

# **VIRGINIA AUCTIONEERS BOARD**

**Wednesday, October 7, 2026– 10:00 a.m.  
2<sup>nd</sup> Floor – Board Room 3**

**Department of Professional and Occupational Regulation  
9960 Mayland Drive  
Richmond, Virginia 23233**

**Mission:** Our mission is to protect the health, safety and welfare of the public by licensing qualified individuals and businesses enforcing standards of professional conduct for professions and occupations as designated by statute.

## **I. CALL TO ORDER**

- a. Emergency Evacuation Procedures
- b. Determination of Quorum

## **II. APPROVAL OF AGENDA**

## **III. APPROVAL OF MINUTES**

- a. Auctioneers Board Meeting, July 21, 2026

## **IV. WELCOME AND INTRODUCTIONS**

## **V. PUBLIC COMMENT PERIOD \*FIVE MINUTE PUBLIC COMMENT, PER PERSON\***

## **VI. EDUCATION**

- a. Examination Update
  - i. Examination Statistics

## **VII. NEW BUSINESS**

- a. Executive Director's Update
- b. Regulatory Update
  - i. HB 1305 Amendment
  - ii. Fee Adjustment
- c. NAOLLA Executive Summary
- d. Finance Monthly Statement
- e. 2027 Meeting Dates
- f. Election of Officers

## **VIII. OTHER BUSINESS**

- a. New Board Member Training Conference - October 22-23, 2026
- b. Licensed Population

## **IX. COMPLETE CONFLICT OF INTEREST FORM AND TRAVEL VOUCHER**

## **X. ADJOURNMENT**

NEXT MEETING SCHEDULED FOR **TUESDAY, JANUARY 19, 2027**

- ❖ 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.
- ❖ Five-minute public comment, per person, with the exception of any open disciplinary or application file.
- ❖ Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-2785 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.

DRAFT AGENDA  
Materials contained in this agenda are proposed topics for discussion  
And are not to be construed as regulation or official board position.  
DRAFT AGENDA

## VIRGINIA AUCTIONEERS BOARD MEETING MINUTES

The Virginia Auctioneers Board met on July 21, 2026, 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)  
Angela Smith-Mackey (Citizen Member)  
Josh Puffenbarger (Auctioneer)

Staff present for all or part of the meeting were:

Laura McClintock, Director  
Steve Kirschner, LRPD Director  
Kate Nobsch, Executive Director  
Summer Saunders, Licensing Operations Administrator  
Kyle Mathews, Regulatory Operations Administrator  
Davon Jones, Administrative Coordinator  
Ramona Norris, Licensing Specialist  
Bianca Mountford, Licensing Specialist  
Joe Haughwout, Regulatory Affairs Manager  
Greg Emerson, Director of Examinations  
Brandon Bouknight, Examination Data Administrator  
Free Williams, Director of Adjudication  
Skyler Edwards, Adjudication Specialist  
Jennifer Sayegh, Policy and Legislative Affairs Manager  
Eric Beidel, Digital and Communications Manager

Adrianna Cowan-Waddy (Citizen Member) and Douglas Sinclair (Auctioneer) were not present with regrets.

James Flaherty, Senior Assistant Attorney General with the Office of the Attorney General, was present in the absence of Elizabeth Peay.

Ronald Bledsoe, BPOR Liaison, was not present with regrets.

Members of the Audience:  
Greg Gilberton

Mr. Puffenbarger, Vice Chair, called the meeting to order at 10:15 a.m. Due to the absence of a quorum, the Board was unable to conduct any official business requiring action.

**Call to Order**

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

**Emergency  
Evacuation  
Procedures**

Ms. Nosbisch welcomed and introduced Ms. Summer Saunders as the new Licensing Operations Administrator and Mr. Brandon Bouknight as the new Examination Data Administrator. Staff members supporting the Board and meeting participants were recognized.

**Welcome and Introductions**

There was no public comment.

**Public Comment Period**

Ms. Nosbisch presented examination statistics covering multiple years, including the number of candidates tested, the number who passed, and overall pass rates. The Examination Statistics Report was provided for the Board's review.

**Examination Statistics**

Ms. Nosbisch provided the Executive Director's Report and stated it was for informational purposes only.

**Executive Director's Update**

Mr. Kirschner presented the monthly financial statement and advised the Board that expenditures currently exceeded revenues. Board Members were informed that the Board will require a fee increase and that recent statutory changes would allow the fee adjustment process to occur more quickly than in previous years. Director McClintock explained that financial models were being finalized and anticipated presenting proposed fee amounts at the October meeting.

**Financial Monthly Statement**

The licensee counts as of July 1, 2026:  
Auctioneers: 892  
Auctioneer Firms: 206

**Licensed Population**

Ms. Nosbisch informed the Board that the Virginia Department of Professional and Occupational Regulation will host its Board Member Training Conference on October 22–23, 2026, at the Conference Center located at 9960 Mayland Drive, Richmond, Virginia. Board members were advised that Save the Date notifications had been distributed via email and that additional information will be provided as it becomes available.

