

ALABAMA STATE BOARD OF AUCTIONEERS
ADMINISTRATIVE CODE

CHAPTER 150-X-1
RULES AND REGULATIONS

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150-X-1-.01 Definitions.

(1) Auction: A public sale of property to the highest bidder.

(2) Auction Business or Business of Auctioneering: The sale, either directly or through agents, or real or personal property at auction or the arranging, sponsoring, managing, promoting, conducting of advertising of auctions.

(3) Auction Company: Any legal business entity, including a sole proprietorship, that engages in the business of auctioneering.

(4) Absolute Auction: An auction without reserve. See Auction Without Reserve.

(5) Auction With Reserve: An auction in which the seller or his agent reserves the right to establish a minimum bid, to accept

or reject any and all bids and to withdraw the property at any time prior to the completion of the sale by the auctioneer.

(6) Auction Without Reserve: An auction in which property put up for sale is sold to the highest bidder; where no minimum price will limit the bid; where the seller may not withdraw the property from the auction after the auctioneer calls for bids thereon, unless no bid is made within a reasonable time; and where the seller may not nullify the sale by bidding himself or through an agent. "Auction Without Reserve" is equivalent to the term "Absolute Auction." The Practice of deliberately misleading customers/buyers by marketing a property as "absolute" for the sole purpose of obtaining a pre-auction bid which is sufficient to meet or exceed the actual reserve of the seller, with the intention of either converting to a reserve auction or canceling the sale if the strategy is unsuccessful, is strictly prohibited and may be grounds for disciplinary action against the licensee.

(7) Estate Auction: An auction in which all the property advertised and sold is the property of a specified deceased person or the property of a specified living person's estate. (34-4-4)

Author: J. O. Blandenburg

Statutory Authority: Code of Ala. 1975, §34-4-4.

History: New Rule: Filed July 12, 1995; effective August 16, 1995.

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Amended: Filed January 29, 2003; effective March 5, 2003. **Amended:** Filed October 4, 2013; effective November 8, 2013.

150-X-1-.02 Application For Auctioneer's License.

(a) Upon application for an auctioneer's license, each apprentice auctioneer must present a statement signed by his/her sponsoring auctioneer, stating that said apprentice has participated as principal auctioneer in the required number of sales during the course of his/her apprenticeship. The applicant must furnish proof of the sales in the form of advertisements containing the applicant's name and license number in equal prominence with the name and license number of the sponsoring auctioneer, and proof that he/she was compensated for his/her services in these sales in the form of copies of canceled checks showing that the monies went through the sponsor's escrow account. (34-4-21)

(b) Non-resident, non-reciprocal applicants must prove they have been active auctioneers during the past five (5) years immediately preceding the date of application. Proof of activity may include some or all of the following and must contain dates which will effectively verify that the applicant has been an active auctioneer

for the five (5) years immediately preceding the application: advertisements containing the applicant's name; copies of closing statements which show the date of the sale and are signed by the applicant; copies of county and or municipal auctioneer licenses; and affidavits from duly licensed Alabama auctioneers that the applicant has engaged in auctions during this time. (34-4-25)

(c) Reciprocity will be granted to those states having licensing requirements of equal or higher standards than Alabama and who have entered into a reciprocal agreement with the board. Applicants for reciprocity from states without an apprenticeship program equivalent to the Alabama apprenticeship program will be required to be licensed in their home state for two (2) years prior to application for reciprocity as stated in the reciprocal agreement. Reciprocal applicants shall be required to pay any licensure, renewal or application fee in an amount equal to that imposed on Alabama licensees in the reciprocating state and shall be required to meet any other licensure requirements imposed by the reciprocating state by rule, regulation, policy or law; provided, however, that if the reciprocating state imposes licensure, renewal or application fee that is less than that imposed by the Board, the reciprocal applicant shall be required to pay the higher fee. A list of the reciprocating states and their fees or requirements shall be maintained by the Board. (34-4-25)

(d) Any auction company applying for an auctioneer license shall furnish the following information to the Board; for purposes of this rule, an auction company includes any legal entity which engages in the business of auctioneering, as defined by the Auctioneers License Act and the rules and regulations of the Board. An auction company exclusively owned and operated by an auctioneer licensed by this Board and in good standing therewith will be exempt from the requirement for a separate auctioneer license under this chapter. Licensed auctioneers fitting within this exemption must still complete and file an auction company application with the Board, but shall not be required to remit the application or licensure fee. Failure to file a completed auction company application may subject an auctioneer and/or auction company to disciplinary action by the Board, regardless of whether the exemption from a separate auctioneer license applies.

(1) A completed, signed and notarized application form, as prescribed by the Board, accompanied by the appropriate filing fee determined by the Board;

(2) If such company is a foreign entity, satisfactory evidence approved by the Board that such company is authorized to do business in this state and is registered with the Alabama Secretary of State, in accordance with Article 15 of Title 10, Code of Ala. 1975;

(3) Satisfactory evidence approved by the Board that the auction company employs or shall employ an auctioneer or auctioneers licensed under the provisions of this chapter to conduct any auctions in this state.

(e) Authority to act as an auctioneer and to transact business under the license shall be limited to one officer of the auction company, to be designated in the application and named in the license. Each other officer or member of such auction company desiring to act as an auctioneer in connection with the business of the auction company, or otherwise, shall be required to make application for and take out an individual license in his/her own name. An apprentice auctioneer cannot satisfy this requirement. Written notification of a change in the auctioneer authorized to transact business under the license shall be provided to the Board within thirty (30) days of such change.

