

AUCTIONEERS BOARD MEETING

TENTATIVE Agenda

September 21, 2021, 10:00 a.m.

Department of Professional & Occupational Regulation

804-367-8514

1. Call to Order
2. Emergency Evacuation and COVID-19 Safety Procedures
3. Approval of Agenda
4. Approval of Minutes: March 30, 2020 Board Meeting
5. Public Comment Period*
6. Review of Files**
 - File Number 2020-01739, Pete J. Elliott
IFF (Terry and Updike) – Disciplinary
7. Election of Chair and Vice Chair
8. Draft 2022 Meeting Dates
9. Licensed Population
10. Review of Financial Statements
11. Other Business
12. Conflict of Interest Forms / Travel Vouchers
13. Conflict of Interests Act Training
14. Adjourn

NEXT MEETING TENTATIVELY SCHEDULED FOR JANUARY 11, 2022

* 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.

- **Call to Order**
- **Emergency Evacuation Instructions**
- **COVID-19 Safety Procedures**

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

AUCTIONEERS BOARD MEETING

MINUTES OF VIRTUAL MEETING

The Virginia Auctioneers Board met virtually via Google Meet on March 30, 2021, at 10:00 a.m. Board staff was present 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)
Andrew Smith (Citizen Member)
Angela Smith-Mackey (Citizen Member)
Linda Terry (Auctioneer)

Staff present for all or part of the meeting were:

Mary Broz-Vaughan, Director
Kate Nosbisch, Executive Director
Jessica Eldridge, Presiding Officer, Post Adjudication & Licensing
Shannon Webster, Examinations Director
Free Williams, Assistant Director, Adjudication
Bonnie Davis, Administrative Assistant
Connor O'Donnell, Licensing Specialist, Post Adjudication & Licensing
Matt Ross, Licensing Specialist, Post Adjudication & Licensing

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

Mr. Sinclair, Chair, called the meeting to order at 10:00 a.m.

Call to Order – Roll Call

The Board welcomed back Ms. Davis who rejoined DPOR in February.

Welcome Back Bonnie Davis

Mr. Nosbisch advised the Board of the emergency evacuation and COVID-19 safety procedures.

Emergency Evacuation and COVID-19 Safety Procedures

Ms. Nosbisch advised the Board the meeting was being held virtually in order to mitigate the spread of COVID-19, and that per statutory requirements for virtual meetings, the meeting would be recorded and posted to the DPOR website.

Virtual Meeting Procedures

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

Approval of Agenda

Ms. Terry moved to approve the October 6, 2020 Board meeting minutes.
Mr. Smith seconded the motion which was unanimously approved by
members: Bennett, Sinclair, Smith, Smith-Mackey, and Terry.

Approval of Minutes

There were no members of the public present to comment on matters
other than the case files to be presented.

Public Comment Period

Regarding **File Number 2019-02639, John Lewis Brinkley, dba PCA Antiques**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the Presiding Officer's recommendation. Mr. Smith moved to accept the recommendation which cites the following violations of the Board's regulations: 18VAC25-21-110.A (Count 1), 18VAC25-21-150.I (Count 2), 18VAC25-21-150.J (Count 3), 18VAC25-21-150.C (Count 4), 18VAC25-21-180.4 (Count 5), and 18VAC25-21-185.A (Count 6). Ms. Terry seconded the motion which was unanimously approved by members: Bennett, Sinclair, Smith, Smith-Mackey, and Terry.

File Number 2019-02639, John Lewis Brinkley, dba PCA Antiques

Ms. Nosbisch indicated prior disciplinary actions against Mr. Brinkley included Consent Order# 2016-02223 for violation of 18VAC25-21-150.G, for a total monetary penalty of \$400.

Ms. Bennett moved to accept the Summary of the Informal Fact-Finding Conference as to the sanctions and impose the following: \$100.00 for the violation contained in Count 1; \$100.00 and revocation for the violation contained in Count 2; \$100.00 and revocation for the violation contained in Count 3, \$100.00 and revocation for the violation contained in Count 4, \$100.00 for the violation contained in Count 5, \$100.00 and revocation for the violation contained in Count 6, for a total monetary penalty of \$600.00; and revocation of license. Ms. Terry seconded the motion which was approved by members: Bennett, Sinclair, Smith, Smith-Mackey, and Terry.

Regarding **File Number 2019-02689, John Lewis Brinkley, dba PCA Antiques**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the Presiding Officer's recommendation. Ms. Smith-Mackey moved to accept the recommendation which cites the following violations of the Board's regulations: 18VAC25-21-110.A (Count 1), 18VAC25-21-150.I (Count 2), and 18VAC25-21-180.4 (Count 3). Mr. Smith seconded the motion which was unanimously approved by members: Bennett, Sinclair, Smith, Smith-Mackey, and Terry.

