

AUCTIONEERS BOARD MEETING

MINUTES OF VIRTUAL MEETING

The Virginia Auctioneers Board met virtually via Google Meet on March 30, 2021, at 10:00 a.m. Board staff was present 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)
Andrew Smith (Citizen Member)
Angela Smith-Mackey (Citizen Member)
Linda Terry (Auctioneer)

Staff present for all or part of the meeting were:

Mary Broz-Vaughan, Director
Kate Nosbisch, Executive Director
Jessica Eldridge, Presiding Officer, Post Adjudication & Licensing
Shannon Webster, Examinations Director
Free Williams, Assistant Director, Adjudication
Bonnie Davis, Administrative Assistant
Connor O'Donnell, Licensing Specialist, Post Adjudication & Licensing
Matt Ross, Licensing Specialist, Post Adjudication & Licensing

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

Mr. Sinclair, Chair, called the meeting to order at 10:00 a.m.

Call to Order – Roll Call

The Board welcomed back Ms. Davis who rejoined DPOR in February.

Welcome Back Bonnie Davis

Mr. Nosbisch advised the Board of the emergency evacuation and COVID-19 safety procedures.

Emergency Evacuation and COVID-19 Safety Procedures

Ms. Nosbisch advised the Board the meeting was being held virtually in order to mitigate the spread of COVID-19, and that per statutory requirements for virtual meetings, the meeting would be recorded and posted to the DPOR website.

Virtual Meeting Procedures

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

Approval of Agenda

Ms. Terry moved to approve the October 6, 2020 Board meeting minutes. Mr. Smith seconded the motion which was unanimously approved by members: Bennett, Sinclair, Smith, Smith-Mackey, and Terry.

Approval of Minutes

There were no members of the public present to comment on matters other than the case files to be presented.

Public Comment Period

Regarding **File Number 2019-02639, John Lewis Brinkley, dba PCA Antiques**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the Presiding Officer's recommendation. Mr. Smith moved to accept the recommendation which cites the following violations of the Board's regulations: 18VAC25-21-110.A (Count 1), 18VAC25-21-150.I (Count 2), 18VAC25-21-150.J (Count 3), 18VAC25-21-150.C (Count 4), 18VAC25-21-180.4 (Count 5), and 18VAC25-21-185.A (Count 6). Ms. Terry seconded the motion which was unanimously approved by members: Bennett, Sinclair, Smith, Smith-Mackey, and Terry.

File Number 2019-02639, John Lewis Brinkley, dba PCA Antiques

Ms. Nosbisch indicated prior disciplinary actions against Mr. Brinkley included Consent Order# 2016-02223 for violation of 18VAC25-21-150.G, for a total monetary penalty of \$400.

Ms. Bennett moved to accept the Summary of the Informal Fact-Finding Conference as to the sanctions and impose the following: \$100.00 for the violation contained in Count 1; \$100.00 and revocation for the violation contained in Count 2; \$100.00 and revocation for the violation contained in Count 3, \$100.00 and revocation for the violation contained in Count 4, \$100.00 for the violation contained in Count 5, \$100.00 and revocation for the violation contained in Count 6, for a total monetary penalty of \$600.00; and revocation of license. Ms. Terry seconded the motion which was approved by members: Bennett, Sinclair, Smith, Smith-Mackey, and Terry.

Regarding **File Number 2019-02689, John Lewis Brinkley, dba PCA Antiques**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the Presiding Officer's recommendation. Ms. Smith-Mackey moved to accept the recommendation which cites the following violations of the Board's regulations: 18VAC25-21-110.A (Count 1), 18VAC25-21-150.I (Count 2), and 18VAC25-21-180.4 (Count 3). Mr. Smith seconded the motion which was unanimously approved by members: Bennett, Sinclair, Smith, Smith-Mackey, and Terry.

File Number 2019-02689, John Lewis Brinkley, dba PCA Antiques

Ms. Nosbisch dispensed with rereading prior Consent Order# 2016-02223.

Ms. Bennett moved to accept the Summary of the Informal Fact-Finding Conference as to the sanctions and impose the following: \$100.00 for the violation contained in Count 1; \$100.00 and revocation for the violation contained in Count 2, and \$100.00 and revocation for the violation contained in Count 3, for a total monetary penalty of \$300.00; and revocation of license. Ms. Terry seconded the motion which was approved by members: Bennett, Sinclair, Smith, Smith-Mackey, and Terry.

Regarding **File Number 2020-01359, Carroll Eugene Daniels, dba Gene Daniels Auctions**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the Presiding Officer's recommendation. Ms. Smith-Mackey moved to accept the recommendation which cites the following violations of the Board's regulations: 18VAC25-21-110.A.5 (Count 1), 18VAC25-21-150.G (Count 2), and 18VAC25-21-150.F (Count 3). Mr. Smith seconded the motion which was unanimously approved by members: Bennett, Sinclair, Smith, Smith-Mackey, and Terry.

File Number 2020-01359, Carroll Eugene Daniels, dba Gene Daniels Auctions

Ms. Nosbisch indicated prior disciplinary actions against Mr. Daniels included Consent Order# 2019-00644 for violation of 18VAC25-21-150.J and 18VAC25-21-150.C, for a total monetary penalty of \$650.