(f) Prior to the issuance of a license, each auctioneer or auction company responsible to account for or remit funds of others that come into its possession shall provide the name of the bank and the account number of any escrow or trustee account wherein the funds of others held by the auctioneer or auction company are maintained. Any licensed auctioneer in Alabama who works directly for an auction company or who works directly for another licensed auctioneer who maintains an active escrow account may use that escrow account and number in all applications for licensure or renewal, provided that the escrow account is used solely for the purpose of holding funds of others in relation to auctions.

(g) Authority to transact business as an auctioneer under any license issued by the Board shall be restricted to the person named in such license and shall not inure to the benefit of any other person.

(h) Incomplete applications will be returned to the applicant with a letter describing deficient items to be completed and returned to the board. Incomplete applications will be considered expired after one (1) year from the first date of notification of such deficiencies. (34-4-4)

(i) Upon the expiration of a license in good standing due solely to licensee's failure to renew, the Board may reissue the same license number to said licensee upon his/her written request therefor and successful completion of all requirements for re-licensure within 365 days from the date of expiration of the unrenewed license. The Board shall not reissue the same license number to any former licensee who does not successfully complete the licensure requirements within said period, despite any request therefor.

Author: J. O. Blandenburg

Statutory Authority: Code of Ala. 1975, §34-4-25.

History: New Rule: Filed July 12, 1995; effective August 16, 1995. **Amended:** Filed January 29, 2003; effective March 5, 2003. **Amended:** Filed July 24, 2007; effective August 28, 2007. **Amended:** Filed October 20, 2008; effective November 24, 2008. **Amended:** Filed November 3, 2010; effective December 8, 2010. **Amended:** Filed October 4, 2013; effective November 8, 2013. **Amended:** Filed October 10, 2014; effective November 14, 2014.

150-X-1-.03 Advertisements.

(a) Any advertisements for auction sale must identify the name and license number of the auctioneer and any apprentices who will be conducting the auction business.

(b) Apprentice auctioneers must meet the same requirements and must additionally identify their sponsor's name and state license number.

(c) This rule pertains to any and all advertisements and includes billboards, Internet, television and radio advertisements, etc. Auction companies must include the name and state license number of the principal auctioneer and any other auctioneer responsible for the auction; Internet advertisements for specific auctions with online-bidding must list the name and state license number of the auction company's principal auctioneer.

(d) Auctioneers will be held responsible for all advertising and should take precautions that mistakes do not occur.

(e) False, deceptive, misleading and untruthful advertising is expressly prohibited. Any advertisement or advertising shall be deemed to be false, deceptive, misleading or untruthful, if it:

1. Contains misrepresentations of facts;
2. Is misleading or deceptive because in its content or in the context in which it is presented, it makes only a partial disclosure of relevant facts;
3. Creates false or unjustified exceptions of the services to be performed;
4. Contains any representation or claim which the advertising licensee fails to perform;

5. Advertises an auction as absolute when any portion to be sold is subject to confirmation or with reserve or with minimum bids.

(f) Advertising designed to generate business and let the public know of the availability of an auctioneer's services need not include the auctioneer's name and state license number.

Author: J. O. Blandenburg

Statutory Authority: Code of Ala. 1975, §34-4-29.

History: New Rule: Filed July 12, 1995; effective August 16, 1995.

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Amended: Filed July 24, 2007; effective August 28, 2007. **Amended:** Filed October 4, 2013; effective November 8, 2013.

150-X-1-.04 **Examination Days.**

(a) Exams will be computer-based and administered in several locations throughout the state by an appropriate vendor of such services as selected by the board. A completed application for licensure must be received and approved by the board before an applicant will be allowed to sit for the examination. Upon approval of his/her application, the applicant will receive written notification from the board regarding scheduling of the examination and the time frame during which the applicant remains eligible to sit for the examination under his/her current application.

(b) An applicant whose application has been canceled for failure to sit for the examination during the prescribed time period must pay another examination fee as if no prior fee had been submitted. Each time an examination is taken and failed, the examination fee is forfeited. The applicant may request reexamination without submitting another application, but must remit the appropriate examination fee. (34-4-21)

Author: J. O. Blandenburg

Statutory Authority: Code of Ala. 1975, §34-4-21.

History: New Rule: Filed July 12, 1995; effective August 16, 1995.

Amended: Filed December 9, 1998; effective January 13, 1999.

Amended: Filed January 29, 2003; effective March 5, 2003. **Amended:** Filed July 24, 2007; effective August 28, 2007.

Ed. Note: Rule .05 was renumbered to .04 as per certification filed July 24, 2007; effective August 28, 2007.

150-X-1-.05 **Exams.**

(a) The examination shall test the applicant's knowledge of the following:

- (1) General knowledge of ethics.
- (2) Reading, writing and elementary arithmetic.
- (3) The statutes of this state relating to auctions and this chapter.
- (4) The fundamentals of auctioneering.

(b) Exams are confidential tests. They are designed and administered under conditions established to protect the security of the tests. Neither the current forms nor any previous forms of the tests are available for purchase or inspection. No applicant who has taken the examination will be permitted to inspect that or any other completed examination after it has been graded in order to ensure the validity of the examination. (34-4-21)

(c) The board will make accommodations for examination for those applicants that qualify as disabled under the provisions of the Americans with Disabilities Act. The disability asserted must be documented by a qualified professional, and said documentation must be submitted with the application. (34-4-21)

Author: J. O. Blandenburg

Statutory Authority: Code of Ala. 1975, §34-4-21.

