



AUCTION DIGEST

Newsletter of the Virginia Auctioneers Board

Department of Professional & Occupational Regulation

Volume 7- Fall 2009

BOARD INFORMATION

Board Members:

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

Board Staff:

Kathleen "Kate" R. Nosbisch—
Executive Director

Marian H. Brooks—
Board Administrator

Amy Goobic—
Administrative Assistant

Sheree Dean—
Office Manager

Licensing Specialists

Joan B. Leonard
Ramona Norris
Toni H. Spencer
Tonia Burrell
Bradley Verry
Jack Butler

Inside this issue:

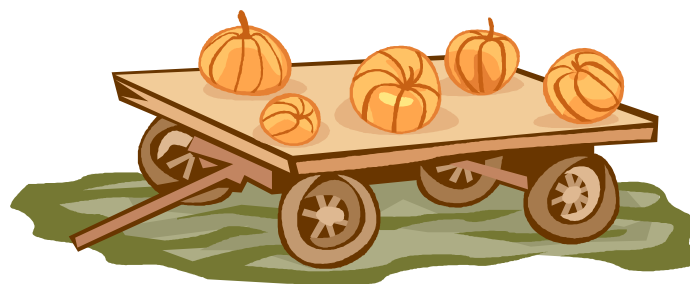
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Fall 2009 AUCTION DIGEST

We are pleased to bring you the seventh issue of AUCTION DIGEST! This issue of AUCTION DIGEST includes information about continuing education, disciplinary actions, meeting dates, contact information and some frequently asked questions.

Additionally, the Board has new staff members that we would like to introduce— Tonia Burrell, Licensing Specialist, joined the staff in January 2009 and Amy Goobic, Administrative Assistant in March. Bradley Verry, Licensing Specialist moved from the Contractors Board in September and Jack Butler, Licensing Specialist joined the staff in October.

We hope you found the previous issues of AUCTION DIGEST helpful and informative, and hope to continue that through future issues. Once again, thank you for taking the time to read AUCTION DIGEST and, as always, we appreciate any suggestions or comments you can provide to help make this newsletter a useful and informative resource. ❖





Frequently Asked Questions

How do I get an auctioneer license?

To obtain a Virginia Auctioneer license you must complete an 80 hour course from an auctioneering school approved by the Board and pass an exam, or if you are licensed in another state, through reciprocity. The state in which you are licensed must participate in a reciprocal program with Virginia.

Do I have to take an exam?

Yes—If you are not licensed in another state, you must take and pass the Auctioneers exam.

How do I apply for the exam?

To apply for the Auctioneer exam, you may contact the exam vendor PSI at 1-800-733-9267.

Have you received my bond yet?

If you did not mail your bond with your license renewal, you may contact the Board office to determine if it was received.

Do you need a bond for both the individual and the firm?

Yes—Individuals and firms must both provide 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.

Do you have an apprenticeship program for auctioneers?

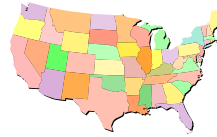
Virginia does not have an apprenticeship program at this time.

If I have a firm, do I also need a license for the firm?

Yes—if auctions will be conducted under the name of the firm, a license is needed for the firm as well as, the auctioneer.

How do I find out what courses are approved for continuing education?

The Auctioneer Board website has a listing of all approved Continuing Education courses. The list can be found at:
www.dpor.virginia.gov/dporweb/auc_continuing_ed.pdf



States with Approved Reciprocal Agreements

Alabama

Alabama State Board of Auctioneers
(866) 873-4664

Florida

Board for Auctioneers
(850) 487-1395

Georgia

Georgia Auctioneers Commission
(478) 207-2440

Indiana

Indiana Professional Licensing Agency
(317) 234-3040

Kentucky

Kentucky Board of Auctioneers
(502) 429-7145

Louisiana

Louisiana Auctioneers Licensing Board
(225) 763-5568

Mississippi

Mississippi Auctioneer Commission
(601) 364-2384

North Carolina

NC Auctioneer Licensing Board
(919) 567-2844

Ohio

Ohio Department of Agriculture
(614) 728-6240

Pennsylvania

State Board of Examiners
(717) 783-3397

South Carolina

SC Auctioneering Commission
(803) 896-4501

Tennessee

Tennessee Auctioneer Commission
(615) 741-2241

Texas

Texas Department of Licensing & Regulation
(512) 463-6599

West Virginia

West Virginia Department of Agriculture
(304) 558-3550



useful Tidbits....

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. ❖



9960 Mayland Drive
Suite 400
Richmond, VA 23233



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

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.

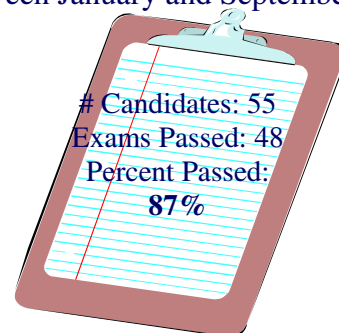
For Regulatory Information—
www.townhall.virginia.gov

The Virginia Regulatory
Town Hall

Examination Statistics

The following statistics are the Virginia candidates who sat for the Auctioneers examination between January and September 2009—

Candidates: 55
Exams Passed: 48
Percent Passed:
87%





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 2008-00718, Quinn & Sons, Inc.

