration is a very important issue, we felt it necessary to revisit this matter.

In addition to the licensure requirements for individuals conducting auctions, all businesses that are involved in the auction profession must be licensed as well. Any business that is involved in offering or conducting auctions must complete a firm license application and submit it to the Board for approval (except for sole proprietorships which must have an individual auctioneer license).

The firm license application must be accompanied by the appropriate firm license application fee, certified true copies of the articles of incorporation, and a certificate of authority issued by the Virginia State Corporation Commission. Additionally, like individual applications, firm applications must include documentation of a surety bond in at least the amount of \$10,000 that commences no later than the effective date of the license and expires no sooner than the expiration date of the license.

A foreign corporation includes any business organized under laws other than the laws of Virginia. If you need information regarding obtaining a certificate of incorporation (Virginia-based businesses) or a certificate of authority (foreign businesses) please contact the State Corporation Commission at (804) 371-9733.

This information is meant to provide a summary of the requirements for registering your business; however, it should not be relied on exclusively. Please refer to the Board's regulations and/or contact the Board office at (804) 367-8512. ■



Continuing Education Is Here!

Just a reminder that continuing education is a requirement for the renewal 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



Disciplinary Actions

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 2007-00777, Hunter M. Kelley

VIOLATION—Mr. Kelley did not provide his client with a contract or a detailed list of all the items he planned to auction and he failed to use a contract setting forth the terms and conditions for the auction and the particulars for the disbursement of the proceeds. Mr. Kelley also failed to deposit proceeds from the auction into an escrow account once the auction was completed **BOARD ACTION**—Consent Order imposing \$1,000 in fines and costs as well as 1 year of probation **REGULATIONS VIOLATED**—18 VAC 25-21-110; 18 VAC 25-21-150.A; and 18 VAC 25-21-150.C **EFFECTIVE DATE**—January 17, 2008

FILE NUMBER 2006-03807, Glen Moses Miller, Jr.

VIOLATION—Mr. Miller used a contract that failed to contain all information required by Virginia regulations, Mr. Miller failed to provide his client with a detailed listing of all items to be sold at auction, Mr. Miller failed to deposit proceeds from the auction into an escrow account once the auction was completed and also did not disburse auction proceeds to his client within 30 days of the auction, Mr. Miller does not have a proper bookkeeping system to allow him to demonstrate reasonable care, judgment, and application of knowledge in the performance of auctioneering duties, and Mr. Miller was unable to provide final settlement sheets and receipts **BOARD ACTION**—Final Opinion and Order imposing \$2,500 in fines and costs as well as license revocation **REGULATIONS VIOLATED**—18 VAC 25-21-110; 18 VAC 25-21-150.A; 18 VAC 25-21-150.E; 18 VAC 25-21-180.A.4; and 18 VAC 25-21-160 **EFFECTIVE DATE**—January 17, 2008

(Continued on page 4)

FILE NUMBER 2007-01975, Carwile Auction, Inc.
VIOLATION—Carwile Auctions failed to draw a contract setting forth the particulars of the terms and conditions under which the auctioneer received the real or personal property for auction and particulars for the disbursement of the proceeds as required by the Board's regulations **BOARD ACTION**—Consent Order imposing \$1,150 in fines and costs **REGULATIONS VIOLATED**—18 VAC 25-21-110 **EFFECTIVE DATE**—April 17, 2008

FILE NUMBER 2008-00627, Mount Vernon Auction Center, Inc.
VIOLATION—Mt. Vernon failed to use a proper contract, Mt. Vernon failed to disburse funds within 30 days of the auction, Mt. Vernon failed to provide its client with proper copies of the bill of sale, clerk sheets, settlement papers, or other evidence to account for property sold at auction, Mt. Vernon failed to produce documents requested by the Board's investigator **BOARD ACTION**—Final Opinion and Order imposing \$5,050 in fines and costs as well as license revocation **REGULATIONS VIOLATED**—18 VAC 25-21-110; 18 VAC 25-21-150.C; 18 VAC 25-21-140; and 18 VAC 25-21-180.A.6 **EFFECTIVE DATE**—April 17, 2008

FILE NUMBER 2008-00457, Mount Vernon Auction Center, Inc.
VIOLATION—Mt. Vernon's contract failed to include minimum terms as required by Board regulations, Mt. Vernon failed to provide a proper accounting for the items sold at auction, Mt. Vernon failed to disburse proceeds from the auction within 30 days, Mt. Vernon failed to properly care and account for property to be sold, and Mt. Vernon failed to produce documents requested by the Board's investigator **BOARD ACTION**—Final Opinion and Order imposing \$5,450 in fines and costs as well as license revocation **REGULATIONS VIOLATED**—18 VAC 25-21-110; 18 VAC 25-21-140; 18 VAC 25-21-150.C; 18 VAC 25-21-180.A.4; and 18 VAC 25-21-180.A.6 **EFFECTIVE DATE**—April 17, 2008

FILE NUMBER 2008-01073, Mount Vernon Auction Center, Inc.
VIOLATION—Mt. Vernon's contract failed to include minimum terms as required by the Board's regula-

tions, Mt. Vernon failed to disburse auction proceeds within 30 days of auction, Mt. Vernon failed to provide a proper accounting of items sold at auction, and Mt. Vernon failed to produce requested documents to the Board's investigator **BOARD ACTION**—Final Opinion and Order imposing \$5,850 and license revocation **REGULATIONS VIOLATED**—18 VAC 25-21-110; 18 VAC 25-21-150.C; 18 VAC 25-21-140; and 18 VAC 25-21-180.A.6 **EFFECTIVE DATE**—April 17, 2008

FILE NUMBER 2008-01616, Mount Vernon Auction Center, Inc.
VIOLATION—Mt. Vernon failed to include minimum terms in its contract, Mt. Vernon failed to disburse auction proceeds within 30 days of the auction, Mr. Vernon failed to provide a complete accounting for property sold at auction, and Mt. Vernon failed to produce requested documents to the Board's investigator **BOARD ACTION**—Final Opinion and Order imposing \$5,050 in fines and costs as well as license revocation **REGULATIONS VIOLATED**—18 VAC 25-21-110; 18 VAC 25-21-150.C; 18 VAC 25-21-140; and 18 VAC 25-21-180.A.6 **EFFECTIVE DATE**—April 17, 2008 ■

Friendly Reminder!

The Auctioneers Board has moved! If you need to contact the Virginia Auctioneers Board you may use any of the following methods:

9960 Mayland Drive
 Suite 400
 Richmond, VA 23233

Phone (804) 367-8512

Fax (804) 527-4294

E-Mail: auctioneers@dpor.virginia.gov

Information and forms are available 24 hours a day on our website:

http://www.dpor.virginia.gov/dporweb/auc_main.cfm

CALENDAR OF EVENTS

January 22, 2009	Auctioneers Board Meeting	July 16, 2009	Auctioneers Board Meeting
April 23, 2009	Auctioneers Board Meeting	October 15, 2009	Auctioneers Board Meeting

Please note that meetings usually begin at 10:00 a.m. at the Department offices located at 9960 Mayland Drive, Suite 200, Richmond, VA.

AUCTIONEERS BOARD MEMBERS

Licensed Members
Betty A. Bennett
William C. Bryant, III
George A. Daniel

Public Members
**Amy R. Pence
E. Joanne Wang

* 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

Dept. Web Site	http://www.dpor.virginia.gov	Board E-mail	auctioneers@dpor.virginia.gov
PSI	www.psiexams.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