History: New Rule: Filed July 12, 1995; effective August 16, 1995.

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Ed. Note: Rule .06 was renumbered to .05 as per certification filed July 24, 2007; effective August 28, 2007.

150-X-1-.06 Fees.

(a) Fees submitted to the board shall be in the form of a checks or money orders only. In the event that a check is returned to the board, the individual's license may be revoked in accordance with disciplinary proceedings conducted under the Auctioneers License Act and the Alabama Administrative Procedure Act until proper restitution is made, plus payment of any applicable fee for late renewal.

(b) Upon receipt of notice of passing the examination or approval of the reciprocal application, the applicant shall submit

his/her annual license fee within thirty (30) days of receipt of said notice. Failure to submit such license fee within the above prescribed time shall be deemed sufficient reason for cancellation of said application. (34-4-21)

Author: J. O. Blandenburg

Statutory Authority: Code of Ala. 1975, §34-4-21.

History: New Rule: Filed July 12, 1995; effective August 16, 1995.

Amended: Filed December 9, 1998; effective January 13, 1999.

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Amended: Filed January 29, 2003; effective March 5, 2003. **Amended:** Filed July 24, 2007; effective August 28, 2007.

Ed. Note: Rule .07 was renumbered to .06 as per certification filed July 24, 2007; effective August 28, 2007.

150-X-1-.07 Conflict And Bias.

(a) No Board member shall be entitled to participate in any hearing held before the Board in accordance with Code of Ala. 1975, §34-4-29(d) or vote in such a hearing if the Board member has a disqualifying conflict or bias against the respondent or if such participation or vote would violate the provisions of the Alabama Administrative Procedure Act, Section 41-22-18(a), Code of Ala, 1975.

(b) Any respondent in a disciplinary action who wishes to assert bias or conflict regarding a Board member's participation or vote may do so by filing an affidavit asserting the disqualification, together with a statement of the underlying factual basis for the assertion, with the Executive Director at least three days prior to the scheduled hearing.

(c) The board shall consider the assertion of disqualification on the record as a preliminary matter at the hearing before any other action is initiated.

Author: Dana Billingsley

Statutory Authority: Code of Ala. 1975, §34-4-1.

History: New Rule: Filed July 12, 1995; effective August 16, 1995.

Amended (Rule Number Only): Filed July 24, 2007; effective August 28, 2007. **Repealed:** Filed January 21, 2009; effective February 25, 2009. **New Rule:** Filed July 21, 2015; effective August 25, 2015.

Ed. Note: Rule .08 was renumbered to .07 as per certification filed July 24, 2007; effective August 28, 2007.

150-X-1-.08 Statements To The Board. (Repealed)**Author:** J. O. Blandenburg**Statutory Authority:** Code of Ala. 1975, §34-4-29.**History: New Rule:** Filed July 12, 1995; effective August 16, 1995.**Amended (Rule Number Only):** Filed July 24, 2007; effective August 28, 2007. **Repealed:** Filed January 21, 2009; effective February 25, 2009.**Ed. Note:** Rule .09 was renumbered to .08 as per certification filed July 24, 2007; effective August 28, 2007.**150-X-1-.09 Inspection Of Records.** Documents, books or records concerning an auction or auctions must be made available for inspection by the board or its authorized personnel or representative upon request. Failure to produce requested documents, books, records, or copies thereof, within thirty (30) days will be grounds for administrative action by the board. (34-4-4)**Author:** J. O. Blandenburg**Statutory Authority:** Code of Ala. 1975, §34-4-4.**History: New Rule:** Filed July 12, 1995; effective August 16, 1995.**Amended:** Filed July 24, 2007; effective August 28, 2007.**Ed. Note:** Rule .10 was renumbered to .09 as per certification filed July 24, 2007; effective August 28, 2007.**150-X-1-.10 Duties Of Sponsors And Apprentices.**

(a) In order to sponsor an apprentice auctioneer, an auctioneer must have been licensed for at least two (2) years and be in good standing with the Board.

(b) Any apprentice auctioneer so sponsored shall be under the direct supervision of his/her sponsor or under the direct supervision of his/her non-sponsoring employer auctioneer, if acting pursuant to paragraph (g).

(c) A sponsoring auctioneer is to be responsible and accountable for the acts of their apprentices in the conduction of auction business and sales and have agreed to be present at the sale site and directly supervise any auction sale conducted by said apprentice. In the event a sponsoring auctioneer cannot attend a particular sale, he/she must make a written appointment of a qualified licensed auctioneer to act in his/her stead on a form approved by the Board.

(d) All sponsoring auctioneers shall reside in the same state as his/her apprentice auctioneer(s).

(e) Any legal document relative to conducting, or offering to conduct, any auction shall be executed by an auctioneer, or by an apprentice auctioneer with the approval of his/her sponsor so noted on the document.

(f) Any advertisement for an auction sale must clearly and conspicuously identify the name and license number of the sponsoring auctioneer and any apprentices who will be conducting the auction business.

(g) An apprentice auctioneer may be employed by a licensed auctioneer who is not designated as the apprentice's sponsor if the following terms and conditions are met:

1. The apprentice auctioneer must first notify the Board of such employment on a form approved by the Board. The form shall include the written permission of the apprentice's sponsor and the agreement of the non-sponsoring employer auctioneer to assume the duties of the sponsoring auctioneer during the term of employment. The form shall contain the signatures of the apprentice auctioneer, the sponsoring auctioneer and the non-sponsoring employer auctioneer, which may be provided in counterparts, but which shall constitute a single agreement regarding the employment of the apprentice auctioneer.