VIOLATION—Quinn & Sons used a contract that failed to contain all information required by Virginia regulations. In addition, Quinn & Sons failed to adequately track and secure the client's property, and provided the client an incorrect consolidated statement. **BOARD ACTION**—Consent Order imposing \$650 in fines and costs **REGULATIONS VIOLATED**—18VAC25-21-110 and 18VAC25-21-180.A.4 **EFFECTIVE DATE**—October 16, 2008

FILE NUMBER 2008-02973, Mastin Auctions

VIOLATION—Mastin Auctions did not provide their client with a detailed list of all items to be auctioned prior to the date of the auction. **BOARD ACTION**—Consent Order imposing \$650 in fines and costs **REGULATION VIOLATED**—18VAC25-21-110.1.a **EFFECTIVE DATE**—October 16, 2008

FILE NUMBER 2008-03526, John M. Marshall

VIOLATION—Mr. Marshall failed to use his escrow account to preserve and guarantee auction proceeds until disbursed at settlement, and used funds due to the auctioneer from the auction escrow account prior to the final settlement. **BOARD ACTION**—Consent Order imposing \$900 in fines and costs **REGULATIONS VIOLATED**—18VAC25-21-150.C and 18VAC25-21-150.F **EFFECTIVE DATE**—October 16, 2008

FILE NUMBER 2008-03692, Donald Everette Sparks

VIOLATION—Mr. Sparks failed to use a proper contract. The contract did not include a detailed list of personal property received for sale; it did not include the date the items were to be sold; the contract did not include what services were included

in the percentage fee and did not include a statement that the clerk sheets, or other evidence to properly account for all items sold, shall be given or made available for inspection by the owner on a daily basis. **BOARD ACTION**—Consent Order imposing \$900 in fines and costs **REGULATIONS VIOLATED**—18VAC25-21-110 and 18VAC25-21-150.C **EFFECTIVE DATE**—January 22, 2009

FILE NUMBER 2009-02060, Walker Commercial Services, Inc.

VIOLATION—Prior to an auction, Walker Commercial Services, Inc, advertised auction as “absolute.” The auction flyer indicated “all lots sold absolute over \$950,000. All houses sold absolute over \$200,000 each.” According to §54.1-607, an ‘absolute auction’ means an auction where at the time of the auction sale, the real or personal property to be sold will pass to the highest bidder regardless of the amount of the highest and last bid.” This auction held a reserve amount on each of the houses and the lots. **BOARD ACTION**—Consent Order imposing \$1,150 in fines and costs **STATUTE VIOLATED**—§54.1-607 of the *Code of Virginia* **EFFECTIVE DATE**—April 23, 2009

FILE NUMBER 2008-04781, J. Belvin Auction Services,

VIOLATION—J. Belvin Auction Services failed to use a proper contract and failed to provide the relevant documents to account for property sold in a timely manner. Mr. Belvin also failed to deposit the auction proceeds in an escrow account and failed to disburse the proceeds within 30 days after the auction. **BOARD ACTION**—Final Opinion and Order imposing \$1,000 in fines and costs as well as license revocation **REGULATIONS VIOLATED**—18VAC25-21-110 and 18VAC25-21-150.C **EFFECTIVE DATE**—April 23, 2009

FILE NUMBER 2009-01115, Ronald Mark Schnur

VIOLATION—Mr. Schnur did not include all items that should have been in a purchase. Mr.

(Continued on page 5)

Schnur failed to demonstrate reasonable care, judgment, or application of his knowledge and ability in the performance of his auctioneer duties.

BOARD ACTION—Final Order and Opinion imposing \$400 in fines and costs **REGULATION VIOLATED**—18VAC25-21-180.A.4 **EFFECTIVE DATE**—April 23, 2009

FILE NUMBER 2008-04341 Mastin Auctions, Inc.

VIOLATION—Mastin Auctions, Inc. failed to provide the client with a contract for the items collected for sale and failed to disburse proceeds from sale within 30 days. **BOARD ACTION**—Consent Order imposing \$1,650 in fines and costs **REGULATIONS VIOLATED**—18VAC25-21-110; 18VAC25-21-140 and 18VAC25-21-150.C **EFFECTIVE DATE**—April 23, 2009

FILE NUMBER 2009-02457, Mastin Auctions, Inc., FILE NUMBER 2009-03088, Daniel Mastin III

VIOLATION—Mastin Auctions, Inc., and Daniel Mastin III failed to disburse proceeds from an auction within 30 days. Mastin also admitted that he used the proceeds from the sale to pay other debts of the company. Mastin Auctions, Inc., failed to demonstrate reasonable care and judgment in the performance of auctioneering duties. Mr. Mastin also failed to produce documents requested by the investigator. **BOARD ACTION**—Consent Order imposing \$5,000 in fines and costs as well as license revocation. **REGULATIONS VIOLATED**—18VAC-25-21-150.C; 18VAC-25-21-180.A.4 and 18VAC25-21-185.A **EFFECTIVE DATE**—April 23, 2009

FILE NUMBER 2009-00994, Donald Everette Sparks

VIOLATION—Mr. Schnur did not include all items that should have been in a purchase. Mr. Schnur failed to demonstrate reasonable care, judgment, or application of his knowledge and ability in the performance of auctioneer duties. **BOARD ACTION**—Consent order imposing \$3,050 in fines and costs **REGULATION VIOLATED**—18VAC25-21-180.A.4 **EFFECTIVE DATE**—April 23, 2009

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.

***Auctioneer Licenses
as of October 1, 2009
1,431***

CALENDAR OF EVENTS

January 21, 2010	Auctioneers Board Meeting	July 15, 2010	Auctioneers Board Meeting
April 22, 2010	Auctioneers Board Meeting	October 21, 2010	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
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* 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.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