**Board Member Training Conference**

Board members participated in training covering regulatory board responsibilities, conflict-of-interest requirements, public meeting procedures, disciplinary processes, and other governance requirements under Virginia law. Mr. Kirschner provided the training to ensure Board members understand their duties and responsibilities as members of a public regulatory body.

**Board Member Training**

Skyler Edwards, Free Williams, Brandon Bouknight, Eric Beidel and Greg Emerson departed the meeting at 10:53 a.m.

**Departure of DPOR Staff**

Conflict of Interest forms and travel vouchers were completed by all board members present.

**Conflict of Interest Forms / Travel Vouchers**

The Board recessed at 11:25 a.m. and reconvened at 11:40 a.m.

**Recess**

Ramona Norris and Bianca Mountford departed the meeting at 11:25 a.m.

**Departure of  
DPOR Staff**

Ms. Bennett, Chair, arrived at 11:35 a.m. and presided over the remainder of the meeting.

**Arrival of Board  
Meeting**

At 11:40 a.m., three Board members were present, constituting a quorum to conduct official Board business.

**Determination of  
Quorum**

Mr. Puffenbarger moved to approve the agenda as amended.

**Approval of  
Agenda**

**Amendments:**

- Before the date, Wednesday should be amended to read Tuesday
- Under Case File Item A. I. should be amended to read IFF- 2026-01022 - Coxton, Johnny D. (Jackson-Bailey)

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

Mr. Puffenbarger moved to approve the minutes for the following date:  
Auctioneer Board Meeting, April 1, 2026  
Online Auctions Ad-Hoc Committee Meetings on May 5, 2026 and June 30, 2026

**Approval of  
Minutes**

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

Regarding **File Number 2026-01022 – Coxton, Johnny D.** the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the case file, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference.

**File Number:  
2026-01022 –  
Coxton, Johnny  
D.**

No representative was present at the meeting to address the Board.

Mr. Puffenbarger moved to accept the presiding officer's recommendation for approval of the applicant's Professional Auctioneers by Examination License.

Ms. Bennett seconded the motion which was approved by:

Aye: Bennett, Puffenbarger.

Nay: Smith-Mackey.

**Proposed Legislation to Address Online Auctions**

**Online Auctions  
Ad-Hoc  
Committee  
Meeting Update**

Mr. Haughwout presented the Online Auctions Ad-Hoc Committee's recommended legislative language. The Board discussed the proposed definitions, exemptions, and jurisdictional language.

After the discussion, Ms. Smith-Mackey moved to recommend the proposed legislation for consideration as a legislative item for the upcoming General Assembly. Mr. Puffenbarger seconded the motion, which was unanimously approved by members: Bennett, Puffenbarger, and Smith-Mackey.

HB 1305 Amendment

**Regulatory  
Update**

Mr. Haughwout presented an overview of HB 1305 and the associated regulatory amendments. The legislation expands the Board's disciplinary authority by allowing cases to be taken under advisement, clarifies existing disciplinary powers, and requires corresponding updates to the Board's regulations. Mr. Haughwout explained that implementation of the deferment provisions will occur after guidance is adopted by the Board for Professional and Occupational Regulation.

Following discussion, Ms. Smith-Mackey moved to adopt the amendments to the regulations as presented and authorize staff to file an exempt rulemaking and make any necessary technical or stylistic corrections. Mr. Puffenbarger seconded the motion, which was unanimously approved by members: Bennett, Puffenbarger, and Smith-Mackey.

This item was deferred to the October Board Meeting.

**Election of  
Officers**

There being no further business, the meeting adjourned at 12:10 p.m.

