

**AUCTIONEERS BOARD MEETING
AGENDA**

October 8, 2019

9:00 a.m. – Board Room 3 – 2nd Floor

**Department of Professional & Occupational Regulation
9960 Mayland Drive
Richmond, Virginia 23233
(804) 367-8514**

1. Call to Order
2. Emergency Evacuation Procedures
3. Approval of Agenda
4. Approval of Minutes: January 15, 2019 Board Meeting
5. Public Comment Period*
6. Resolution: Ashla Hill Roseboro
7. Election of Chair and Vice Chair
8. Consideration of 2020 Meeting Dates
9. Periodic Regulatory Review
10. Merit
11. New Board Member Orientation
12. Board Future – What will our Board/Licensure Look like a Decade from Now?
13. Review of Financial Statements
14. Licensed Population
15. Other Business
16. Conflict of Interest Forms / Travel Vouchers
17. Adjourn

NEXT MEETING TENTATIVELY SCHEDULED FOR JANUARY 14, 2020

*Five minute public comment, per person, with the exception of any open disciplinary or application files.

Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-8514 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.

Call to Order

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Emergency Evacuation Procedures

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Approval of Minutes

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**AUCTIONEERS BOARD MEETING
MINUTES**

The Virginia Auctioneers Board met on January 15, 2019, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Betty Bennett (Auctioneer)
Douglas Sinclair (Auctioneer)
Andrew Smith (Citizen Member)
Ashla Roseboro (Citizen Member)
Linda Terry (Auctioneer)

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director
Kate Nosbisch, Executive Director
Bonnie Rhea Adams, Director, Compliance Analysis and Resolution
Linda Rhodenhiser, Legal Analyst, Compliance Analysis and Resolution
Susan Garbini, Legal Analyst, Compliance Analysis and Resolution
Bonnie Davis, Administrative Assistant

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

Mr. Smith, Chair, called the meeting to order at 10:01 a.m.

Call to Order

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

**Emergency Evacuation
Procedures**

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

Approval of Agenda

Ms. Bennett moved to approve the October 11, 2018 Board meeting minutes. Ms. Terry seconded the motion which was unanimously approved by members: Bennett, Roseboro, Sinclair, Smith, and Terry.

Approval of Minutes

There was no public comment.

Public Comment Period

Ms. Nosbisch introduced the audience and DPOR staff, Bonnie Rhea Adams, Susan Garbini, Linda Rhodenhiser, and Kendall Bennett, Auctioneer.

File Review

Regarding File Number 2018-02805, Dale Wayne Fox, the Board members reviewed the Consent Order as seen and agreed to by Dale Wayne Fox, Sr. Ms. Roseboro moved to accept the Consent Order which cites the following violations of the Board's regulations: 18VAC25-21-110.A.2 (Count 1), 18VAC25-21-110.A.3 (Count 2), 18VAC25-21-

**File No. 2018-02805,
Dale Wayne Fox, Sr**

110.A.4 (Count 3), 18VAC25-21-110.A.7 (Count 4), 18VAC25-21-110.A.8 (Count 5), and 18VAC25-21-180.4 (Count 6). For these violations, Mr. Fox agrees to pay the following monetary penalties: \$75 for the violation contained in Count 1; \$75 for the violation contained in Count 2; \$75 for the violation contained in Count 3; \$75 for the violation contained in Count 4; \$75 for the violation contained in Count 5; \$400 for the violation contained in Count 6; and \$150 in board costs, for a total monetary penalty of \$925. In addition for the violations of Counts 1-5, Mr. Fox agrees to provide a copy of his current contract. Mr. Sinclair seconded the motion which was unanimously approved by members: Bennett, Roseboro, Sinclair, and Smith. As the presiding Board member, Ms. Terry was not present for the discussion or vote.

Ms. Nosbisch reported that the General Assembly convened last Wednesday for a short session. No bills have been introduced that would affect this board. She mentioned HB2099 and HB2101 which affects other agency boards. Mr. DeBoer stated there is another bill that will be introduced which could abolish the Cosmetology Board and another bill regarding expunging disciplinary records after five years both of which would only affect DPOR. He also spoke about bills regarding Cease and Desist letters and how complaints are handled.

Ms. Nosbisch stated the baseline catalog requirement of HB883 was filed in October as required. Mr. DeBoer stated there has been no new communication since the filing.

Board members were provided financial statements for informational purposes.

Ms. Nosbisch attended the Virginia Auctioneers Association (VAA) convention last Friday with Mr. Smith. She stated it was surprising that almost all the exhibitors were online auction companies. She noted that to make a change to our regulations regarding online auctions, there must be a change in statutes. It was noted that the Board cannot regulate other states or countries, but companies in Virginia could be held to our regulations. Several auctioneers approached Ms. Nosbisch at the convention expressing concerns regarding online auctions. It was shared that previously licensed auctioneers are only conducting online auctions and not renewing their licenses. It was noted that there are 49 less licenses than there were last December. Mr. Sinclair stated Florida and Illinois do regulate online auctions. Ms. Terry stated the VAA's trade show was smaller due to internet sales. She stated in 2017 Tranzon Fox Auctions online sales were 56% of the business. She stated she will report 2018 stats at the Board meeting in April.

