

**AUCTIONEERS BOARD MEETING
MINUTES**

The Virginia Auctioneers Board met on October 14, 2015, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Travis Lee
Larry Linkous
Michael S. Phillips (arrived 10:14 a.m.)
Linda Terry

Board member William M. Farmer 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
Joseph Haughwout, Assistant Director, Adjudication
Susan Garbini, Legal Analyst

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.

Call to Order

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

**Emergency Evacuation
Procedures**

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

Approval of Agenda

Mr. Lee moved to approve the July 22, 2015, Board meeting minutes. Ms. Terry seconded the motion which was unanimously approved by members: Lee, Linkous and Terry.

Approval of Minutes

Public Comment Period – There were no public comments.

**Public Comment
Period**

Ms. Nosbisch welcomed and introduced audience member Laura Farley, Virginia Association of Realtors. Ms. Nosbisch also introduced staff members in the audience, Joseph Haughwout and Susan Garbini.

Regarding **File Number 2015-00614, Daniel Jarrod Hines**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript and exhibits, the Summary of the Informal Fact-Finding Conference, and the presiding Board member's recommendation. Ms. Terry moved to accept the recommendation of the presiding Board member that the file be closed with a finding of no violation. Mr. Lee seconded the motion which was

**File Number 2015-
00614, Daniel Jarrod
Hines**

unanimously approved by members: Lee, Linkous, and Terry. Former Board member Samuel Updike was the presiding officer.

Regarding File Number 2015-00697, Ralph Edward Weese, Board members reviewed the Consent Order as seen and agreed to by Mr. Weese. Ms. Terry moved to accept the Consent Order which cites the following violations of the Board's regulations: 18VAC25-21-110.A.2 (Count 1); and 18VAC25-21-110.A.7 (Count 2); 18VAC25-21-110.A.8 (Count 3); 18VAC25-21-110.B (Count 4); 18VAC25-21-110.A.1.a (Count 5); 18VAC25-21-110.A.5 (Count 6); 18VAC25-21-150.D (Count 7); 18VAC25-21-180.5 (Count 8); and 18VAC25-21-180.4 (Count 9). For these violations, Mr. Weese agrees to the following sanctions: \$500 for the violation contained in Count 1; \$500 for the violation contained in Count 2; \$500 for the violation contained in Count 3; \$250 for the violation contained in Count 4; \$1,000 for the violation contained in Count 5; \$100 for the violation contained in Count 6; \$500 for the violation contained in Count 7; \$1,000 for the violation contained in Count 8; \$500 for the violation contained in Count 9; and \$150 in Board costs, for a total monetary penalty of \$5,000.

File Number 2015-00697, Ralph Edward Weese

The Board shall waive imposition of the \$500 monetary penalty for Count 1 provided Mr. Weese provides a copy of his current contract within thirty (30) days of the effective date of this Order. The contract must be in compliance with Board Regulation 18 VAC 25-21-110.2. If Mr. Weese fails to comply with this condition, then the full monetary penalty will be automatically imposed.

Further, the Board shall waive imposition of the \$500 monetary penalty for Count 2 provided Mr. Weese provides a copy of his current contract within thirty (30) days of the effective date of this Order. The contract must be in compliance with Board Regulation 18 VAC 25-21-110.A.7. If Mr. Weese fails to comply with this condition, then the full monetary penalty will be automatically imposed.

In addition, the Board shall waive imposition of the \$500 monetary penalty for Count 3 provided Mr. Weese provides a copy of his current contract within thirty (30) days of the effective date of this Order. The contract must be in compliance with Board Regulation 18 VAC 25-21-110.A.8. If Mr. Weese fails to comply with this condition, then the full monetary penalty will be automatically imposed.

Lastly, the Board shall waive imposition of the \$1,000 monetary penalty for Count 8.

Mr. Lee seconded the motion which was unanimously approved by members: Lee, Linkous and Terry. The presiding board member, Mr. Farmer was not present for the meeting.

