



# Auction Digest

VOLUME 9

WINTER 2011

## Board Members:

Betty A. Bennett

William C. Bryant, III

George A. Daniel

E. Joanne Wang \*

Marie Torrans \*

\* *Public Member*

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## Message from the Chair

- William C. Bryant III, Board Chair

A letter to Auctioneers—

The real estate economy continues to suffer in the worst recession since The Great Depression. Housing starts are at historical lows. New and used home sales are very low compared to 5 years ago. Many sellers are being forced to sell property in these troubled times, and at prices no one would have imagined a few years ago.

We are in a unique position in working with our sellers and our buyers. We must show compassion and understanding towards our sellers. Many sellers are facing emotional decisions in selling property that has been in the family for generations. Most are seeing wealth evaporate. Very few sellers are happy to be selling in this economic environment. As auction professionals we can do much to help our sellers through the auction process by listening to their concerns, addressing their issues, and explaining each step in the auction process. A common sense approach and common courtesy will go a long way towards helping our sellers accept the sale of their property.

Buyers today, are in a great position to take advantage of lower prices. These lower prices will create wealth for anyone who buys now. The challenge for each of us is to figure out strategies that will entice multiple buyers to attend our auctions and actively bid. Great care must be taken to cultivate buyers and show them why now is the time to buy.

We must remember that today's buyer will be tomorrow's seller and vice versa. Our ability to conduct sales in a professional manner will be remembered by both buyers and sellers for many years. How we conduct ourselves in these trying times will create future business or not. It is never a right time to do the wrong thing and never a wrong time to do the right thing.



# VAA Crowns Top Auctioneer



Taylor Linkous, 2011  
VAA Champion  
Auctioneer

The Virginia Auctioneers Association crowned its 34<sup>th</sup> Annual Grand Champion Auctioneer on Saturday in Powhatan, Va. This year's champion is Taylor Linkous from Blacksburg, Va. Linkous competed against 13 auctioneers from every corner of the Commonwealth to take championship.

The event grades auctioneers on chant, rhythm, presence and auction ability. For decades this event has brought bid callers from every corner of Virginia to compete for the title.

- 1st Runner Up Brian Damewood, Round Hall, Va.
- 2nd Runner Up Allen Barfield, Hallwood, Va.
- 3rd Runner Up James Anderson, Abingdon, Va.
- 4th Runner Up Ben Yoder, Stuarts Draft, Va.
- 5th Runner Up Mark Craig, Bridgewater, Va.

Dixon's Auctions and Estate Sales in Powhatan volunteered to hold the contest. Members of the public attended this evening's auction to bid on the items for sale. A portion of the proceeds from the auction are going to the Cancer Relay for Life.

*\*Reprinted from www.vaa.org*

# Virginia Auctioneer Board

Board Members (left to right)  
William C. Bryant  
Erlita Joanne Wang  
Betty Bennett  
George Daniel

(Absent from picture, Board Member, Marie Torrans)



# Continuing Education

Continuing education is a requirement for the renewal and reinstatement of your auctioneer’s license. Regulants will receive a renewal notice near the expiration date of their license and will be required to certify that you have completed six hours of Board-approved continuing education. Approved courses can be found on our website at:

[http://www.dpor.virginia.gov/dporweb/auc\\_continuing\\_ed.pdf](http://www.dpor.virginia.gov/dporweb/auc_continuing_ed.pdf)

Please note that Section 54.1-603.1 of the Code of Virginia allows continuing education courses completed by an auctioneer pursuant to a requirement of the Certified Auctioneer’s Institute (CAI), or participation in the educational programs sponsored by the National Auctioneer’s Association (NAA) or Virginia Auctioneer’s Association (VAA), to satisfy the continuing education requirement. If the course was not from the CAI, NAA or VAA, then the course must be on the approved list and have an approval date prior to the date the course was taken.



*“ It is only an auctioneer who can equally and impartially admire all schools of art.”  
-Oscar Wilde*

## Everything You Ever Wanted to Know About Bonds

**A**uctioneer licensees are required to renew their licenses every two years. Renewal notices are sent to regulants of the Board approximately 45 days before the expiration date on the license as a reminder to renew the license. Along with the renewal notice and required fees, proof of a current bond that commences no later than the effective date of the license and expires no sooner than the expiration date of the license in at least the amount of \$10,000 must be submitted to the Board office in order for the license to be updated. If the fee is not received, or proof of the required bond is not received, or if the bond does not meet the Board’s requirements, then the license will not be updated.