File Number 2019-02689, John Lewis Brinkley, dba PCA Antiques

Ms. Nosbisch dispensed with rereading prior Consent Order# 2016-02223.

Ms. Bennett moved to accept the Summary of the Informal Fact-Finding Conference as to the sanctions and impose the following: \$100.00 for the violation contained in Count 1; \$100.00 and revocation for the violation contained in Count 2, and \$100.00 and revocation for the violation contained in Count 3, for a total monetary penalty of \$300.00; and revocation of license. Ms. Terry seconded the motion which was approved by members: Bennett, Sinclair, Smith, Smith-Mackey, and Terry.

Regarding **File Number 2020-01359, Carroll Eugene Daniels, dba Gene Daniels Auctions**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the Presiding Officer's recommendation. Ms. Smith-Mackey moved to accept the recommendation which cites the following violations of the Board's regulations: 18VAC25-21-110.A.5 (Count 1), 18VAC25-21-150.G (Count 2), and 18VAC25-21-150.F (Count 3). Mr. Smith seconded the motion which was unanimously approved by members: Bennett, Sinclair, Smith, Smith-Mackey, and Terry.

File Number 2020-01359, Carroll Eugene Daniels, dba Gene Daniels Auctions

Ms. Nosbisch indicated prior disciplinary actions against Mr. Daniels included Consent Order# 2019-00644 for violation of 18VAC25-21-150.J and 18VAC25-21-150.C, for a total monetary penalty of \$650.

Ms. Smith-Mackey moved to accept the Summary of the Informal Fact-Finding Conference as to the sanctions and impose the following: \$100.00 for the violation contained in Count 1; \$250.00 for the violation contained in Count 2; \$500.00 for the violation contained in Count 3, for a total monetary penalty of \$850.00. In addition for violation of Count 3, Daniel's license is placed on probation for a period of ninety (90) days after the final order. During the probationary period, Mr. Daniels must provide evidence acceptable to the Board that Mr. Daniels has properly designated an escrow account for his auction business. Mr. Smith seconded the motion which was approved by members: Bennett, Sinclair, Smith, Smith-Mackey, and Terry.

Regarding **File Number 2020-02444, Carroll Eugene Daniels, dba Gene Daniels Auctions**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the Presiding Officer's recommendation. Ms. Bennett moved to accept the recommendation which cites the following violations of the Board's regulations: 18VAC25-21-110.A.1a (Count 1), 18VAC25-21-150.G (Count 2), 18VAC25-21-150 (Count 3), and 18VAC25-21-180.4 (Count 4). Ms. Smith-Mackey seconded the motion which was unanimously approved by members: Bennett, Sinclair, Smith, Smith-Mackey, and Terry.

File Number 2020-02444, Carroll Eugene Daniels, dba Gene Daniels Auctions

Ms. Nobsch dispensed with rereading prior Consent Order# 2019-00644.

Mr. Smith moved to accept the Summary of the Informal Fact-Finding Conference as to the sanctions and impose the following: \$100.00 for the violation contained in Count 1; \$250.00 for the violation contained in Count 2; \$500.00 for the violation contained in Count 3, \$500.00 for the violation contained in Count 4, for a total monetary penalty of \$1,350.00. For violation of Count 3, Mr. Daniels license is placed on probation for a period of ninety (90) days from the date of the final order. During the probationary period, Mr. Daniels must provide evidence acceptable to the Board that Mr. Daniels has a properly designated escrow account for his auction business. If Mr. Daniels does not provide such evidence within 90 days, Mr. Daniels's license shall be revoked. Ms. Smith-Mackey seconded the motion which was approved by members: Bennett, Sinclair, Smith, Smith-Mackey, and Terry.

Regarding **File Number 2020-02794, Carroll Eugene Daniels, dba Gene Daniels Auctions**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the Presiding Officer's recommendation. Ms. Smith-Mackey moved to accept the recommendation which cites the following violations of the Board's regulations: 18VAC25-21-150.I (Count 1), 18VAC25-21-150.A (Count 2), and 18VAC25-21-180.4 (Count 3). Ms. Terry seconded the motion which was unanimously approved by members: Bennett, Sinclair, Smith, Smith-Mackey, and Terry.

File Number 2020-02794, Carroll Eugene Daniels, dba Gene Daniels Auctions

Ms. Nobsch dispensed with rereading prior Consent Order# 2019-00644.