**Adjourn**

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Betty Bennett, Chair

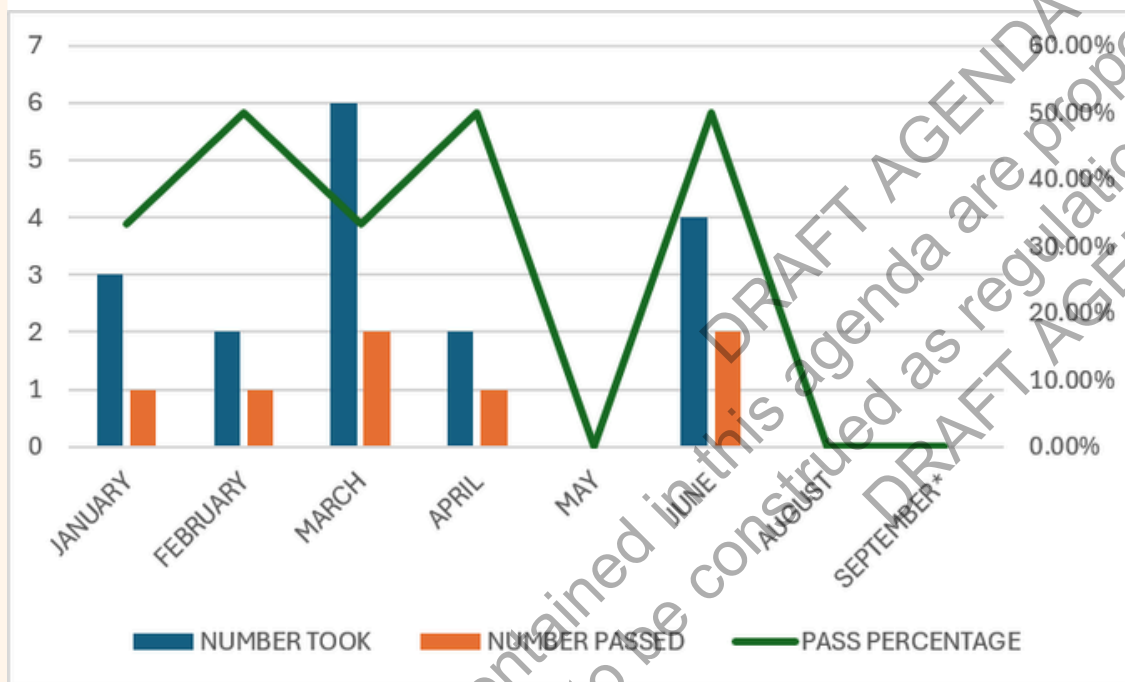
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Laura V. McClintock, Secretary



# Auctioneers Exam Statistics

## AUCTIONEERS 2026 STATISTICS REPORT



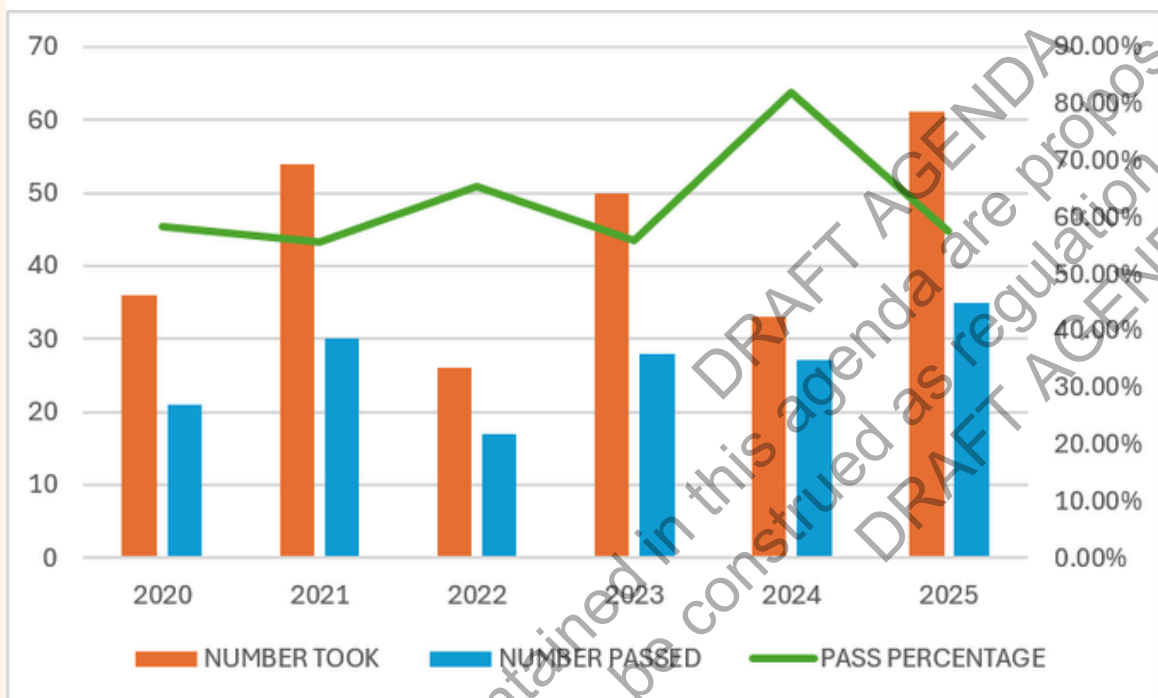
\*September 1-15, 2026

| YEAR       | NUMBER TOOK | NUMBER PASSED | PASS PERCENTAGE |
|------------|-------------|---------------|-----------------|
| JANUARY    | 3           | 1             | 33.30%          |
| FEBRUARY   | 2           | 1             | 50.00%          |
| MARCH      | 6           | 2             | 33.30%          |
| APRIL      | 2           | 1             | 50.00%          |
| MAY        | 0           | 0             | 0.00%           |
| JUNE       | 4           | 2             | 50.00%          |
| JULY       | 0           | 0             | 0.00%           |
| AUGUST     | 0           | 0             | 0.00%           |
| SEPTEMBER* | 0           | 0             | 0.00%           |
| OCTOBER    |             |               |                 |
| NOVEMBER   |             |               |                 |
| DECEMBER   |             |               |                 |