2. The non-sponsoring employer auctioneer must be currently licensed as an auctioneer in the State of Alabama and must be in good standing with the Board.

3. All non-sponsoring employer auctioneers shall reside in the same state as the apprentice auctioneer(s); and

4. Any violation of this rule shall subject the apprentice auctioneer, the sponsoring auctioneer and/or the non-sponsoring employer auctioneer to disciplinary action by the Board.

(h) An apprentice:

1. may not execute a contract to conduct an auction without the approval of his/her sponsor noted on the document, but he/she may sign a contract in order to indicate he/she procured the client and the auction.

2. may not sign a closing statement or have an escrow or trust account in his/her name as a depository for auction proceeds, but he/she may take part in the closing and settlement proceedings

of an auction. An apprentice's sponsoring auctioneer is responsible for keeping the account of and dispersing money received at an auction.

3. may not call bids at an auction without the presence of his/her sponsor or the sponsor's designee.

(i) If a sponsoring auctioneer has disassociated and ended his/her sponsorship, said sponsor must notify the State Board in writing within thirty (30) days of the termination of the sponsorship. The license certificate of the terminated apprentice must be returned with the written notice of termination. (34-4-21)

Author: J. O. Blandenburg

Statutory Authority: Code of Ala. 1975, §34-4-21.

History: New Rule: Filed July 12, 1995; effective August 16, 1995.

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Ed. Note: Rule .11 was renumbered to .10 as per certification filed July 24, 2007; effective August 28, 2007.

150-X-1-.11 Violations.

(a) The board may revoke or suspend licenses and/or levy and collect administrative fines for serious violations of the Alabama Auctioneers Licensing Act or the rules and regulations of the board of not less than two hundred dollars (\$200) and not more than five hundred (\$500) for each violation, as provided in Section 34-4-29, Code of Ala. 1975.

(b) Before denying an application for licensure or suspending or revoking any license, the board shall hold a hearing and shall, at least twenty-one (21) days prior to the date set for the hearing, notify the applicant or licensee in writing of the charges made or the question to be determined, including notice of the time and place of the hearing, and afford the applicant or licensee an opportunity to be present, be heard in person or by counsel, and to offer evidence orally, or by affidavit or deposition. Written notice may be served by delivery of the notice personally to the applicant or licensee or by mailing the notice by registered or certified mail to the last known mailing address of the applicant or licensee. If the applicant or licensee is an apprentice auctioneer, the board shall also notify the auctioneer employing him or her, or whose employ he or she is about to enter, by mailing notice by

registered or certified mail to the auctioneer's last known address. The hearing shall be held at a time and place prescribed by the board.

(c) Upon a finding of a violation(s) of the Alabama Auctioneers Licensing Act or the rules and regulations of the board following proper notice and a hearing, which shall be conducted in accordance with the provisions of the Alabama Administrative Procedure Act, a license may be denied, suspended or revoked and/or an administrative fine levied for any of the following:

1. Making any substantial misrepresentation.
2. Pursuing a continued and flagrant course of misrepresentation or making false promises through agents or advertising an auction to be an absolute auction, but conducting it as an auction with reserve or otherwise.
3. Accepting valuable consideration as an apprentice auctioneer for the performance of any of the acts specified in the statutes, rules and regulations of the board from any person other than his or her employer auctioneer.
4. Failing to pay an account for or remit, within thirty (30) days, any money belonging to others that comes into the licensee's possession, commingling funds of others with those of the licensee, or failing to keep funds of others in an escrow or trustee account.
5. Paying valuable consideration to any person for services performed in violation of the statutes, rules and regulations of the board.
6. Being convicted in a court of competent jurisdiction of this or any other state of a criminal offense involving moral turpitude or a felony.
7. Violation of any rule or regulation promulgated by the board.
8. Failure to furnish voluntarily at the time of execution copies of all written instruments prepared by the auctioneer or apprentice auctioneer.
9. Any conduct of a licensee that demonstrates bad faith, dishonesty, incompetency, or untruthfulness.
10. Any conduct of a licensee that demonstrates improper, fraudulent, or dishonest dealings.

11. Having had any license to practice a business or profession revoked, suspended, annulled, or sanctioned, or otherwise having had any disciplinary action taken by any other licensing authority in this or any other state against the licensee.

12. Failing prior to the sale at public auction to enter into a written contract with the owner or consignee of any property to be sold containing the terms and conditions upon which the licensee received the property for sale.

13. Failure to display the name and license number of the auctioneer conducting an auction in the advertising for such auction.

14. Presenting a worthless check to the board.

15. Any pattern of frivolous unfounded complaints filed with the board by a licensee.

16. Knowingly making any misleading, false, or deceptive statement on any application for a license.

17. Use of abusive, vulgar, profane or threatening language by a licensee while conducting auction business.

18. Failure to produce requested documents, books, records, or copies thereof, within thirty (30) days of a request for inspection by the board or its authorized representative.

19. Making any false, deceptive, misleading and untruthful statements in advertising.

20. Failure to cooperate with the board during an investigation of a verified complaint in writing filed with the board by not furnishing required documentation or responding to a request for information or a subpoena issued by the board or its authorized representative.

21. Interfering with an investigation or disciplinary proceeding by willful misrepresentation of facts or by use of threats, retaliation, or harassment against anyone.

