

AUCTIONEERS BOARD MEETING
January 24, 2024
10:00 a.m. – Board Room 1 – 2nd Floor
Department of Professional & Occupational Regulation
9960 Mayland Drive
Richmond, Virginia 23233
(804) 367-8514

1. Call to Order
2. Emergency Evacuation
3. Approval of Agenda
4. Approval of Minutes:
 - October 3, 2023, Board Meeting Minutes
5. Public Comment Period*
6. Regulatory Review Update
 - General Review
 - Continuing Education Update
7. File Review
 - File Number 2023-02089 The Auction House LLC
CO (Bennett) – Disciplinary
8. Examination Director Report
9. Executive Director Report
10. States with Auctioneer Apprenticeship Licenses
11. Statement of Economic Interest
12. Licensed Population
13. Financial Statements
14. Other Business
15. Conflict of Interest Forms / Travel Vouchers
16. Adjourn

NEXT MEETING TENTATIVELY SCHEDULED FOR Wednesday, April 17, 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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➤ **Call to Order**

➤ **Emergency Evacuation**

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VIRGINIA AUCTIONEERS BOARD MEETING MINUTES

The Virginia Auctioneers Board met on October 3, 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:

Kishore Thota, Director
Stephen Kirschner, LRPD Deputy Director
Tom Payne, CID Deputy Director
Kate Nobsch, Executive Director
Bonnie Davis, Board Operations Administrator
Joe Haughwout, Regulatory Affairs Manager
Ecila Williams, Administrative Coordinator
Greg Emerson, Executive Director- Examinations
Monique Peterson- Licensing Specialist- PAL

Enid Candalaria-Vega, BPOR Liaison, was not present at the meeting with regrets.

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

Members of the audience:

Matthew English- Auctioneer
Stephen Zedd- Auctioneer
Cristen Zedd

Finding a quorum of the Board present, Ms. Terry, Chair, called the meeting to order at 10:00 a.m.

Call to Order

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

**Emergency
Evacuation**

Ms. Nobsch introduced Kishore Thota as the new Director of DPOR and announced Enid-Candalaria-Vega as the new BPOR Liaison for the Board.

Announcements

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

**Approval of
Agenda**

Ms. Bennett moved to approve the meeting minutes from July 11, 2023. Mr. Sinclair seconded the motion which was unanimously approved by members: Bennett, Sinclair, and Terry.

Approval of Minutes July 11, 2023

Mr. English made a public comment regarding the Auctioneer's exam and the difficulty in obtaining an Auctioneer's license in the Commonwealth.

Public Comment Period

Ms. Nosbisch introduced Mr. Payne, CID Deputy Director, Mr. Emerson, Executive Director for Examinations, and Ms. Peterson, Licensing Specialist for PAL.

Introductions

Ms. Davis informed the Board the NOIRA for fee adjustment has no movement at this time. The NOIRA for general regulatory review is in the proposed stage and being reviewed by the Regulatory Affairs Manager and comments were reviewed by the Board during their July, 11 2023 meeting. Ms. Davis informed the Board that public comment for Periodic Regulatory Review started August 14, 2023, and ended September 4, 2023, and there were no comments.

Regulatory Review Update

Mr. Sinclair moved to retain the current regulations as is. Ms. Bennett seconded the motion which was unanimously approved by members: Bennett, Sinclair, and Terry.

Regarding **File Number 2022-01548, Stephen Zedd**, 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: 2022-01548 Stephen Zedd

Mr. Zedd addressed the Board on his behalf asking that the Board to approve the recommendation regarding his application for his license.

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

Ms. Smith-Mackey arrived at 10:15 a.m.

Arrival of Board Member

Mr. Sinclair moved to approve the 2024 meeting dates:

2024 Meeting Dates

- i. January 24, 2024, at 10:00 a.m.
- ii. April 17, 2024, at 10:00 a.m.
- iii. July 10, 2024, at 10:00 a.m.
- iv. October 2, 2024, at 10:00 a.m.

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

The licensee counts as of September 1, 2023: Auctioneers 983 and Auctioneer Firms 225.

Licensed Population

Board members were provided financial statements for informational purposes.

Review of Financial Statements

Mr. Emerson presented to the Board Auctioneers Exam Statistics from January 2023 to September 2023. Mr. Emerson stated that the exams for Auctioneers are under review and will take a proactive approach and find other avenues to improve the exams and discuss with PSI.

