

**AUCTIONEERS BOARD MEETING
MINUTES**

The Virginia Auctioneers Board met on July 22, 2015, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

William M. Farmer
Travis Lee
Larry Linkous
Michael S. Phillips
Linda Terry

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

Kathleen R. Nosbisch, Executive Director
Marian Brooks, Board Administrator
Amy Goobic, Administrative Assistant

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

Mark N. Courtney, Senior Director, Regulatory and Public Affairs
Bonnie Rhea-Adams, Director, Complaint Analysis Resolution
Joseph Haughwout, Assistant Director, Adjudication
Michelle Couch, Legal Analyst

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

Mr. Linkous, Chair, called the meeting to order at 10:04 a.m.

Call to Order

Mr. Linkous advised the Board of the emergency evacuation procedures.

**Emergency Evacuation
Procedures**

Mr. Linkous informed the Board that regarding agenda item number 7, File Number 2015-00403, Frank Bolton, word was received that Mr. Bolton passed away in June. Mr. Linkous requested the Board withdraw the item from the agenda and expressed condolences. Mr. Farmer moved to approve the agenda as amended. Ms. Terry seconded the motion which was unanimously approved by members: Farmer, Lee, Linkous, Phillips and Terry.

Approval of Agenda

Mr. Farmer moved to approve the January 21, 2015, Board meeting minutes. Ms. Terry seconded the motion which was unanimously approved by members: Farmer, Lee, Linkous, Phillips and Terry.

Approval of Minutes

Public Comment Period – There were no public comments.

Public Comment Period

Mr. Freeman was present to address the Board. Mr. Freeman thanked the Board and stated that in lieu of working through the complaint and Informal Fact-Finding process, his company has made administrative changes to assure paperwork is handled in a timely manner.

File Number 2015-00961, Scott M. Freeman

Regarding **File Number 2015-00961, Scott M. Freeman**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file,, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference and the presiding Board member's recommendation. Mr. Farmer moved to accept the recommendation of the presiding Board member that the file be closed with a finding of no violation. Mr. Lee seconded the motion which was unanimously approved by members: Farmer, Lee, Linkous, Phillips and Terry. Former Board member Samuel Updike was the presiding officer.

Regarding **File Number 2015-00615, James E. Carwile**, Board members reviewed the Consent Order as seen and agreed to by Mr. Carwile. Mr. Lee moved to accept the Consent Order which cites the following violations of the Board's regulations: 18VAC25-21-110.A (Count 1); and 18VAC25-21-180.4 (Count 2). For these violations, Mr. Carwile agrees to the following sanctions: \$900 for the violation contained in Count 1; \$250 for the violation contained in Count 2; and \$150 in Board costs, for a total monetary penalty of \$1,550. Ms. Terry seconded the motion which was unanimously approved by members: Lee, Linkous, Phillips and Terry. As the presiding board member, Mr. Farmer and was not present for the discussion or vote.

File Number 2015-00615, James E. Carwile

Ms. Brooks informed the Board that the regulatory package was currently in the Governor's office for review and approval.

Regulatory Update

Board members were provided a comprehensive report of enforcement activity for informational purposes.

Review of Compliance and Investigations Division Activity

Board members were provided financial statements for informational purposes.

Review of Board Financial Statements

Board members considered the following meeting dates for 2016:

- January 13
- April 19
- July 20
- October 13

Other Business

Ms. Terry moved to approve the 2016 meeting dates. Mr. Phillips seconded the motion which was unanimously approved by members: Farmer, Lee, Linkous, Phillips and Terry.

Ms. Brooks informed the Board of a change in §54.1-601 of the *Code of Virginia*, clarifying what type of charitable organizations are under the

exemptions. The change became effective July 1, 2015.

Ms. Nosbisch informed the Board that there was a blood drive in the building today if anyone was interested in donating. Ms. Nosbisch reminded Board members to forward any inquiries they may receive from the public or other licensees, to Board staff. She further reminded Board members to not discuss Board business outside of the meeting.

Mr. Farmer inquired as to whether the Board would be addressing regulation of online auctions. Ms. Nosbisch stated that the Board's regulations were due for a periodic review; the issue could be addressed at that time.

Ms. Brooks informed the Board that due to changes in the Administrative Process Act, notices sent out for Informal Fact-Finding conferences will include the name of the presiding board member.

Conflict of Interest forms were completed by all members present.

**Conflict of Interest
Forms**

The meeting was adjourned at 10:32 a.m.

Adjourn

Larry Linkous, Chair

Jay W. DeBoer, Secretary