Mr. Smith moved to accept the Summary of the Informal Fact-Finding Conference as to the sanctions and impose the following: \$250.00 for the violation contained in Count 1; \$500.00 for the violation contained in Count 2, and \$500.00 for the violation contained in Count 3, for a total monetary penalty of \$1,250.00. For violation of Count 1, Mr. Daniels's license is placed on probation for a period of ninety (90) days after the final order. During the probationary period, Mr. Daniels must provide evidence acceptable to the Board that the Waltons have received full payment of the \$3,028.60 currently due. If Mr. Daniels does not provide such evidence within ninety days, Mr. Daniels's license revocation shall be imposed. For violation of Count 2, Mr. Daniels's license is placed on probation for a period of 90 days after the final order. During the probationary period, Mr. Daniels must provide evidence acceptable to the Board that Mr. Daniels has a properly designated escrow account for his auction business. If Mr. Daniels does not provide such evidence within 90

days, Mr. Daniels license revocation shall be imposed. Ms. Bennett seconded the motion which was approved by members: Bennett, Sinclair, Smith, Smith-Mackey, and Terry.

Board members were provided financial statements for informational purposes.

**Review of Board
Financial Statements**

Mr. Smith provided the licensee counts as of March 1, 2021: Auctioneers 1,047 and Firms 232.

Licensed Population

Ms. Nosbisch thanked the board members for completing their financial disclosure statements.

**Financial Disclosure
Statements**

Ms. Nosbisch informed the Board that the exam contract with PSI ends December 31 2021. Ms. Terry moved to approve extending the contract for one year. Mr. Sinclair seconded the motion which was unanimously approved by members: Bennett, Sinclair, Smith, Smith-Mackey, and Terry.

Other Business

Conflict of Interest forms were completed by all members present.

**Conflict of Interest
Forms**

There being no further business, the meeting adjourned at 10:28 a.m.

Adjourn

Douglas Sinclair, Chair

Mary Broz-Vaughan, Secretary

➤ **Public Comment**

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➤ Review of Files

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- **Election of Chair and Vice Chair**
- **2022 Draft Meeting Dates**
 - January 11, 2022**
 - April 12, 2022**
 - July 12, 2022**
 - October 4, 2022**
- **Licensed Population as of 9/1/21**
 - **Auctioneers** **1,031**
 - **Auctioneer Firms** **235**

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

**Auctioneers Board
954170**

2020-2022 Biennium

July 2021

	July 2021 Activity	Biennium-to-Date Comparison	
		July 2018 - July 2019	July 2020 - July 2021
Cash/Revenue Balance Brought Forward			0
Revenues	2,740	56,915	49,015
Cumulative Revenues			49,015
Cost Categories:			
Board Expenditures	249	5,719	4,621
Board Administration	2,353	24,092	20,687
Administration of Exams	203	6,610	1,336
Enforcement	97	980	830
Legal Services	0	104	142
Information Systems	676	18,630	14,187
Facilities and Support Services	491	6,749	5,772
Agency Administration	1,017	10,688	9,420
Other / Transfers	0	(1)	0
Total Expenses	5,087	73,571	56,996
Transfer To/(From) Cash Reserves	(2,078)	0	(8,257)
Ending Cash/Revenue Balance			276

Cash Reserve Beginning Balance	124,418	0	130,596
Change in Cash Reserve	(2,078)	0	(8,257)
Ending Cash Reserve Balance	122,339	0	122,339

Number of Regulants	
Current Month	1,271
Previous Biennium-to-Date	1,401

Department of Professional and Occupational Regulation
Supporting Statement of Year-to-Date Activity
Auctioneers Board - 954170
Fiscal Year 2022

	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	249	0	0	0	0	0	0	0	0	0	0	0	249	9,801	9,552	2,160	7,641	78.0%
Board Administration	2,353	0	0	0	0	0	0	0	0	0	0	0	2,353	20,174	17,821	16,130	4,043	20.0%
Administration of Exams	203	0	0	0	0	0	0	0	0	0	0	0	203	1,881	1,678	1,531	350	18.6%
Enforcement	97	0	0	0	0	0	0	0	0	0	0	0	97	1,059	962	680	379	35.8%
Legal Services	0	0	0	0	0	0	0	0	0	0	0	0	0	417	417	0	417	100.0%
Information Systems	676	0	0	0	0	0	0	0	0	0	0	0	676	14,849	14,173	5,241	9,608	64.7%
Facilities / Support Svcs	491	0	0	0	0	0	0	0	0	0	0	0	491	6,377	5,886	5,055	1,322	20.7%
Agency Administration	1,017	0	0	0	0	0	0	0	0	0	0	0	1,017	12,257	11,240	7,170	5,087	41.5%
Other / Transfers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Total Charges	5,087	0	0	0	0	0	0	0	0	0	0	0	5,087	66,815	61,728	37,968	28,847	43.2%

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

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