Mr. Smith provided the licensee counts as of December 1, 2018: Auctioneers 1141 and Firms 250.

General Assembly Update

Mandatory Regulation Reduction

Review of Board Financial Statements

Other Business

Licensed Population

Ms. Nosbisch informed Board members that they should have received an email from the Virginia Conflict of Interest and Ethics Advisory Council regarding their yearly statement of economic interests (SEI). Ms. Nosbisch stated that completion of the SEI form is a requirement for Board members and that the online form must be completed by all Board members before February 1, 2019.

Statement of Economic Interest

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

Conflict of Interest Forms / Travel Vouchers

There being no further business, the meeting adjourned at 10:41 a.m.

Adjourn

Andrew Smith, Chair

Jay W. DeBoer, Secretary

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Public Comment

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Commonwealth of Virginia



AUCTIONEERS BOARD

RESOLUTION TO

Ashla C. Hill Roseboro

WHEREAS, **Ashla C. Hill Roseboro**, did faithfully and diligently serve as a member of the Auctioneers Board from 2017 to 2019;

WHEREAS, **Ashla C. Hill Roseboro**, did devote generously of her time, talent and leadership to the Board;

WHEREAS, **Ashla C. Hill Roseboro**, did endeavor at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and the profession; and

WHEREAS, the Auctioneers Board wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Auctioneers Board this eighth day of October 2019, that **Ashla C. Hill Roseboro**, be given all honors and respect due her for her outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held by this Board.

Andrew Smith, Chair

Mary Broz-Vaughan, Secretary

Election of Chair and Vice Chair

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2020 Meeting Dates

January 14 – 10:00 AM, BR3

April 14 – 10:00 AM, BR3

July 21 – 10:00 AM, BR3

October 6 – 10:00 AM, BR3

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Periodic Regulatory Review

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Merit

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New Board Member Orientation

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Board Future -

**What will our Board/Licensure Look like a
Decade from Now?**

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

**Auctioneers Board
954170**

2018-2020 Biennium

August 2019

	August 2019 Activity	Biennium-to-Date Comparison	
		July 2016 - August 2017	July 2018 - August 2019
Cash/Revenue Balance Brought Forward			172,052
Revenues	2,545	62,585	59,460
Cumulative Revenues			231,512
Cost Categories:			
Board Expenditures	247	8,139	5,966
Board Administration	1,875	23,247	25,966
Administration of Exams	164	3,658	6,774
Enforcement	69	1,030	1,049
Legal Services	0	166	104
Information Systems	1,156	15,888	19,787
Facilities and Support Services	452	6,062	7,201
Agency Administration	841	15,210	11,529
Other / Transfers	0	1,857	(1)
Transfer To/(From) Cash Reserves	(2,258)	0	153,138
Total Expenses	2,545	75,258	231,512
Ending Cash/Revenue Balance			0

Cash Reserve Beginning Balance	155,396	0	0
Change in Cash Reserve	(2,258)	0	153,138
Ending Cash Reserve Balance	153,138	0	153,138

Number of Regulants

Current Month	1,402
Previous Biennium-to-Date	1,551

Department of Professional and Occupational Regulation
 Supporting Statement of Year-to-Date Activity
 Auctioneers Board - 954170
 Fiscal Year 2019

	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	489	467	880	1,002	414	199	856	330	226	254	202	176	5,495	11,475	5,980	5,495	5,980	52.1%
Board Administration	2,749	1,811	1,850	1,691	1,689	1,684	1,770	1,782	1,773	1,766	1,768	972	21,305	26,645	5,340	21,305	5,340	20.0%
Administration of Exams	1,011	632	484	503	474	475	470	471	481	473	483	401	6,356	6,931	574	6,356	574	8.3%
Enforcement	103	73	70	70	76	73	77	75	75	74	74	39	881	1,106	225	881	225	20.4%
Legal Services	0	26	0	26	0	0	26	0	0	26	0	0	104	254	150	104	150	59.1%
Information Systems	897	2,213	1,415	659	1,259	1,365	2,141	1,245	538	1,743	1,437	2,932	17,844	19,507	1,664	17,844	1,664	8.5%
Facilities / Support Svcs	227	486	870	590	573	450	458	456	500	622	501	796	6,528	7,407	878	6,528	878	11.9%
Agency Administration	1,296	794	813	734	832	770	867	724	764	720	872	409	9,595	12,156	2,561	9,595	2,561	21.1%
Other / Transfers	0	0	0	0	0	0	0	0	0	0	0	-1	-1	0	1	-1	1	
Total Charges	6,772	6,502	6,381	5,274	5,318	5,016	6,665	5,082	4,357	5,678	5,339	5,724	68,107	85,481	17,374	68,107	17,374	20.3%

Licensed Population

As of September 1, 2019

Auctioneers 1,159

Auctioneer Firms 243

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Other Business

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Conflict of Interest / Travel Vouchers

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Adjourn

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