Ms. Smith-Mackey moved to accept the Summary of the Informal Fact-Finding Conference as to the sanctions and impose the following: \$100.00 for the violation contained in Count 1; \$250.00 for the violation contained in Count 2; \$500.00 for the violation contained in Count 3, for a total monetary penalty of \$850.00. In addition for violation of Count 3, Daniel's license is placed on probation for a period of ninety (90) days after the final order. During the probationary period, Mr. Daniels must provide evidence acceptable to the Board that Mr. Daniels has properly designated an escrow account for his auction business. Mr. Smith seconded the motion which was approved by members: Bennett, Sinclair, Smith, Smith-Mackey, and Terry.

Regarding **File Number 2020-02444, Carroll Eugene Daniels, dba Gene Daniels Auctions**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the Presiding Officer's recommendation. Ms. Bennett moved to accept the recommendation which cites the following violations of the Board's regulations: 18VAC25-21-110.A.1a (Count 1), 18VAC25-21-150.G (Count 2), 18VAC25-21-150 (Count 3), and 18VAC25-21-180.4 (Count 4). Ms. Smith-Mackey seconded the motion which was unanimously approved by members: Bennett, Sinclair, Smith, Smith-Mackey, and Terry.

File Number 2020-02444, Carroll Eugene Daniels, dba Gene Daniels Auctions

Ms. Nosbisch dispensed with rereading prior Consent Order# 2019-00644.

Mr. Smith moved to accept the Summary of the Informal Fact-Finding Conference as to the sanctions and impose the following: \$100.00 for the violation contained in Count 1; \$250.00 for the violation contained in Count 2; \$500.00 for the violation contained in Count 3, \$500.00 for the violation contained in Count 4, for a total monetary penalty of \$1,350.00. For violation of Count 3, Mr. Daniels license is placed on probation for a period of ninety (90) days from the date of the final order. During the probationary period, Mr. Daniels must provide evidence acceptable to the Board that Mr. Daniels has a properly designated escrow account for his auction business. If Mr. Daniels does not provide such evidence within 90 days, Mr. Daniels's license shall be revoked. Ms. Smith-Mackey seconded the motion which was approved by members: Bennett, Sinclair, Smith, Smith-Mackey, and Terry.

Regarding **File Number 2020-02794, Carroll Eugene Daniels, dba Gene Daniels Auctions**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the Presiding Officer's recommendation. Ms. Smith-Mackey moved to accept the recommendation which cites the following violations of the Board's regulations: 18VAC25-21-150.I (Count 1), 18VAC25-21-150.A (Count 2), and 18VAC25-21-180.4 (Count 3). Ms. Terry seconded the motion which was unanimously approved by members: Bennett, Sinclair, Smith, Smith-Mackey, and Terry.

File Number 2020-02794, Carroll Eugene Daniels, dba Gene Daniels Auctions

Ms. Nosbisch dispensed with rereading prior Consent Order# 2019-00644.

Mr. Smith moved to accept the Summary of the Informal Fact-Finding Conference as to the sanctions and impose the following: \$250.00 for the violation contained in Count 1; \$500.00 for the violation contained in Count 2; and \$500.00 for the violation contained in Count 3, for a total monetary penalty of \$1,250.00. For violation of Count 1, Mr. Daniels's license is placed on probation for a period of ninety (90) days after the final order. During the probationary period, Mr. Daniels must provide evidence acceptable to the Board that the Waltons have received full payment of the \$3,028.60 currently due. If Mr. Daniels does not provide such evidence within ninety days, Mr. Daniels's license revocation shall be imposed. For violation of Count 2, Mr. Daniels's license is placed on probation for a period of 90 days after the final order. During the probationary period, Mr. Daniels must provide evidence acceptable to the Board that Mr. Daniels has a properly designated escrow account for his auction business. If Mr. Daniels does not provide such evidence within 90

days, Mr. Daniels license revocation shall be imposed. Ms. Bennett seconded the motion which was approved by members: Bennett, Sinclair, Smith, Smith-Mackey, and Terry.

Board members were provided financial statements for informational purposes.

**Review of Board
Financial Statements**

Mr. Smith provided the licensee counts as of March 1, 2021: Auctioneers 1,047 and Firms 232.

Licensed Population

Ms. Nosbisch thanked the board members for completing their financial disclosure statements.

**Financial Disclosure
Statements**

Ms. Nosbisch informed the Board that the exam contract with PSI ends December 31 2021. Ms. Terry moved to approve extending the contract for one year. Mr. Sinclair seconded the motion which was unanimously approved by members: Bennett, Sinclair, Smith, Smith-Mackey, and Terry.

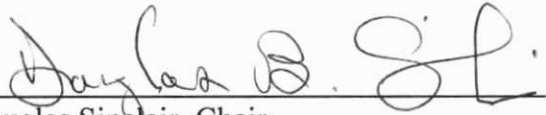
Other Business

Conflict of Interest forms were completed by all members present.

**Conflict of Interest
Forms**

There being no further business, the meeting adjourned at 10:28 a.m.

Adjourn



Douglas Sinclair, Chair



Mary Broz-Vaughan, 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 March 30, 2021

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

March 30, 2021
Date