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## Periodic Review and Small Business Impact Findings Where Result is "Retain the Regulation As Is"

<b>Agency name</b>	Auctioneers Board
<b>Virginia Administrative Code (VAC) citation</b>	18VAC25-21
<b>Regulation title</b>	Auctioneers Board Regulations
<b>Date</b>	February 23, 2016

This information is required pursuant to Executive Order 17 (2014).

### Legal basis

*Please identify the state and/or federal legal authority for the regulation, including: 1) the most relevant law and/or regulation; and 2) promulgating entity, i.e., agency, board, or person.*

[§ 54.1-201.5](#) of the *Code of Virginia* states that the Board has the power and duty "To promulgate regulations in accordance with the Administrative Process Act (§ [2.2-4000](#) et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board. The regulations shall not be in conflict with the purposes and intent of this chapter or of Chapters 1 (§ [54.1-100](#) et seq.) and 3 (§ [54.1-300](#) et seq.) of this title.

[§ 54.1-602.B.1](#) of the *Code of Virginia* authorizes the board as follows: "The Board shall have the following authority and responsibilities:

1. Establish regulations to obtain and retain licensure of auctioneers."

The imperative form of the verb "shall" is used, making the Board's authority to regulate mandatory rather than discretionary.

(2) The promulgating entity is the Auctioneers Board.

### Alternatives

*Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.*

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No viable alternative has been identified. The current regulation enables the Board to fulfill the statutory requirements for this profession. Ensuring that these individuals meet minimum education, training, and examination standards is crucial to the protection of the public health, safety, and welfare.

### Public comment

*Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

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No comments were received during the public comment period. No informal advisory group was formed.

### Effectiveness

*Please indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.*

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The regulations are consistent with the criteria of Executive Order 17 (2014) in that they are necessary for the protection of the public health, safety, and welfare.

### Result

*Please state that the reason why the agency is recommending that the regulation should stay in effect without change.*

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The agency recommends that the regulation remain in effect and unchanged.

### Small business impact

*In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: 1) the continued need for the regulation; 2) the nature of complaints or comments received concerning the regulation from the public; 3) the complexity of the regulation; 4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and 5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the basis for the agency's determination to retain the regulation as is, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.*

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1. The current regulations establish minimum licensing requirements for auctioneers and auction firms.
  2. No public comments were received.
  3. The regulations are not complex in nature.
  4. The regulations do not overlap, duplicate, or conflict with federal or state laws or regulations but instead work in concert with them.
  5. The last amendments to the regulation became effective November 1, 2015.

No small business impact has been identified.