

**AUCTIONEERS BOARD MEETING**

***TENTATIVE Agenda***

October 3, 2023, 10:00 a.m.

Department of Professional & Occupational Regulation

804-367-8514

1. Call to Order
2. Emergency Evacuation
3. Approval of Agenda
4. Approval of Minutes:
  - July 11, 2023, Board Meeting Minutes
5. Public Comment Period\*
6. Regulatory Review Update
  - Periodic Review of Regulations
  - General Review
7. File Review
  - File Number 2022-01548 Stephen Zedd  
IFF (Jackson-Bailey) – Licensing
8. 2024 Meeting Dates
9. Licensed Population
10. Review of Financial Statements
11. Other Business
12. Conflict of Interest Forms / Travel Vouchers
13. COIA Training
14. Adjourn

**NEXT MEETING TENTATIVELY SCHEDULED FOR January 24, 2024**

\* Five minute public comment, per person, with the exception of any open disciplinary or application files.

\*\* Agenda materials made available to the public do not include disciplinary case files or application files pursuant to §54.1-108 of the Code of Virginia.

Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-8510 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

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And are not to be construed as regulation or official board position  
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- **Call to Order**
- **Emergency Evacuation**

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**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 Nobsch, 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. Nobsch 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. Nobsch 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. Nobsch 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. Nobsch 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. Nobsch 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. Nobsch 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. Nobsch 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. Nobsch 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. Nobsch asked if there were any additional nominations for Board Chair. There being none, Ms. Nobsch 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. Nobsch 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. Nobsch asked if there were any additional nominations for Board Vice Chair. There being none, Ms. Nobsch 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. Nobsch 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**

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Betty Bennett, Vice Chair

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Demetrios Melis, Secretary

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# ➤ **Public Comment**

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# ➤ **Regulatory Review Update**

- **Periodic Review of Regulations**
- **General Review**

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## ➤ **2024 Meeting Dates**

- **Wednesday, January 24, 2024**
- **Wednesday, April 17, 2024**
- **Wednesday, July 10, 2024**
- **Wednesday, October 2, 2024**

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- **Licensed Population as of 9/1/23**
- **Auctioneers 983**
  - **Auctioneers Firms 225**

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**Department of Professional and Occupational Regulation  
Statement of Financial Activity**

**Auctioneers Board  
954170**

2022-2024 Biennium

June 2023

|                                      | June 2023<br>Activity | Biennium-to-Date Comparison |                          |
|--------------------------------------|-----------------------|-----------------------------|--------------------------|
|                                      |                       | July 2020 -<br>June 2021    | July 2022 -<br>June 2023 |
| Cash/Revenue Balance Brought Forward |                       |                             | 0                        |
| Revenues                             | 1,920                 | 46,275                      | 45,205                   |
| Cumulative Revenues                  |                       |                             | 45,205                   |
| <b>Cost Categories:</b>              |                       |                             |                          |
| Board Expenditures                   | 219                   | 4,372                       | 5,644                    |
| Board Administration                 | 1,582                 | 18,334                      | 18,723                   |
| Administration of Exams              | 13                    | 1,133                       | 259                      |
| Enforcement                          | 63                    | 733                         | 790                      |
| Legal Services                       | 0                     | 142                         | 92                       |
| Information Systems                  | 1,754                 | 13,511                      | 11,912                   |
| Facilities and Support Services      | 552                   | 5,281                       | 4,610                    |
| Agency Administration                | 1,011                 | 8,403                       | 12,601                   |
| Other / Transfers                    | 0                     | 0                           | (15)                     |
| <b>Total Expenses</b>                | <b>5,193</b>          | <b>51,908</b>               | <b>54,615</b>            |
| Transfer To/(From) Cash Reserves     | (3,244)               | 0                           | (9,551)                  |
| <b>Ending Cash/Revenue Balance</b>   |                       |                             | <b>140</b>               |

|                                |         |   |         |
|--------------------------------|---------|---|---------|
| Cash Reserve Beginning Balance | 96,114  | 0 | 102,421 |
| Change in Cash Reserve         | (3,244) | 0 | (9,551) |
| Ending Cash Reserve Balance    | 92,870  | 0 | 92,870  |

|                             |       |
|-----------------------------|-------|
| <b>Number of Regulators</b> |       |
| Current Month               | 1,214 |
| Previous Biennium-to-Date   | 1,404 |