Other Business

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

Conflict of Interest Forms / Travel Vouchers

The Board took a recess from 10:22 a.m. to 10:40 a.m.

Recess

Mr. Emerson, Mr. Haughwout, Mr. Kirschner, Mr. Kishore, and Ms. Peay exited the meeting at 10:22 a.m.

Departure of DPOR Staff

All Board Members present attended the Conflict of Interest Act Training.

COIA Training

There being no further business, the meeting adjourned at 11:11 a.m.

Adjourn

Linda Terry, Chair

Kishore Thota, Secretary

➤ **Public Comment**

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➤ **Regulatory Review Update**

- **General Review**
- **Continuing Education Update**

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- **Examination Director Report**
- **Executive Director Report**
- **Statement of Economic Interest**

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[REDACTED]

Auctioneer States with Apprenticeship Licenses

[REDACTED]

Per our conversation regarding apprenticeship licensure from other states, the code of VA and auctioneer regulations do not make the distinction between apprenticeship licensure & full auctioneer licensure if someone were to apply for reciprocity. Especially if they meet licensure requirements regarding letter of good standing, testing, auctioneer schooling, etc.

Upon researching the states the board have reciprocity with, the following have said licensure, with noted exceptions:

- Alabama
- Florida (no if classroom instruction has been completed by licensee)
- Kentucky (1 year/10 auctions apprenticeship is required)
- South Carolina (Optional-in lieu of auctioneering school)
- Tennessee
- Texas

While it is a short list, it could be something the board could take into consideration to update the regulations for this specific instance.

Thanks

[REDACTED]



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➤ **Licensed Population as of 01/1/24**

- **Auctioneers 968**
- **Auctioneers Firms 219**

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

**Auctioneers Board
954170**

2022-2024 Biennium

November 2023

	November 2023 Activity	Biennium-to-Date Comparison	
		July 2020 - November 2021	July 2022 - November 2023
Cash/Revenue Balance Brought Forward			0
Revenues	2,095	59,120	56,165
Cumulative Revenues			56,165
Cost Categories:			
Board Expenditures	284	5,900	8,006
Board Administration	1,599	26,882	26,282
Administration of Exams	151	1,894	1,003
Enforcement	47	1,105	1,026
Legal Services	0	250	92
Information Systems	960	19,183	17,195
Facilities and Support Services	343	7,355	6,399
Agency Administration	1,198	12,269	18,332
Other / Transfers	0	0	(15)
Total Expenses	4,583	74,839	78,321
Transfer To/(From) Cash Reserves	(2,488)		(22,156)
Ending Cash/Revenue Balance			0

Cash Reserve Beginning Balance	82,752	0	102,421
Change in Cash Reserve	(2,488)	0	(22,156)
Ending Cash Reserve Balance	80,265	0	80,265

Number of Regulators	
Current Month	1,202
Previous Biennium-to-Date	1,394

Department of Professional and Occupational Regulation
 Supporting Statement of Year-to-Date Activity
 Auctioneers Board - 954170
 Fiscal Year 2024

	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	%
Board Expenditures	658	319	286	699	284	0	0	0	0	0	0	0	2,247	10,029	7,783	5,217	4,812	48.0%
Board Administration	1,527	1,473	2,195	766	1,599	0	0	0	0	0	0	0	7,559	24,301	16,742	15,798	8,504	35.0%
Administration of Exams	135	158	225	75	151	0	0	0	0	0	0	0	745	2,071	1,326	1,580	491	23.7%
Enforcement	45	47	71	26	47	0	0	0	0	0	0	0	236	733	497	497	235	32.1%
Legal Services	0	0	0	0	0	0	0	0	0	0	0	0	0	92	92	0	92	100.0%
Information Systems	663	1,546	1,250	864	960	0	0	0	0	0	0	0	5,283	13,656	8,372	12,226	1,430	10.5%
Facilities / Support Svcs	338	337	442	291	343	0	0	0	0	0	0	0	1,751	7,905	6,154	4,040	3,865	48.9%
Agency Administration	1,040	1,118	1,783	592	1,198	0	0	0	0	0	0	0	5,731	14,959	9,228	12,337	2,622	17.5%
Other / Transfers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Charges	4,405	4,999	6,252	3,312	4,583	0	0	0	0	0	0	0	23,551	73,746	50,195	51,694	22,052	29.9%

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

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