

**AUCTIONEERS BOARD MEETING
MINUTES**

The Virginia Auctioneers Board met on January 13, 2016, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

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

Board member Travis Lee was not present for the meeting.

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

Kathleen R. Nosbisch, Executive Director
Amy Goobic, Administrative Assistant

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

Jay W. DeBoer, Director
Mark N. Courtney, Senior Director, Regulatory and Public Affairs

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

Mr. Linkous, Chair, called the meeting to order at 10:00 a.m. Mr. Linkous asked staff members in the audience to introduce themselves: Michelle Couch and Susan Garbini, Complaint Analysis and Resolution Section, and Shannon Webster, Director of Examinations.

Call to Order

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

Emergency Evacuation Procedures

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

Approval of Agenda

Ms. Terry moved to approve the October 14, 2015, Board meeting minutes. Mr. Phillips seconded the motion which was unanimously approved by members: Farmer, Linkous, Phillips and Terry.

Approval of Minutes

Public Comment Period – There were no public comments.

Public Comment Period

Mr. Farmer recused himself, as he is related to a respondent of Farmer & Quinn Auctions, LLC. Mr. Farmer commented that he felt there was a clerical error in the Consent Order, which stated that Farmer & Quinn Auctions, LLC, traded as Farmer Auctions. Mr. Farmer stated that his

File Number 2015-01967, Farmer & Quinn Auctions, LLC.

auction firm holds that title, and inquired about having the consent order changed to reflect as such. Ms. Nosbisch stated that at the time of the complaint, the record indicated that Farmer & Quinn Auctions, traded as Farmer Auctions.

Regarding **File Number 2015-01967, Farmer & Quinn Auctions, LLC**, Board members reviewed the Consent Order as seen and agreed to by Farmer & Quinn Auctions, LLC. Ms. Terry moved to accept the Consent Order which cites the following violations of the Board's regulations: 18VAC25-21-110.A.4 (Count 1); and 18VAC25-21-180.4 (Count 2). For these violations, Farmer & Quinn Auctions, LLC agrees to the following sanctions: \$100 for the violation contained in Count 1; \$300 for the violation contained in Count 2; and \$150 in Board costs, for a total monetary penalty of \$550. Mr. Phillips seconded the motion which was unanimously approved by members: Linkous, Phillips and Terry. Mr. Lee was the presiding board member, and was not in attendance.

Ms. Nosbisch informed the Board that the new regulations were effective November 1, 2015. The change stated that Virginia licensed auctioneers who are also licensed in another state with which the board shares a reciprocal agreement may use board-approved continuing education in that state to meet the required six hours of continuing education for Virginia renewal, provided that the reciprocal jurisdiction affords the same privilege to Virginia licensees. Ms. Nosbisch stated that letters were mailed November 24, 2015, to states with which Virginia has reciprocal agreements. The Board has received confirmation from five of the 14 states.

Regulatory Update

Ms. Nosbisch informed the Board that every four years, the Board is required to conduct a periodic review of the regulations and public participation guidelines. The review is to ensure the regulations are supported by statutory authority; determine that the regulations are necessary for the protection of the health, safety and welfare of the public; are clearly written and easily understood; and ensure the economic impact on small business is minimized as much as possible. Ms. Nosbisch stated that the public comment period was from December 14, 2015 through January 4, 2016. One comment was received from Mr. Shields Jones, Virginia Auctioneers Association, regarding an extension of the public comment period. Ms. Nosbisch spoke with Mr. Jones explaining that an extension would not be possible due to regulatory timelines. Ms. Terry moved to accept Ms. Nosbisch's explanation as the Board's response. Mr. Phillips seconded the motion, which was unanimously approved by members: Farmer, Linkous, Phillips and Terry.

Ms. Nosbisch further stated the Board must vote to retain, repeal, or make changes to the regulations and/or the public participation guidelines. Ms. Nosbisch stated that staff recommendation would be to retain the regulations, and if there are issues with the regulations the Board would

like to address in the future, they may file a Notice of Intended Regulatory Actions (NOIRA) at any time. Mr. Farmer moved to retain the regulations. Ms. Terry seconded the motion which was unanimously approved by members: Farmer, Linkous, Phillips and Terry.

Board members were provided financial statements for informational purposes.

**Review of Board
Financial Statements**

Ms. Nosbisch reported on the recent continuing education audit stating that 48 of the 60 audited were in compliance, and that staff continues to work with the remaining licensees to obtain compliance.

Other Business

Ms. Nosbisch further reported that as of January 1, there are 1,263 licensed individual auctioneers and 258 firms. She also reported that there 20 exams were taken in the past fiscal year with a 75% pass rate.

Ms. Nosbisch sent regrets from Ms. Brooks, Board Administrator and Mr. Lee, as they were unable to attend the meeting. She also thanked Board members for completing the required Financial Disclosure Statement and Conflict of Interest Act training

Conflict of Interest forms were completed by all members present.

**Conflict of Interest
Forms**

The meeting was adjourned at 10:30 a.m.

Adjourn

Larry Linkous, Chair

Jay W. DeBoer, Secretary