# Auctioneers Exam Statistics

## AUCTIONEERS YEARLY AND YEAR-MONTH TO DATE STATISTICS REPORT



| YEAR | NUMBER TOOK | NUMBER PASSED | PASS PERCENTAGE |
|------|-------------|---------------|-----------------|
| 2020 | 36          | 21            | 58.33%          |
| 2021 | 54          | 30            | 55.55%          |
| 2022 | 26          | 17            | 65.38%          |
| 2023 | 50          | 28            | 56.00%          |
| 2024 | 33          | 27            | 81.82%          |
| 2025 | 61          | 35            | 57.37%          |

**To:** Virginia Auctioneers Board  
**From:** Kate Nosbisch, Executive Director  
**Subject:** Executive Director Update  
**Date:** October 7, 2026

Data for the last five years of the Board's activities has been provided.

### Application Statistics

The table below provides the number of applications includes Auctioneers and Auctioneers Firms approved for the Auctioneers Board per calendar year (January 1 – December 31) since 2021.

| Applications Approved* |        |      |      |      |      |      |
|------------------------|--------|------|------|------|------|------|
| Year                   | 2026** | 2025 | 2024 | 2023 | 2022 | 2021 |
| App Numbers            | 38     | 61   | 57   | 60   | 67   | 73   |

\*\* As of 8/31/2026

| Applications Approved by Profession 2026 |             |                   |
|------------------------------------------|-------------|-------------------|
| Profession                               | Auctioneers | Auctioneers Firms |
| App Numbers                              | 26          | 12                |

| ULR Applications Approved |             |
|---------------------------|-------------|
| Profession                | Auctioneers |
| App Numbers               | 2           |

\*As of 8/31/2026

## Call Center Statistics

**\*\* The Call Center Statistics consists of APELSCIDLA, PSSWPG, Auctioneers, and Branch Pilots**

The Board's call center has answered a total of **7,607** phone calls between January 1, 2026, to August 31, 2026.

\*\*Reduced call center hours began April 16, 2025, with the call center opening at 8:30 am and closing at 5:00 pm, Monday, Tuesday, Thursday, and Friday. Wednesdays the call center opens from 12:00 pm to 2:00 pm. The reduction in call center hours allows our staff to process applications more effectively. On June 24, 2025, call center hours on Tuesdays and Wednesdays open from 12:00 pm to 2:00 pm.

## Email Statistics

The table below outlines the number of emails received through the Board's email address per calendar year (Jan 1-Dec 31)

| Email Count |       |      |      |      |      |      |
|-------------|-------|------|------|------|------|------|
| Year        | 2026* | 2025 | 2024 | 2023 | 2022 | 2021 |
| # of Emails | 975   | 1396 | 1356 | 1152 | 1379 | 1182 |

\*As of 8/31/2026

## Board Case Statistics

Since 2018, The Board has adjudicated 22 cases.

- Disciplinary: 12
- CO: 12

## Stakeholder Engagement & Outreach

Presentations Given: N/A

## What a Binary Column Cannot Capture

Regulatory architecture and the attribution of responsibility in U.S. auctioneer licensing

A condensed briefing for NALLOA members

### 1. Why this review was undertaken

The Licensing State Requirements table published by the National Auctioneer License Law Officials Association is an unusually useful cross-jurisdictional index. It reports fourteen variables for each of twenty-four participating jurisdictions, among them a field headed Authority to Regulate Internet/Online Auctions. In most entries that field admits a one-word answer.

This review began from ordinary use of the table. Its question is methodological rather than substantive:

*Does a binary classification of state authority over internet auctions describe the regulatory architecture governing who may conduct, supervise and answer for an online auction?*

To test the question, five entries were read together with the primary law beneath them — statutes, administrative codes, board determinations and judicial decisions. The five jurisdictions are Florida, Pennsylvania, North Carolina, Kentucky and Virginia. They were selected for contrast, not by sampling.

The purpose is not to replace the compilation or to question its accuracy. Its own caveat, that states should be contacted directly and that changes are sometimes made without the Association's knowledge, applies in full here, and no entry was independently confirmed with a state board. The observation is about what any single-field classification can carry, not about the data it carries.

### 2. The central finding

**Similar yes/no classifications can conceal materially different regulatory architectures.**

Among the five jurisdictions examined, entries that match in the internet-auction field correspond to regimes that differ in individual licensing, firm licensing, the designation of a responsible natural person, limits on delegation, the statutory definition of auction, the treatment of the electronic medium, the financial consequence of unlicensed activity, and disciplinary attribution.

Two of the five recorded as negative, Florida and Virginia, operate systems that share little beyond the recorded answer. Two recorded as affirmative, Pennsylvania and North Carolina, both attach responsibility to a named natural person, but by mechanisms that differ in who selects that person, what that person may do, and where that person must be.

