

VIRGINIA AUCTIONEERS BOARD MEETING MINUTES

The Virginia Auctioneers Board met on July 11, 2023, at 10:00 a.m. at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia 23233.

The following members were present for all or part of the meeting:

Betty Bennett (Auctioneer)
Douglas Sinclair (Auctioneer)
Angela Smith-Mackey (Citizen Member)
Linda Terry (Auctioneer)

Staff present for all or part of the meeting were:

Demetrios Melis, Director
Kishore Thota, Chief Deputy Director
Stephen Kirschner, LRPD Deputy Director
Kate Nosbisch, Executive Director
Joe Haughwout, Regulatory Affairs Manager
Bonnie Davis, Board Operations Administrator
Ecila Williams, Administrative Coordinator
Christina Dumas, DPOR- PAL Specialist
Adam Cocker, Compliance and Resolution Legal Analyst

Members of the audience:

Michael Grimm- Auctioneer

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

Ms. Bennett, Vice Chair, called the meeting to order at 10:01 a.m.

Call to Order

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

**Emergency
Evacuation**

Ms. Nosbisch introduced Ecila Williams as the new Administrative Coordinator and Joe Haughwout as the Regulatory Affairs Manager for the Licensing and Regulatory Programs Division.

Announcements

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

**Approval of
Agenda**

Mr. Sinclair moved to approve the meeting minutes from October 4, 2022. Ms. Terry seconded the motion which was unanimously approved by members: Bennett, Sinclair, Smith-Mackey and Terry

Approval of
Minutes October
4, 2022

Mr. Sinclair moved to approve the meeting minutes from May 17, 2023. Ms. Smith-Mackey seconded the motion which was unanimously approved by members: Bennett, Sinclair, Smith-Mackey and Terry

Approval of
Minutes May 17,
2023

Mr. Grimm made a public comment regarding Universal License Recognition for Auctioneers. Mr. Grimm is for Universal License Recognition and the practice of reciprocity for licensure.

Public Comment
Period

Ms. Terry recused herself from the meeting for discussion and deliberation of the file.

Recusal of Board
Member

Regarding **File Number 2023-00738, Carwile Auctions, Inc.**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Carwile.

File Review:
2023-00738
Carwile Auction,
Inc.

Mr. Sinclair moved to accept the consent order which cites the following violation of the Board's regulations: 18VAC10-25.21-110.A (Count 1) For thus violation, Mr. Carwile agrees to pay the following monetary penalties: \$1500.00 for the violation contained in Count 1 and \$150.00 in Board costs, for a total monetary penalty of \$1650.00. In addition, Carwile Auctions agrees to provide a copy of its current contract which must be in compliance with board regulation 18VAC25.21-110. A. Ms. Smith-Mackey seconded the motion which was unanimously approved by members: Bennett, Sinclair and Smith- Mackey.

Ms. Terry returned to the meeting.

Return of Board
Member

Regarding **File Number 2023-02542**, John Lewis Brinkley, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference.

File Review:
2023-02542 John
Lewis Brinkley

Ms. Smith-Mackey moved to accept the recommendation of the presiding officer and deny Mr. Brinkley's application for auctioneer. Ms. Terry seconded the motion which was unanimously approved by members: Bennett, Sinclair, Smith-Mackey and Terry.

Ms. Nobsisch stated that Universal License Recognition went into effect on July 1, 2023, and no one has applied for an Auctioneer license yet.

Universal
License
Recognition

Ms. Nobsisch stated that the regulatory review has been completed and the redaction of continuing education in statute is in process. Ms. Terry received communication from the Auctioneer community who are in favor of keeping continuing education. Mr. Sinclair voted in favor in revamping continuing education and have spoken within the Auctioneer community and some are in favor of keeping it in statutes. Ms. Nobsisch stated that the trend nationwide is removing continuing education as a requirement for licensure.

Continuing
Education
Comments

Ms. Terry stated that her concern is with Real Estate licenses and how they will be affected. Mr. Melis inquired about the continuing education with Real Estate. Ms. Terry stated that there are real estate modules but not on real estate law. Ms. Nobsisch suggested they redact the continuing education. Mr. Melis stated that it is on his short list and will be a topic of discussion in the Secretary's office. Ms. Bennett is open to the redaction and will wait to see what will happen.