22. Any false information, statements or testimony given to the Alabama State Board of Auctioneers or its agents by a licensee or applicant. The board may suspend or revoke any license which has been issued based on false or fraudulent representations.

(d) The board may also levy and collect administrative fines against non-licensees for determined violation of the Alabama Auctioneer Licensing Act or the rules and regulation of the board

following proper notice and a hearing held in accordance with the provisions of the Alabama Auctioneers Licensing Act, the Alabama Administrative Procedure Act, and the rules and regulations of the board, of not less than two hundred dollars (\$200) and not more than five hundred (\$500) for each violation, as provided in Section 34-4-29, Code of Ala., 1975.

(e) Conducting Auction Business for Unlicensed Companies. Any individual of auction house who conducts auction business, as defined in this chapter and the Auctioneers License Act, must be property licensed. Auction houses must name a licensed auctioneer to whom authority to transact business in the company's name is limited, as required under Section 34-4-28, Code of Ala. 1975, or require their owners or employees to become licensed auctioneers. Auctioneers who cry binds for auction houses that have not obtained a license from this Board and are otherwise ineligible for an exemption rule under Rule 150-X-1-.02 shall be subject to disciplinary action by this Board, as provided under its law, rules and regulations. (34-4-420, 34-4-28).

Author: J. O. Blandenburg

Statutory Authority: Code of Ala. 1975, §34-4-20.

History: New Rule: Filed July 12, 1995; effective August 16, 1995.

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Ed. Note: Rule .12 was renumbered to .11 as per certification filed July 24, 2007; effective August 28, 2007.

150-X-1-.12 Auctioneer Schools. In order to be eligible for approval by the Alabama State Board of Auctioneers, an auction school must provide evidence of annual certification by the Alabama Department of Education or the Postsecondary Education Department (or the equivalent thereof in another state) as required by state law.

(a) Schools of auctioneering seeking approval of their curriculum shall file an application with the Board.

(b) A minimum of eighty-five (85) hours of classroom instruction in the fundamentals of auctioneering is required for graduation for auctioneers.

(c) Truthfulness, honesty and integrity of the profession must be emphasized in all coursework. Ethical conduct must also be stressed, in an auctioneer's dealings with fellow auctioneers, buyers and sellers, and the public-at-large.

(d) The laws of principal and agent must be clearly presented. Care must be taken to see that training sessions do not degenerate into random discussions.

(e) Specific "educational objectives" for each session must be identified. "Educational objectives" must be planned and coordinated so that an "overall educational objective" is achieved during the courses.

(f) An examination on the information presented must be administered at the end of each course of instruction; students shall be given credit for completing the course only after taking and passing such an examination.

(g) In order to be accepted as an approved school, and in order to remain approved, the course curriculum must contain classroom instruction in the following subjects:

- (1) Bid calling with drill
- (2) Auction laws and auctioneering ethics
- (3) Contract law
- (4) Law of Principal and agent
- (5) Conducting an auction
- (6) Clerking and cashiering
- (7) Auction advertising
- (8) Livestock auctions
- (9) Real estate auctions
- (10) Auction house auctions
- (11) Farm sales
- (12) Estate and Bankruptcy auctions
- (13) Machinery & equipment auctions
- (14) Automobile auctions
- (15) Business liquidations
- (16) Fund raisers and antique auctions

(h) In addition to classroom training, it is required that the student have experience in selling at a real auction. The practice of selling at a real auction must be a part of the supervised instruction offered by the school. Personal appearance, good manners, and showmanship should be stressed to all participants. "Hands-on" experience in clerking, cashiering and tagging and handling merchandise is also required.

(i) Academic excellence is as appropriate to an auction school as it is to any institution of learning. Personal appearances, good manners and showmanship are also important. Outstanding auction school instructors are more likely to find themselves being quoted and copied as role models. Highly successful auctioneers often become outstanding in the field of auction education. Outstanding, experienced auctioneers from as many fields of specialization as possible must be sought as teachers. Academic excellence must always remain in the forefront as a qualification for selection of school faculty. In view of the required subjects, a minimum of at least five instructors is required.

(j) Schools shall furnish each students who successfully completes their course of instruction with an official certification of graduation or diploma containing the student's name, the date the course was completed, and total number of hours attended and successfully completed by the student.

(k) The board may deny, suspend or revoke the approval of any school when it finds that the school has failed to meet or to continuously maintain any requirement, standard or procedure of this rule. Additionally, the board may suspend or revoke the approval of any school upon finding that any information required under this rule or provided in the school's application was knowingly falsified or misrepresented. (34-4-21)

Author: J. O. Blandenburg

Statutory Authority: Code of Ala. 1975, §34-4-21.

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Ed. Note: 150-X-1-.13 License Name And Number Nontransferable. Repealed and Rule .14 was renumbered to .12 as per certification filed July 24, 2007; effective August 28, 2007.

150-X-1-.13 Continuing Education.

(a) Biannual continuing education shall consist of six (6) clock hours of instruction.

(b) Hours in excess of the minimum biannual requirement may be carried forward for credit in the succeeding renewal period.

(c) New licensees who have taken the examination for their license within the twelve (12) months immediately preceding expiration of their licenses will be considered to have met the continuing education requirements for the renewal period. New reciprocal licensees who prove that their license in the reciprocal state whose license was recognized by Alabama was obtained by examination within twelve (12) months preceding expiration of their Alabama license will also be considered to have met the continuing education requirements for the renewal period.