*Digitalization does not itself determine whether personal attribution is preserved or diluted. Regulatory architecture does, and that architecture comprises statutory design, licensing scope, exemptions and administrative interpretation together.*

That is the conclusion of the comparison actually performed, within the limits recorded in Section 6, and it is not extended to the remaining nineteen jurisdictions.

### 3. Five Jurisdictions, Five Regulatory Architectures

Each row states what the compilation records, what the primary law provides, and why the distinction is consequential. Citations are short; the full apparatus is in the working paper.

#### Florida

| NALLOA table | Primary-law architecture                                                                                                                                                                                                                                                                                                                                                                                                            | Why the distinction matters                                                                                                                                                                                                                                                                                                                                 |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Negative     | Dual licensing, non-transferable: no person may auction unlicensed and no business may auction unless licensed as an auction business (Fla. Stat. §§ 468.385(2), (7)(b), (8)). Each auction must be conducted by a licensed auctioneer and under the auspices of a licensed auction business, each responsible for verifying the other's active license (§ 468.388(4)). A principal auctioneer displays the licenses at the site (§ | A negative entry in the internet field does not indicate an absence of personal attribution. Florida ties every auction to a named individual and limits corporate delegation in statutory text, and the distinction between personal and firm licensure has carried the consequence of unenforceability. The declaratory statement distinguishes supplying |

| NALLOA table | Primary-law architecture                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Why the distinction matters                                                                                                                                     |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
|              | <p>468.388(5)).</p> <p>Delegation is permitted only to the extent that it “will not impede the principal auctioneer’s ability to ensure compliance” (§ 468.388(9)).</p> <p>High Bid, LLC v. Everett (11th Cir. 2013) (unpublished; not binding precedent): an auction company whose owner held a personal auctioneer license, but which was not itself licensed as an auction business, could not enforce its own bidder-premium agreement of \$75,200.</p> <p>One2Global Corp., DS 2014-014 (Fla. Bd. of Auctioneers 2014): on the facts presented — a software interface, with the petitioner not seeing the vehicle, holding title, maintaining premises or accepting offers — the activity would not constitute conducting an auction business requiring licensure. The Board stated that it addressed solely the question propounded and rested solely on the narrow factual circumstances of the petition, and the Department states that a declaratory statement is not the means of obtaining a policy statement of general applicability.</p> | <p>technology, in that configuration, from conducting an auction. It is particular to its facts and is not a general rule about online auctions in Florida.</p> |

## Pennsylvania

| NALLOA table                                                                                                               | Primary-law architecture                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Why the distinction matters                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Affirmative, recorded on the basis that the jurisdiction does not distinguish between online and in-person auctions</p> | <p>Every licensed auction company must designate a licensed auctioneer as its auctioneer-of-record, principally responsible for the conduct of the company’s auctions, in the initial application and at each renewal. That person may be an owner, shareholder, member, partner, employee, independent contractor or other agent: neither an ownership interest nor a corporate office is required (63 Pa. Stat. § 734.2).</p> <p>The statutory definition of auction expressly includes the Internet and electronic transmission, and enumerates live, online, real-time and extended auctions, “any similar events as may be devised with the development of technology,” and any combination of them. A live auction includes audience members present in person, communicating telephonically or by other digital or electronic means, or participating by absentee bid.</p> <p>Trading assistants and trading assistant companies register separately for online trading assistant consignment transactions.</p> | <p>Responsibility does not disperse across the organizational structure: it attaches to a named individual whose identity is in the record and is reaffirmed at each renewal.</p> <p>The medium question is settled inside the definition, and the enumeration anticipates formats not yet devised.</p> |

## North Carolina

| NALLOA table                                                                                                                                                                                                                                                          | Primary-law architecture                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Why the distinction matters                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Affirmative, with a detailed explanation distinguishing live auctions conducted over the internet from timed online auctions without bid calling. The compilation also records that a license is required to sell property located in North Carolina by online</p> | <p>N.C. Gen. Stat. § 85B-1(1) defines auction as exchanges between an auctioneer and members of an audience — wording materially identical to Virginia’s.</p> <p>Every licensed auction firm must have at least one board-approved designated person, and a firm without one may not engage in auctioneering activity. Only board-approved designated persons may transact business under the firm license, and their acts are enumerated: arranging, managing, soliciting and contracting auctions, and supervision of staff, consignments, advertising, and the acceptance of payment and</p> | <p>North Carolina and Virginia share materially similar definitional wording and are recorded differently in the internet field. Definitional language alone therefore does not settle regulatory reach.</p> <p>A regime built for the in-person auction reached sales conducted entirely on a platform the auctioneer did not own, through administrative, contractual and civil consequences at once.</p> |

| NALLOA table                                                                                     | Primary-law architecture                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Why the distinction matters |
|--------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| auction, and that the auctioneer or firm must hold the auction contract directly with the owner. | <p>disbursement of monies. At least one designated person must be on the premises of the firm's auction sale location while the sale is conducted; a parallel rule applies to sole proprietors (21 NCAC 04B .0606, .0607). Records must be maintained at the site and produced on request (.0604).</p> <p>McKinney v. Eshleman (N.C. Ct. App. 2021) (unpublished; not controlling authority): eight auctions of consigned property conducted on a third-party online platform, followed by license suspension, a Board consent order on commingling, and actual damages of \$29,274 trebled to \$87,822.</p> |                             |

