

**AUCTIONEERS BOARD MEETING
MINUTES**

The Virginia Auctioneers Board met on October 12, 2017, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Linda Terry
Betty Bennett
Michael Phillips
Andrew Smith

Board staff present for all or part of the meeting were:

Kate Nobsch, Executive Director
Marian Brooks, Board Administrator
Bonnie Davis, Administrative Assistant

Agency staff present for all or part of the meeting were:

Jay W. DeBoer, Director
Carolyn Pruett, Adjudication Specialist

Elizabeth Peay, Assistant Attorney General was present from the Office of the Attorney General.

Ms. Terry, Chair, called the meeting to order at 10:09 a.m.

Call to Order

Ms. Terry advised the Board of the emergency evacuation procedures.

**Emergency Evacuation
Procedures**

Ms. Bennett moved to approve the agenda. Mr. Smith seconded the motion which was unanimously approved by members: Bennett, Smith, and Terry.

Approval of Agenda

Mr. Smith moved to approve the July 18, 2017 Board meeting minutes. Ms. Bennett seconded the motion which was unanimously approved by members: Bennett, Smith, and Terry.

Approval of Minutes

There was no public comment.

Public Comment Period

Ms. Nobsch introduced the audience, Jordan Paschal and Brittany Utz, both with Joint Legislative Audit & Review Commission (JLARC).

**Introduction of
Audience**

Mr. Phillips arrived to the meeting at 10:11 a.m.

**Arrival of Board
Member**

Ms. Nobsch explained the process for Prima Facie cases. She noted that there had been only one response from Mr. Flick, and no further responses to correspondence. Neither the respondent nor the complainants were

File Review

present to address the Board regarding this matter.

File Review (continued)

Mr. Smith moved to review the three Prima Facie Orders in mass. Ms. Bennett seconded the motion which was unanimously approved by members: Bennett, Phillips Smith, and Terry.

Regarding File Number 2016-02198, Flick Investment Group LLC, Board members reviewed the Prima Facie order for Flick Investment Group. The Prima Facie Order cites the following violations of the Board's regulations: 18VAC25-21-110.1.a (Count 1), the recommended sanction is a monetary penalty of \$500.00; 18VAC25-21-110.A.7 (Count 2), the recommended sanction is a monetary penalty of \$200.00; 18VAC25-21-110.A (Count 3), the recommended sanction is a monetary penalty of \$200.00; 18VAC25-21-150.G (Count 4), the recommended sanction is a monetary penalty of \$1000.00; 18VAC25-21-140 (Count 5), the recommended sanction is a monetary penalty of \$200.00; 18VAC25-21-180.4 (Count 6), the recommended sanction is a monetary penalty of \$2000.00; 18VAC25-21-170.A (Count 7), the recommended sanction is a monetary penalty of \$100.00; and 18VAC25-21-185.A (Count 8) the recommended sanction is a monetary penalty of \$1000.00. For the violations contained in Counts 4 and 6, revocation of license is recommended.

File No. 2016-002198,
Flick Investment Group
LLC

Regarding File Number 2016-02518, Flick Investment Group LLC, Board members reviewed the Prima Facie order for Flick Investment Group. The Prima Facie Order cites the following violations of the Board's regulations: 18VAC25-21-110.A.1.a (Count 1), the recommended sanction is a monetary penalty of \$500.00; 18VAC25-21-110.A.7 (Count 2), the recommended sanction is a monetary penalty of \$200.00; 18VAC25-21-180.4 (Count 3), the recommended sanction is a monetary penalty of \$2000.00; 18VAC25-21-140 (Count 4), the recommended sanction is a monetary penalty of \$200.00; 18VAC25-21-185.A (Count 5), the recommended sanction is a monetary penalty of \$1000.00; and 18VAC25-21-150.F (Count 6), the recommended sanction is no monetary penalty. For the violations contained in Counts 3 and 6, revocation of license is recommended.

File No. 2016-02518,
Flick Investment Group
LLC

Regarding File Number 2017-01005, John Flick, III, Board members reviewed the Prima Facie order for John Flick, III. The Prima Facie Order cites the following violations of the Board's regulations: 18VAC25-21-180 (Count 1), the recommended sanction is a monetary penalty of \$500.00 for two violations for a total monetary value of \$1000.00. For the violation contained in Count 1, revocation of license is recommended.