Ms. Nobsisch stated staff will submit the paperwork for redaction of continuing education requirements.

Statutory
Review

The Board members were provided the public comments in response to the General Regulatory Reduction Initiative. Mr. Kirschner recommended an amendment to the response. Mr. Sinclair moved to accept the amended response to the comments. Ms. Smith-Mackey seconded the motion which was unanimously approved by members: Bennett, Sinclair, Smith-Mackey and Terry.

Auctioneer
Comments

A discussion took place regarding whether auctioneers will be placed on a bill for the 2024 General Assembly Session. Director Melis stated that an item may be put forward by the agency where it must move through many steps to reach the General Assembly and at any time it can be dropped.

Ms. Terry moved to adopt the proposed general regulatory review language and allow staff to make technical changes to the proposed language. Mr. Sinclair seconded the motion which was unanimously approved by members: Bennett, Sinclair, Smith- Mackey and Terry

Proposed
Regulatory
Language

Ms. Nosbisch informed the Board how the election of officers has been completed previously for the Board, which would typically have the Vice Chair rotate to Chair; however, Mr. Smith resigned as a Board Member, which means a new Chair and Vice Chair will be needed.

Election of
Officers

Ms. Nosbisch opened the floor for nominations for Board Chair. Ms. Bennett nominates Ms. Terry as Board Chair. Mr. Sinclair seconded the motion. Ms. Terry accepted the nomination. Ms. Nosbisch asked if there were any additional nominations for Board Chair. There being none, Ms. Nosbisch closed the floor for nominations. The motion was unanimously approved by: Bennett, Sinclair, Smith- Mackey and Terry. By acclamation, Ms. Terry was named Board Chair.

Ms. Nosbisch opened the floor for nominations for Board Vice Chair. Ms. Smith-Mackey nominates Ms. Bennett as Board Vice Chair. Mr. Sinclair seconded the motion. Ms. Bennett accepted the nomination. Ms. Nosbisch asked if there were any additional nominations for Board Vice Chair. There being none, Ms. Nosbisch closed the floor for nominations. The motion was unanimously approved by: Bennett, Sinclair, Smith- Mackey and Terry. By acclamation, Ms. Bennett was named Board Vice Chair.

Ms. Nosbisch provided the licensee counts as of July 1, 2022: Auctioneers 984 and Auctioneer Firms 230.

Licensed
Population

Board members were provided financial statements for informational purposes.

Review of
Financial
Statements

There was no other business to discuss.

Other Business

Conflict of Interest forms and Travel Vouchers were completed by all members present.

Conflict of
Interest Forms /
Travel Vouchers

There being no further business, the meeting adjourned at 10:48 a.m.

Adjourn



Linda Terry, Chair



Kishore Thota, Secretary

**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 July 11, 2023
5. I have a personal interest in the following transaction:

N/A

Nature of Personal Interest Affected by Transaction:

N/A

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 Bennett
Signature

7/11/2023
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Douglas B. Sinclair
2. Title: Board Member
3. Agency: Auctioneers Board
4. Meeting/IFF Date: Board Meeting July 11, 2023
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:

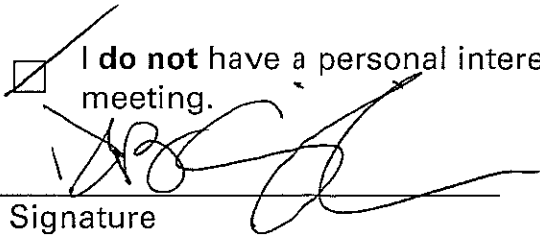
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

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

Signature



Date

7-11-23

**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 July 11, 2023

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

Nature of Personal Interest Affected by Transaction:

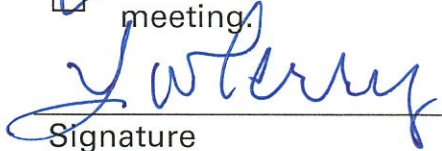
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

7/11/23
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Angela Smith-Mackey
2. Title: Board Member
3. Agency: Auctioneers Board
4. Meeting/IFF Date: Board Meeting July 11, 2023
5. I have a personal interest in the following transaction:

N/A

Nature of Personal Interest Affected by Transaction:

N/A

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.

Angela Smith-Mackey
Signature

July, 11, 2023
Date