## Kentucky

| NALLOA table | Primary-law architecture                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Why the distinction matters                                                                                                                                                                                                                                                                                                                      |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Affirmative  | <p>KRS 330.020(3) defines auction by mechanism: any method of sale, lease or exchange by means of competitively increasing or decreasing bids. The definition does not on its face depend on place, physical presence, audience or medium. Anything advertised or presented by or at auction is an auction for the purposes of the chapter, and sealed-bid procedures allowing competitive bidding after opening are included (subsection (13)). Advertisement expressly includes electronic communication.</p> <p>KRS 330.020(5) defines the auction house operator as the individual principally or ultimately responsible for the operation of an auction house, responsible for retaining a licensed auctioneer to call bids at all auctions at the house.</p> <p>KRS 330.190(1) (last amended 2009) provides that no person acting in the capacity of a licensee may bring or maintain an action for the collection of compensation for services performed as a licensee without first proving licensure at the time the cause of action arose. An apprentice may not sue in his own name for commission.</p> | <p>Mechanism-based drafting settles the question of medium at the level of the definition rather than elsewhere in the architecture.</p> <p>The consequence of unlicensed practice is reached by a different route than Florida's: it is a statutory prerequisite to maintaining the action, and the burden of proof falls on the plaintiff.</p> |

## Virginia

| NALLOA table | Primary-law architecture                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Why the distinction matters                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Negative     | <p>Va. Code § 54.1-600 defines auction as exchanges between an auctioneer and members of his audience — materially the same wording as North Carolina's. Virginia operates a dual licensing structure, licensing both the individual and the firm.</p> <p>Khan v. Commonwealth, Auctioneers Board and Park Royal Galleries, Ltd. v. Commonwealth, Auctioneers Board (Va. Ct. App. 2004), arising from an in-person estate auction held in 1997: the Board found violations of the advertising regulation, of the four-year record-retention requirement and of the requirement to produce records on demand; it imposed monetary penalties of \$3,000 on each of the auctioneer and the firm and suspended the auctioneer's license for one year. The Court of Appeals affirmed.</p> | <p>The allocation of sanction is asymmetric: both the firm and the individual were fined, but only the individual's professional license was suspended.</p> <p>Whether the audience-based definition reaches the electronic medium was not established by the sources examined, and nothing here asserts a resolution. North Carolina shows that materially similar wording can accompany an affirmative recorded answer, which is why the definitional question is consequential rather than academic.</p> |

## 4. Regulatory differences that matter, and the developments documented

A distinction is worth keeping in view. Most of what follows are differences in current statutory architecture, not changes to it. The developments that the sources examined do document are set out separately below.

## Differences in current architecture

- **Where the medium question is settled.** Inside the definition, by describing the bidding mechanism (Kentucky) or by enumerating the media and extending the concept of audience to digital participation (Pennsylvania); or outside it, left to licensing scope, exemptions and board interpretation (North Carolina and Virginia).
- **How a responsible natural person is identified.** An auctioneer-of-record designated by the firm and named at each renewal (Pennsylvania); a designated person approved by the board, with enumerated acts and a presence requirement (North Carolina); a principal auctioneer at the site (Florida); an auction house operator responsible for retaining a licensed bid caller (Kentucky).
- **Firm licensing alongside individual licensing.** Among the four jurisdictions recorded as negative, Florida and Virginia license the auction firm as well as the individual; New Hampshire and Texas, as recorded, do not.
- **Express limits on corporate delegation.** Florida permits delegation only so far as it does not impede the principal auctioneer's ability to ensure compliance. No equivalent provision appears among the other four.
- **What follows from unlicensed practice.** Loss of the right to enforce, by judicial construction in Florida; a statutory bar on maintaining any action for compensation without prior proof of licensure, in Kentucky.
- **Financial safeguards, merged in a single field.** A bond is an individualized surety instrument; a recovery fund is a pooled statutory mechanism. They differ in the initial source of payment, the claim procedure, the applicable limits and the recourse against the licensee, and the difference is not reducible to individual against collective exposure: North Carolina, for one, provides for repayment to the fund with automatic suspension of the license until repayment is made. Among the individual bonds recorded, the range runs from \$5,000 (Pennsylvania) to \$25,000, with a \$50,000 firm bond in Ohio, and no requirement recorded in Georgia (which requires an escrow account in the auctioneer's name), Illinois and New Hampshire. California, which does not license auctioneers at all, requires a bond of at least \$20,000 from auctioneers and auction companies.
- **Reciprocity recognizes qualification, not reach.** The lists are extensive and do not coincide: Florida records arrangements with nineteen states, Massachusetts with seven, Wisconsin with six; Georgia maintains no official list; South Dakota records none. North Carolina attaches conditions varying by state of origin and by the route through which the original license was obtained. What travels is the qualification, not the reach of the authority that accompanies it.
- **Six jurisdictions give no standardized answer.** Illinois, Indiana, Maine, Massachusetts, Vermont and Wisconsin respond ambiguously or by cross-reference, which is itself a finding about the state of the field.