File No. 2017-01005,
John Flick, III

Ms. Bennett moved to accept the violations as submitted. Mr. Smith seconded the motion which was unanimously approved by members: Bennett, Phillips Smith, and Terry.

Ms. Nosbisch indicated that there have been no prior disciplinary actions against Mr. Flick.

Mr. Smith moved to accept the sanctions as submitted. Mr. Phillips seconded the motion which was unanimously approved by members: Bennett, Phillips Smith, and Terry.

Ms. Nosbisch informed the Board that typically, the vice-chair assumes the position of chair and then a board member is elected vice-chair. Mr. Smith thanked Ms. Terry for her service as Chair and moved that Ms. Bennett, current vice chair, move up as Chair. Ms. Terry seconded the motion which was unanimously approved by members: Bennett, Phillips, Smith, and Terry. Ms. Bennett moved to nominate Mr. Smith as Vice-Chair. Ms. Terry seconded the motion which was unanimously approved by members: Bennett, Phillips, Smith, and Terry.

Election of Officers

Board members considered the proposed meeting dates for 2018:

- Tuesday, January 09, 2018
- Thursday, April 12, 2018
- Tuesday, July 17, 2018
- Thursday, October 11, 2018

Consideration of 2018 Meeting Dates

Ms. Terry noted a conflict with the April 12th date. The Board approved the 2018 meeting dates by consensus.

Board members were provided financial statements for informational purposes. The Board is in a good financial position, and there are no fee increases expected in the foreseeable future.

Review of Board Financial Statements

Ms. Terry provided the licensee counts as of September 1, 2017: Auctioneers 1172 and Firms 249.

Other Business

Ms. Nosbisch stated that Ms. Terry and Mr. Phillips terms ended June 30, 2017. She appreciates their willingness to continue to serve until they are reappointed or replaced. There is also one existing auctioneer vacancy. Ms. Nosbisch has been in communication with the office of the Secretary of the Commonwealth regarding appointments.

Ms. Nosbisch reported that in the next few months, the Board members will be receiving noncompliant continuing education cases. Mr. DeBoer inquired if anyone had requested a continuing education waiver. Ms. Nosbisch stated none had been requested.

Ms. Terry noted that on the DPOR website when using the License Lookup, the license results list does not show current or expired on the first screen. You must click on the license number and read that following

page to determine if the license is up to date. She noted that the general public may assume that the list brings up all that are current. It would be helpful if the list of licenses show whether they are current or expired instead of having to go to the next page.


Conflict of Interest forms were completed by all members present.

**Conflict of Interest
Forms**

There being no further business, the meeting adjourned at 10:25 a.m.

Adjourn


Linda Terry, Chair


Jay W. DeBoer, Secretary

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Linda Terry
2. Title: Board Member
3. Agency: Auctioneers Board
4. Meeting/IFF Date: Board Meeting October 12, 2017

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession,
occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the
public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this
meeting.

Linda W. Terry
Signature

10/12/17
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Betty Bennett
2. Title: Board Member
3. Agency: Auctioneers Board
4. Meeting/IFF Date: Board Meeting October 12, 2017

5. I have a personal interest in the following transaction:

N/A

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Betty A. Bennett
Signature

10/12/2017
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Michael Phillips
2. Title: Board Member
3. Agency: Auctioneers Board
4. Meeting/IFF Date: Board Meeting October 12, 2017

5. I have a personal interest in the following transaction:

N/A

Nature of Personal Interest Affected by Transaction:


I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature

10/11/2017
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Andrew Smith
2. Title: Board Member
3. Agency: Auctioneers Board
4. Meeting/IFF Date: Board Meeting October 12, 2017

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

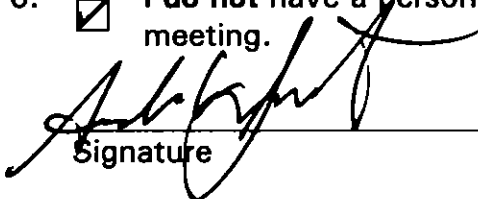
I declare that I am a member of the following business, profession,
occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the
public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this
meeting.



Signature

10/12/17

Date