Ms. Nosbisch informed the Board that the new regulations become effective November 1, 2015. The regulations contain language regarding acceptance of continuing education from states which Virginia has reciprocal licensing agreements, provided those states will accept Virginia continuing education. Ms. Nosbisch reported that Virginia has reciprocal licensing agreements with 14 states.

Regulatory Update

Mr. Linkous inquired as to whether any states had terminated reciprocal agreement with Virginia due to the regulations not being comparable. He further commented that the implementation of continuing education was due to the need to make Virginia regulations comparable to surrounding states. Ms. Nosbisch stated that she would research the matter and provide information to the Board.

Ms. Nosbisch further informed the Board that a periodic review would be held on the regulations, the public comment period will be open December 14, 2015 – January 4, 2016. The Board will review any comments received at the January 13, 2016 Board meeting. Ms. Nosbisch stated that the issue of internet auctions could be discussed during the periodic review process. She further commented that if any changes to the regulations were needed, a Notice of Intended Regulatory Action would be filed. Mr. Courtney stated that the periodic review is mandated every four years to ensure the regulations are current and up to date, adding that the impact on small businesses is also reviewed. Discussion was held on the public comment process.

Mr. Phillips arrived at 10:14 a.m.

Arrival of Board Member

Further discussion was held on the issue of internet auctions. Ms. Peay commented that internet auctions would be difficult to regulate due to the vastness of the internet and sheer volume of online auctions.

Regulatory Update

Ms. Nosbisch reported that letters for the continuing education audit were mailed September 22, 2015, to 69 randomly selected licensees, with responses due October 15, 2015 (21 days). Ms. Nosbisch informed the Board that 50 licensees had responded and that final results would be provided at the next Board meeting.

Continuing Education Audit

Board members were provided a comprehensive report of enforcement activity for informational purposes.

Review of Compliance and Investigations Division Activity

Board members were provided financial statements for informational purposes.

Review of Board Financial Statements

There was no other business.


Other Business

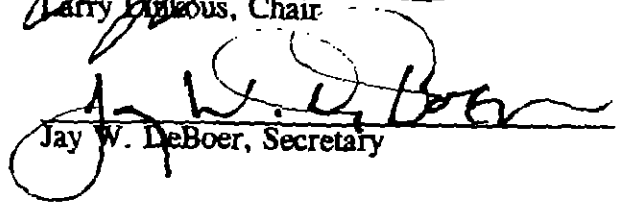
Conflict of Interest forms were completed by all members present.

Conflict of Interest Forms

The meeting was adjourned at 10:20 a.m.

Adjourn


Larry Lingo, Chair


Jay W. DeBoer, Secretary

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Travis Lee
2. Title: Board Member
3. Agency: Auctioneers Board
4. Meeting/IFF Date: Board Meeting October 14, 2015

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

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.

Travis B. Lee
Signature

10/14/15
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Linda Terry
2. Title: Board Member
3. Agency: Auctioneers Board
4. Meeting/IFF Date: Board Meeting October 14, 2015

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

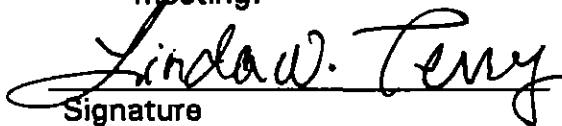
I declare that I am a member of the following business, profession,
occupation or group, the members of which are affected by the transaction:

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.


Signature

10/14/15
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Larry Linkous
2. Title: Board Member
3. Agency: Auctioneers Board
4. Meeting/IFF Date: Board Meeting October 14, 2015

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession,
occupation or group, the members of which are affected by the transaction:

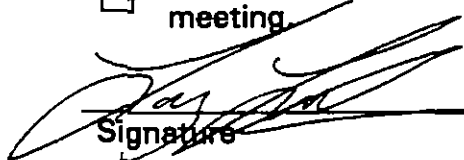
Auctioneers

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.



Signature

10-13-15

Date