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.

We often get phone calls from licensees who, upon discovering that their license has expired, state that the bond/insurance company was supposed to submit the bond to the Board office. Please be aware that you, as a regulant of the Board, are responsible for maintaining your license. While there is a 30-day grace period for renewing your license without penalty, you may not practice during any time that your license is expired. If you do not receive your updated license in the mail within a reasonable time, you should check with the Board office to verify that your bond has been received.

Please note that in addition to a bonds for your individual license, all auctioneering firms must have a current bond that meets the requirements above, as well.

***Auctioneer Licenses  
as of November 1, 2011  
1,354***

# Contacting Board Members

When a licensee has questions arise during the course of their auctioneering duties, he or she may decide to contact a Board member for clarification regarding the regulations of the Board. This is not advisable for the following reasons.

One reason is that the situation you wish to discuss may have the potential to become a disciplinary matter for review by the Board. For example, if another auctioneer is doing something in his practice that you question. By contacting a Board member, or multiple Board members, you face the possibility of “tainting” the Board member, thus making him ineligible to review the matter once it comes before the Board for a decision. The Board member would not be able to participate in the vote regarding the matter.

Another reason that it is not advisable to contact Board members regarding Board matters is that the individual Board members are not authorized to speak on behalf of the Board. For example, if you have a question about whether or not a specific activity is allowed or prohibited by the regulations. Any information provided by the Board member may be misconstrued to be a

only be made by the majority of the Board members voting during an open meeting. The thoughts or opinions of an individual Board member may not be representative of the decision of the Board.

If a licensee of the Board has questions or needs clarification regarding the regulations or specific issues that come up during the course of performing auctioneering duties, he or she should contact the Board office for direction. If it appears to be a matter that may involve possible violations of the regulations, then the individual would be advised to complete a complaint form. If it involves clarification regarding the regulations, then Board staff may be able to offer information based on passed actions by the Board as found in the minutes, or be able to provide information pertaining to past precedence (or how a matter has been handled previously). Additionally, Board members are aware of the complications that may arise if they were to respond to queries from licensees; therefore, a phone call to a Board member will most often result in the Board member referring the caller to the Board office.

You may reach the Board office at (804) 367-8512 or 8506 should you need assistance.

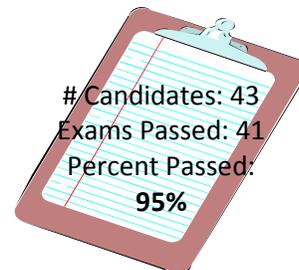
## Auctioning Firearms

The Board office is frequently asked questions regarding requirements for auctioning firearms. While the Virginia Auctioneers Board regulates the profession of auctioneering, the sale of firearms is regulated by the Bureau of Alcohol, Tobacco, and Firearms (ATF). A good deal of information regarding firearm sales as it relates to auctioneering can be found on the ATF's website at <http://www.atf.gov>.

In addition to the ATF, an auctioneer considering auctioning firearms should contact the local police station or sheriff's office to determine whether or not the locality has any requirements regarding this matter.

## Examination Statistics

The following statistics are the Virginia candidates who sat for the Auctioneers examination between January and October 2011—



# Disciplinary Action



**FILE NUMBER 2010-03520, James Wayne Reese**

**VIOLATION**—Mr. Reese Failed to provide client with documentation to properly account for items sold at auction. Contract did not include all required subsections. **BOARD ACTION**—Consent order imposing \$850.00 in fines and costs

**REGULATIONS VIOLATED**—18VAC25-21-110; and 18VAC25-21-140. **EFFECTIVE DATE**—October 21, 2010

**FILE NUMBER 2010-03606, Greenway Real Estate & Auction Co.**

**VIOLATION**—Greenway failed to demonstrate reasonable care, judgment, and the application of knowledge and ability in the performance of auctioneering duties by failing to utilize a contract that meets the Board's requirements, develop an amendment to the contract for the change in the location of an auction, and advertise the auction as subject to reserve. **BOARD ACTION**—Consent order imposing \$1,550 in fines and costs

**REGULATIONS VIOLATED**—18VAC25-21-110 (4 violations); 18VAC25-21-180.A.4; 18VAC25-21-100.A and 18VAC25-21-180.A.4 **EFFECTIVE DATE**—October 21, 2010