(d) Reciprocal licensees whose home state requires continuing education for license renewal will be considered to have met the continuing education requirements of Alabama.

(e) Four (4) hours continuing education credit will be given to board members currently serving on the Alabama State Board of Auctioneers.

(f) Licensees who do not meet the requirements under sections (c), (d), and (e) of this Rule may meet the continuing education requirement by completing six (6) clock hours of instruction in one or more of the following:

(1) Any board approved course offered by an approved auctioneering school and taught by an approved instructor.

(2) Any course offered by the National Auctioneers Association (NAA) which provides credit toward any of the designations offered by the NAA as of October 1, 1994.

(3) Any seminar offered by the Alabama Auctioneers Association which is approved by the board.

(4) Any combination of courses which meet the requirements of the Alabama Real Estate Commission for continuing education.

(5) Any seminar underwritten by the board or its designated representative (hour for hour).

(6) Presentation of an auctioneer-related paper for a seminar or conference prepared and presented by the licensee (approval and credit determined by the Board).

(7) Publication of an auctioneer-related article in a board-recognized professional journal (approval and credit determined by the board).

(8) Any seminar or course which the board deems to be appropriately related to the auctioneering industry (hour for hour).

(g) The curriculum presented by the course sponsors listed above in Section F, (1-3) shall be "core" auctioneering subjects which will assist the licensee in fulfilling the board's objective of protecting the public from the unprofessional or unethical practice of auctioneers in this state. Some examples of acceptable subject matter are auctioneering ethics, appraisal and valuation, liability of auctioneers, writing contracts, and handling of funds. Examples of unacceptable subject matter are motivational courses, personal development courses, sales meetings, orientation courses, and courses in selling techniques. All course topics and content are subject to approval by the board.

(h) Every continuing education instructor, other than approved auction school instructors, must apply for approval by the board. No instructor may begin teaching a course offered for continuing education credit until he/she has received written approval to do so from the board.

(i) Each person seeking approval to teach an approved continuing education course, must possess one of the following qualifications:

(1) A bachelor's degree in the field of instruction;

(2) A valid teaching certificate from Alabama or another state authorizing the holder to teach in the field of instruction in which the person is to teach;

(3) Five (5) years full-time experience in a profession, trade or technical occupation in the applicable field;

(4) Any combination of at least five (5) years of full-time experience relevant to the applicable field and college level education with course work in the field of instruction.

(j) All course sponsors for courses listed in Section F (1-3) must apply for course approval from the board.

(k) Approved continuing education courses must be taught only by approved instructors. The approved instructor must be present at all times during the course offering.

(l) In order to be approved for continuing education credit, courses must contain a minimum of two (2) clock hours of instruction. No more than eight (8) clock hours of instruction may be offered in any one (1) day.

(m) Course sponsors may not hold courses out as approved nor may the course be offered for continuing education credit prior to the course sponsor receiving written approval from the board. Course sponsors should submit the application for approval from the board at least thirty (30) days prior to the proposed beginning date of the course.

(n) The instructor will issue an official ASBA Continuing Education Unit (CEU) Reporting Form to each student who completes the course of instruction. The CEU Reporting Form must be completed with the name of the course, course dates, and number of credit hours awarded for the course and must be issued in the name of the student and signed by the instructor. Students are responsible to return their completed CEU forms to the board for appropriate credit. The CEU Reporting Form is to provide confidential information regarding instructor performance and course satisfaction. Comments concerning instructor performance and coursework will be recorded and considered annually when evaluating the continuing education provider's application for board approval.

(o) Students must attend 100% of the course offering in order to be awarded continuing education credit. Credit will not be given for time spent on breaks, meals or other unrelated activities. (34-4-21)

Author: J. O. Blandenburg

Statutory Authority: Code of Ala. 1975, §34-4-21.

History: New Rule: Filed July 12, 1995; effective August 16, 1995.

Amended: Filed December 9, 1998; effective January 13, 1999.

Amended: Filed May 31, 2002; effective July 5, 2002. **Amended:** Filed January 29, 2003; effective March 5, 2003. **Amended:** Filed March 26, 2004; effective April 30, 2004. **Amended:** Filed July 24, 2007; effective August 28, 2007.

Ed. Note: Rule .15 was renumbered to .13 as per certification filed July 24, 2007; effective August 28, 2007.

150-X-1-.14 Board Policies And Procedures.

(a) Anyone wishing to address the board at a regularly scheduled board meeting will be required to submit a written request to the board no later than two weeks prior to the board meeting date. The request should include the topic to be addressed and the name(s)

of the presenter(s). If time permits, the matter will be placed on the board's agenda; otherwise, the matter will be placed on the agenda for the next regularly scheduled board meeting. All presenters will be given a time limit of fifteen (15) minutes to present their requests to the board.

(b) All proceedings of the Board shall be governed by Roberts Rules of Order, latest revised edition, except during disciplinary proceedings and except where otherwise provided in these rules.

(c) The board will issue letters verifying Alabama licensure (Letter of Verification) to any other state licensing board upon receipt of a written request from the licensee. The request should include the State Licensing Board the letter is to be sent to.

(d) The board should be notified immediately and in writing of a change of address for any licensee. The request for change of address should be signed by the licensee and accompanied by the \$5.00 change of address fee and the license certificate issued under the old address. A new license reflecting the new address will then be issued and forwarded to the licensee.