## Legislative and Regulatory Developments Documented in the Sources

- **Pennsylvania.** The Auctioneer Licensing and Trading Assistant Registration Act, Act of Dec. 22, 1983, P.L. 327, No. 85, as amended by the Act of July 20, 2016, P.L. 789, No. 88.
- **Kentucky.** KRS 330.020 has been amended repeatedly, most recently in 2019 and substantively in 2009. KRS 330.190 was last amended in 2009, effective June 25 of that year. No claim is made here about the intentions of any drafter, or about the earlier statutory scheme from which the chapter descends; the observation is about the current text.
- **North Carolina.** N.C. Gen. Stat. § 85B-7.1 is the current provision specifically governing clients' funds, requiring applicable proceeds to be held in a trust or escrow account separate from the licensee's personal or general operating funds. The consent order in McKinney cited § 85B-7(b) and 21 NCAC 4B.0603(c).
- **Louisiana.** A \$25,000 bond for businesses, recorded in the compilation as applying since January 2025.
- **Illinois.** The compilation records that registration of internet auction listing services is no longer required, and that a license may be required where the online auction falls within the statutory definition of auction, which expressly includes sale by way of the internet.

## 5. Questions suggested by the comparison

What follows are not recommendations and not standards. Nothing here suggests that any state should change its law, that any model is preferable, or that a state without express authority over internet auctions should acquire it: that is a legislative choice, and the material examined neither supports nor opposes it. These are simply the questions the comparison made visible when one regime is read against another.

- Does the statute define the auction by physical setting, by audience, by medium, or by bidding mechanism?
- If a firm is licensed, is a natural person separately identified as responsible?
- Who selects or approves that person — the firm, or the board?
- What duties attach personally to that individual, and are they enumerated or general?

- May responsibilities be delegated to a platform or a contractor, and subject to what limits?
- Does the regime distinguish the supply of technology from the conduct of an auction?
- What consequence follows from unlicensed activity — disciplinary, civil, or the loss of a right to be paid?
- Does the statute expressly address online, real-time or extended auctions?
- Does reciprocity recognize qualification without necessarily harmonizing regulatory reach?

## 6. Limitations

- Five jurisdictions were examined against primary law. They were selected for contrast, not by sampling, and the selection is not representative.
- No inference is drawn about the remaining nineteen jurisdictions. Nothing is asserted about them beyond what the Association publishes.
- No entry in the compilation was independently confirmed with a state board. The Association's own caveat, that states should be contacted directly and that changes are sometimes made without its knowledge, applies in full.
- Coverage of the five is uneven. Florida and North Carolina are supported by statute, regulation and judicial decision, and Florida also by administrative interpretation. Kentucky and Virginia are supported by statute, and Virginia by one decision concerning an in-person auction. Pennsylvania is supported by statute and one decision concerning a lapsed firm license; neither addresses the electronic medium.
- Two of the judicial decisions relied upon, High Bid and McKinney, are unpublished and do not constitute controlling authority. They are cited for what they demonstrate, not as precedent.
- Minutes of the Kentucky Board of Auctioneers for 2020 to 2022, which secondary sources indicate address the licensing of online auctions, were not accessible on the Board's current website and are not relied upon.
- No enforcement statistics were examined. The review does not measure how often any regime is applied, in how many proceedings, or with what result.
- No model is ranked, no effectiveness is assessed, and no regulatory uniformity is proposed.
- The author's professional formation is in a system of mandatory personal attribution, which is likely to have influenced the selection of variables.

## 7. The full paper

The complete analysis, including the statutory and regulatory apparatus, the judicial and administrative sources, and the full statement of method, is available in the working paper:

### **What a Binary Column Cannot Capture: Regulatory Architecture and the Attribution of Responsibility in U.S. Auctioneer Licensing**

SSRN Abstract ID 7342938 · DOI 10.2139/ssrn.7342938

This briefing is intended to be read on its own; the working paper is the supporting analysis for anyone who wishes to go further.