**FILE NUMBER 2010-05760, George Matthew Garten**

**VIOLATION**— Mr. Garten failed to demonstrate reasonable care, judgment, and the application of knowledge and ability in the performance of auctioneering duties by failing to utilize a contract that meets the Board's requirements, develop an amendment to the contract for the change in the location of an auction, and advertise the auction as subject to reserve. **BOARD ACTION**—Consent order imposing \$400 in fines and costs

**REGULATIONS VIOLATED**—18VAC25-21-100.A **EFFECTIVE DATE**—October 21, 2010

**FILE NUMBER 2011-00603, Bland Land Company**

**VIOLATION**—Bland Land Company failed to utilize a contract that meets the Board's requirements; auction advertisement failed to include the auction firm's license number; failed to provide requested documents for investigation in a timely manner; and failed to cooperate fully with investigation. **BOARD ACTION**—Final Opinion and Order imposing \$5150 in fines and probation of five years. During that time Bland Land must also submit a revised contract which complies with Board regulations; Gerald Bland must complete 6 hours of approved continuing education; Gerald Bland must successfully pass the Virginia Auctioneer's exam.

**REGULATIONS VIOLATED**—18VAC25-21-180.\$; 18VAC25-21-110.A; 18VAC25-21-100.B; and 18VAC25-21-185.A. **EFFECTIVE DATE**—July 20, 2011

**FILE NUMBER 2011-01708, Las Vegas Auctions, LLC**

**VIOLATION**—Las Vegas Auctions employed an unlicensed auctioneer to perform auction; LVA failed to disburse proceeds from the sale of goods within 30 days of the date of the auction; LVA failed to report a change of address within 30 days. **BOARD ACTION**—Consent order imposing revocation of license. **REGULATIONS VIOLATED**—18VAC25-21-180.5; 18VAC25-21-150.D; and 18VAC25-21-170.B **EFFECTIVE DATE**—July 20, 2011

**FILE NUMBER 2011-00719, Whitman L. Sink**

**VIOLATION**—Mr. Sink failed to deposit check in escrow account in accordance with the real estate contract. Mr. Sink did not 'demonstrate reasonable care, judgment or application of his knowledge and ability in the performance of auctioneering duties.'

**BOARD ACTION**—Consent order imposing \$600 in fines and costs **REGULATIONS VIOLATED**—18VAC25-21-150.D; and 18VAC25-21-180.A.4 **EFFECTIVE DATE**—July 20, 2011



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**Auctioneer Board Staff**

**Kathleen R. Nosbisch—Executive Director**

**Marian Brooks—Board Administrator**

**Justin Garofalo—Board Administrator**

**Amy Goobic—Administrative Assistant**

**Licensing Specialists—**

**Tonia Burrell**

**Caly Emerson**

**Joan Leonard**

**Ramona Norris**

**Toni Spencer**

**2012 Board Meeting Dates**

**January 11**

**April 18**

**July 18**

**October 10**



**Disciplinary Action cont.**

**FILE NUMBER 2011-03117, Jaime B. Palacios**

**VIOLATION**—Mr. Palacios failed to utilize a contract that meets the board’s requirements. Mr. Palacios did not demonstrate reasonable care, judgment, or application of his knowledge and ability in the performance of auctioneering duties and also failed to cooperate with the investigation.

**BOARD ACTION**—Consent order imposing revocation of license and \$150 in costs

**REGULATIONS VIOLATED**—18VAC25-21-110.A; 18VAC25-21-180.4; and 18VAC25-21-185.A

**EFFECTIVE DATE**—October 6, 2011

**FILE NUMBER 2011-01456, Gloria Lynn Gardner**

**VIOLATION**—Ms. Gardner failed to respond to investigator within 10 days and failed to include her auctioneer license in advertisement. No monetary penalty was imposed for violation of 18VAC25-21-100.B.

**BOARD ACTION**—Final Opinion and Order imposing \$250 in fines. **REGULATIONS VIOLATED**—

18VAC25-21-100.B; and 18VAC25-21-185.A

**EFFECTIVE DATE**—October 6, 2011



**Auctioneer Resources**

**Virginia Auctioneers Association**  
[www.vaa.org](http://www.vaa.org)  
 888 878-0601 (toll free from Virginia)  
 919 878-0601 (from outside Virginia)

**National Auctioneers Association**  
[www.auctioneers.org](http://www.auctioneers.org)  
 913-541-8084