(e) Upon notification that a licensee's bond is subject to cancellation by his/her bonding company, the board will notify the affected licensee in writing of the company's intent to cancel coverage. The licensee will be required to furnish a new bond to the board before the old bond expires in order to remain in good standing with the board and prevent a lapse in licensure.

(f) A signed and completed Complaint Form is required in order to file an official complaint with the board. Anonymous complaints will not be accepted.

(g) The board must receive CEU Reporting Forms for all licensees in order to ensure proper credit for continuing education hours. CEU forms should be given to all attendees of approved continuing education by the education provider and should be signed by the instructor. The licensee is responsible to complete the questionnaire, sign it, and submit it to the board for proper credit.
(34-4-4)

Author: J.O. Blandenburg

Statutory Authority: Code of Ala. 1975, §34-4-21.

History: New Rule: Filed January 29, 2003; effective March 5, 2003.

Amended (Rule Number Only): Filed July 24, 2007; effective August 28, 2007. **Amended:** Filed July 21, 2015; effective August 25, 2015.

Ed. Note: Rule .16 was renumbered to .14 as per certification filed July 24, 2007; effective August 28, 2007.

**ALABAMA STATE BOARD OF AUCTIONEERS
ADMINISTRATIVE CODE**

**APPENDIX I
FEES**

\$150	Application Processing Fee for Reciprocal Licensure
\$100	Apprentice Annual Licensure Fee (due September 30 th each year)
\$200	Auctioneer (Individual) Annual Licensure Fee (due September 30 th each year)
\$200	Auctioneer (Company) Annual Licensure Fee (due September 30 th each year)
\$100	Auctioneer and Apprentice Examination Fee charged each time the exam is taken.
\$ 5	Change of Address Fee
\$ 20	Request for Conviction/Criminal History Record
\$ 25	Fine for late renewal of Apprentice License if renewed by November 30 th of expiration year. If not renewed by November 30 th of expiration year, the license is considered expired.
\$ 50	Fine for late renewal of Auctioneer License if renewed by November 30 th of expiration year. If not renewed by November 30 th of expiration year, the license is considered expired.

Author: State Board of Auctioneers

Statutory Authority: Code of Ala. 1975, §

History: New Rule: Filed May 31, 2002; effective July 5, 2002.

Amended: Filed January 29, 2003; effective March 5, 2003. **Amended:** Filed October 20, 2008; effective November 24, 2008. **Amended:** Filed January 7, 2011; effective February 11, 2011. **Amended:** Filed July 16, 2014; effective August 20, 2014. **Amended:** Filed February 11, 2015; effective March 18, 2015. **Amended:** Filed July 21, 2015; effective August 25, 2015.

ALABAMA STATE BOARD OF AUCTIONEERS
ADMINISTRATIVE CODE

APPENDIX II
FORMS ASSOCIATED WITH THESE RULES AND REGULATIONS

Application for Licensed Apprentice Auctioneer

Application for Licensed Auctioneer

Application for Reciprocal Licensure

Application for Continuing Education Provider

Application for Approved Auction School

Application for Licensed Auctioneer Renewal

Application for Licensed Apprentice Auctioneer Renewal

CEU Reporting Form

Change of Address Form

Complaint Form

Apprentice Auctioneer's Affidavit

Sponsoring Auctioneer's Affidavit

Principal Auctioneer's Affidavit

Auction Company Owner's Affidavit

AUCTION COMPANY OWNER'S AFFIDAVIT

As Owner of _____ (the "Company"), I hereby certify my acceptance of and compliance with the following regulations governing the conducting of auction business on behalf of the Company:

1. I understand that every company conducting auction business in the state of Alabama is required to have a Principal Auctioneer.
2. I understand that the Principal Auctioneer must be licensed as an Auctioneer in the state of Alabama and that his/her license must be in good standing with the Alabama State Board of Auctioneers. I understand that the Principal Auctioneer must also be an officer of the Company. I have provided a copy of the Company's official meeting minutes, resolution or other official action evidencing the Principal Auctioneer's election to that corporate office or his/her stated position in the Company.
3. I understand that if I am an Apprentice Auctioneer, I do not qualify to serve as the Company's Principal Auctioneer, even if I am the Company's owner. Only a duly licensed Auctioneer may serve as the Principal Auctioneer for an auction company.
4. I understand that if I am the sole owner and operator of the Company and a licensed Auctioneer in the state of Alabama, I am exempt from the requirement to obtain a separate auction company license, but I must still submit a completed auction company application form to the Alabama State Board of Auctioneers for its records. I do not have to submit an application or licensure fee for the auction company license if I am the sole owner and operator of the Company and a duly licensed Auctioneer in the state of Alabama.
5. I understand that the Principal Auctioneer is responsible for all the auction activities conducted on behalf of the Company. I understand that the Company may also have other officers and/or employees who are licensed Auctioneers and conduct auction business on behalf of the Company. I understand and acknowledge that only Auctioneers licensed in the state of Alabama may conduct auction business in Alabama on behalf of the Company.
6. I understand that only a licensed Auctioneer may offer, negotiate, or attempt to negotiate a contract for the sale of any goods or property, including real property, by means of public auction on behalf of the Company. I understand that it is a violation of Alabama law if an Auctioneer fails to enter into a written contract with the owner or cosignee of any property to be sold at public auction containing the terms and conditions on which the Auctioneer received the property for sale.
7. I understand that only a licensed Auctioneer may cry bids for any public auction held by the Company. I understand that once the Company obtains its auction company license, it may contract with other licensed Auctioneers to cry bids for the Company.
8. I understand that any Company advertisement for an auction sale must clearly and conspicuously identify the Principal Auctioneer's name and state license number, together with the name and state license number of any other Auctioneer responsible for the auction. In addition, Internet advertisements for specific auctions with online-bidding must also list the name and state license number of the Company's Principal Auctioneer.
9. I acknowledge and understand that any and all funds received from auction sales by the Company must be maintained in the Company's or the Principal Auctioneer's escrow account, as applicable.
10. I understand that as the Company's owner, I may keep account of and disperse any and all monies from the Company's or the Principal Auctioneer's escrow account, on terms agreed to by me, as the owner, and the Principal Auctioneer.
11. I understand that the Company and the Principal Auctioneer are both responsible to notify the Alabama State Board of Auctioneers if there is a change in the Company's Principal Auctioneer. I understand that this information must be provided to the Alabama State Board of Auctioneers in writing within thirty (30) days of such change.