*Comments, corrections and dissent are welcome, and particularly so from officials of state licensing boards, whose reading of their own jurisdictions' law is authoritative in a way this review's is not.*

### **Gustavo Cristiano Samuel dos Reis**

Official Public Auctioneer, State of São Paulo (JUCESP no. 790) and State of Santa Catarina (JUCESC no. 407), Brazil

President, National Association of Judicial Auctioneers (ANLJ)

President, Auctioneers' Union of the State of São Paulo (SINDLEI-SP)

Director of Institutional Relations, National Federation of Auctioneers, Science and Technology (INNLEI), Brazil

Titular representative, federal study group drafting the bill to replace the 1932 Decree governing official auctioneers (Ministerial Ordinance MEMP No. 2/2026)

Member, National Auction Association (NAA)

Associate Member, National Auctioneer License Law Officials Association (NALLOA)

2026

# Board For Auctioneers

## Monthly Cash Activity

Starting cash on hand

\$ (31,900.59)

Starting date

Jul 2026

Cash minimum balance alert

Cash Below Zero

|                                   | Jul 2026       | Aug 2026       | Sep 2026       | Oct 2026 | Nov 2026 | Dec 2026 | Jan 2027 | Feb 2027 | Mar 2027 | Apr 2027 | May 2027 | Jun 2027 | Total |
|-----------------------------------|----------------|----------------|----------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|-------|
| Cash on hand (beginning of month) | \$ (31,900.59) | \$ (39,926.56) | \$ (39,926.56) | \$ -     | \$ -     | \$ -     | \$ -     | \$ -     | \$ -     | \$ -     | \$ -     | \$ -     |       |

### Cash receipts

|                        |                |                |                |      |      |      |      |      |      |      |      |      |             |
|------------------------|----------------|----------------|----------------|------|------|------|------|------|------|------|------|------|-------------|
| Cash sales             | \$ 1,985.00    | \$ -           | \$ -           | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 1,985.00 |
| Returns and allowances | \$ -           | \$ -           | \$ -           | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ -        |
| Total cash receipts    | \$ 1,985.00    | \$ -           | \$ -           | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 1,985.00 |
| Total cash available   | \$ (29,915.59) | \$ (39,926.56) | \$ (39,926.56) | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |             |

### Cash paid out

|                             |                |                |                |      |      |      |      |      |      |      |      |      |              |
|-----------------------------|----------------|----------------|----------------|------|------|------|------|------|------|------|------|------|--------------|
| Overhead                    | \$ 3,597.72    | \$ -           | \$ -           | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 3,597.72  |
| Enforcement                 | \$ 4,013.48    | \$ -           | \$ -           | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 4,013.48  |
| Board Administration        | \$ 2,350.76    | \$ -           | \$ -           | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 2,350.76  |
| Exams                       | \$ 49.01       | \$ -           | \$ -           | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 49.01     |
| Direct Board                | \$ -           | \$ -           | \$ -           | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ -         |
| Cash Transfers              | \$ -           | \$ -           | \$ -           | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ -         |
| Total cash paid out         | \$ 10,010.97   | \$ -           | \$ -           | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 10,010.97 |
| Cash on hand (end of month) | \$ (39,926.56) | \$ (39,926.56) | \$ (39,926.56) | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |              |

# **VIRGINIA AUCTIONEERS BOARD**

## **2027 Meeting Dates**

|                        |          |              |
|------------------------|----------|--------------|
| Tues, January 19, 2027 | 10:00 AM | Board Room 4 |
| Wed, April 7, 2027     | 10:00 AM | Board Room 3 |
| Tues, July 27, 2027    | 10:00 AM | Board Room 3 |
| Tues, October 12, 2027 | 10:00 AM | Board Room 4 |

DRAFT AGENDA

Materials contained in this agenda are proposed topics for discussion  
And are not to be construed as regulation or official board position.

DRAFT AGENDA



We're getting closer, and we're excited to bring everyone together for our upcoming Board Member Training Conference! This year's conference is packed with informative sessions, practical insights, and opportunities to connect with fellow board members.

We've got a great lineup planned, with guest speakers, topics designed to help you navigate your role, strengthen your knowledge, and stay up to date on what's happening across the agency.

Here's a sneak peek at some of the sessions you can look forward to:

- Understanding the Informal Fact-Finding Conference
- The Complaint Process In Practice
- Legislation and Public Protection
- Lessons from Veteran Board Members
- Innovations in Technology
- Exam Development
- General Assembly and the Legislative Process

From the latest updates and important issues facing our boards to practical tips and a behind-the-scenes look at the work we do, there will be something for everyone. We're looking forward to seeing you, sharing ideas, learning together, and making this year's conference a great one!

Stay tuned for more details as we get closer.

We look forward to seeing you in October!

**TOTAL CURRENT POPULATION AS OF SEPTEMBER 1, 2026**

\*Regulant population numbers are effective for the dates shown only.

| Profession    | 1/1/2026 | 2/1/2026 | 3/1/2026 | 4/1/2026 | 5/1/2026 | 6/1/2026 | 7/1/2026 | 8/1/2026 | 9/1/2026 |
|---------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| Auctioneers   | 903      | 907      | 902      | 901      | 895      | 892      | 892      | 892      | 886      |
| Auction Firms | 205      | 207      | 208      | 206      | 202      | 206      | 206      | 209      | 206      |