**Department of Professional and Occupational Regulation**  
**Supporting Statement of Year-to-Date Activity**  
**Auctioneers Board - 954170**  
**Fiscal Year 2023**

|                                  | Jul          | Aug          | Sep          | Oct          | Nov          | Dec          | Jan          | Feb          | Mar          | Apr          | May          | Jun          | Fiscal YTD Charges | Planned Annual Charges | Current Balance | Projected Charges at 6/30 | Projected Variance Favorable (Unfavorable) |              |
|----------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------------|------------------------|-----------------|---------------------------|--|--------------|
|                                  |              |              |              |              |              |              |              |              |              |              |              |              |                    |                        |                 |                           | Amount                                     | %            |
| <b>Board Expenditures</b>        | 646          | 449          | 966          | 891          | 384          | 616          | 193          | 288          | 346          | 198          | 450          | 219          | 5,644              | 11,630                 | 5,986           | 5,644                     | 5,986                                      | 51.5%        |
| <b>Board Administration</b>      | 2,347        | 1,613        | 1,563        | 782          | 1,433        | 2,464        | 789          | 1,443        | 2,236        | 906          | 1,564        | 1,582        | 18,723             | 24,571                 | 5,848           | 18,723                    | 5,848                                      | 23.8%        |
| <b>Administration of Exams</b>   | 37           | 25           | 27           | 13           | 25           | 41           | 13           | 28           | 19           | 7            | 13           | 13           | 259                | 2,056                  | 1,798           | 259                       | 1,798                                      | 87.4%        |
| <b>Enforcement</b>               | 98           | 70           | 69           | 34           | 69           | 105          | 32           | 63           | 91           | 32           | 64           | 63           | 790                | 1,003                  | 213             | 790                       | 213  | 21.2%        |
| <b>Legal Services</b>            | 0            | 0            | 0            | 0            | 0            | 0            | 46           | 23           | 23           | 0            | 0            | 0            | 92                 | 92                     | 0               | 92                        | 0  | 0.0%         |
| <b>Information Systems</b>       | 640          | 1,022        | 785          | 529          | 889          | 807          | 904          | 1,409        | 1,034        | 1,013        | 1,128        | 1,754        | 11,912             | 12,726                 | 814             | 11,912                    | 814  | 6.4%         |
| <b>Facilities / Support Svcs</b> | 240          | 413          | 507          | 304          | 383          | 378          | 298          | 384          | 396          | 361          | 392          | 552          | 4,610              | 6,292                  | 1,683           | 4,610                     | 1,683                                      | 26.7%        |
| <b>Agency Administration</b>     | 1,169        | 831          | 1,655        | 768          | 1,036        | 1,450        | 460          | 941          | 1,559        | 541          | 1,181        | 1,011        | 12,601             | 15,223                 | 2,622           | 12,601                    | 2,622                                      | 17.2%        |
| <b>Other / Transfers</b>         | 0            | 0            | 0            | 0            | 0            | 0            | -15          | 0            | 0            | 0            | 0            | 0            | -15                | 0                      | 15              | -15                       | 15   |              |
| <b>Total Charges</b>             | <b>5,177</b> | <b>4,423</b> | <b>5,572</b> | <b>3,321</b> | <b>4,220</b> | <b>5,860</b> | <b>2,720</b> | <b>4,578</b> | <b>5,702</b> | <b>3,058</b> | <b>4,791</b> | <b>5,193</b> | <b>54,615</b>      | <b>73,593</b>          | <b>18,977</b>   | <b>54,615</b>             | <b>18,977</b>                              | <b>25.8%</b> |

- **Other Business**
- **Conflict of Interest Forms /  
Travel Vouchers**
- **COIA Training**
- **Adjourn**

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