12. I acknowledge and understand that my failure to abide by these requirements and any other applicable laws or Board rules may result in disciplinary action being taken against me, including, but not limited to, the suspension or revocation of my Company's auction license.

I hereby certify that I have read the Company's application in its entirety before signing this Affidavit and that, to the best of my knowledge, all of the information contained therein is true and correct. If asked to do so, I agree to appear in person before the Alabama State Board of Auctioneers in connection with the application.

Name of Owner

License # (if applicable)

Business Name and Address

City, State, Zip

Phone/Fax

Email Address

Signature of Owner

Subscribed and sworn before me this _____ day of _____, 20__.

Notary Public
My Commission Expires _____

(Notary Seal)

PRINCIPAL AUCTIONEER'S AFFIDAVIT

As Principal Auctioneer for _____ (the "Company"), I hereby certify my acceptance of and compliance with the following regulations governing the conducting of auction business on behalf of the Company:

1. I understand that every company conducting auction business in the state of Alabama is required to have a Principal Auctioneer.
2. I hereby certify that I am licensed as an Auctioneer in the state of Alabama and that my license is currently in good standing with the Alabama State Board of Auctioneers.
3. I understand that if I am an Apprentice Auctioneer, I do not qualify to serve as the Company's Principal Auctioneer, even if I am the Company's owner. Only a duly licensed Auctioneer may serve as the Principal Auctioneer for an auction company.
4. I also certify that I am an officer of the Company. My position with the Company is _____. I have provided a copy of the Company's official meeting minutes, resolution or other official action evidencing my election to that corporate office or my stated position in the Company.
5. I understand that if I am the sole owner and operator of the Company, I am exempt from the requirement to obtain a separate auction company license, but I must still submit a completed auction company application form to the Alabama State Board of Auctioneers for its records. I do not have to submit an application or licensure fee for the auction company license if I am the sole owner and operator of the Company.
6. I understand that as the Principal Auctioneer, I am responsible for all the auction activities conducted on behalf of the Company. I understand that the Company may also have other officers and/or employees who are licensed Auctioneers and who conduct auction business on behalf of the Company. I understand and acknowledge that only Auctioneers licensed in the state of Alabama may conduct auction business in Alabama on behalf of the Company.
7. I understand that only a licensed Auctioneer may offer, negotiate, or attempt to negotiate a contract for the sale of any goods or property, including real property, by means of public auction on behalf of the Company. I understand that it is a violation of Alabama law if an Auctioneer fails to enter into a written contract with the owner or cosignee of any property to be sold at public auction containing the terms and conditions on which the Auctioneer received the property for sale.
8. I understand that only a licensed Auctioneer may cry bids for any public auction held by the Company. I understand that once the Company obtains its auction company license, it may contract with other licensed Auctioneers to cry bids for the Company.
9. I understand that any Company advertisement for an auction sale must clearly and conspicuously identify my name and state license number, as the Principal Auctioneer, together with the name and state license number of any other Auctioneer responsible for the auction. In addition, Internet advertisements for specific auctions with online-bidding must also list my name and state license number as the Company's Principal Auctioneer.
10. I acknowledge and understand that any and all funds received from auction sales by the Company must be maintained in the Company's or the Principal Auctioneer's escrow account, as applicable.
11. I understand that the Company's owner may keep account of and disperse any and all monies from the Company's or the Principal Auctioneer's escrow account, on terms agreed to by the owner and the Principal Auctioneer.
12. I understand that I and the Company are both responsible to notify the Alabama State Board of Auctioneers if I am no longer serving as the Company's Principal Auctioneer. I understand that this information must be provided to the Alabama State Board of Auctioneers in writing within thirty (30) days of such change.

13. I acknowledge and understand that my failure to abide by these requirements and any other applicable laws or Board rules may result in disciplinary action being taken against me, including, but not limited to, the suspension or revocation of my Auctioneer license.

I hereby certify that I have read the Company's application in its entirety before signing this Affidavit and that, to the best of my knowledge, all of the information contained therein is true and correct. If asked to do so, I agree to appear in person before the Alabama State Board of Auctioneers in connection with the application.

Name of Principal Auctioneer

License #

Business Name and Address

City, State, Zip

Phone/Fax

Email Address

Signature of Principal Auctioneer

Subscribed and sworn before me this _____ day of _____, 20__.

Notary Public
My Commission Expires _____

(Notary Seal)

Author: State Board of Auctioneers

Statutory Authority: Code of Ala. 1975, §

History: New Rule: Filed May 31, 2002; effective July 5, 2002.

Amended: Filed January 20, 2016 effective March 5, 2016.