APA-2
11/96

Alabama State Board of Auctioneers

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Auctioneers

RULE NO. & TITLE: Appendices II Forms Associated with These Rules and Regulations

INTENDED ACTION: Amended

SUBSTANCE OF PROPOSED ACTION: The Board proposes to add affidavits for an apprentice auctioneer and their sponsoring auctioneer to be submitted with their applications and anytime there is a change in the sponsoring auctioneer for the apprentice auctioneer.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written comments will be received by the Board until 4:00 p.m. on Monday, October 5, 2015. Comments should be directed to Keith E. Warren, Executive Director at 2777 Zelda Road, Montgomery, AL 36106 or via electronic mail at keith@alstateboard.com or via telephone at 334-420-7235.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Monday, October 5, 2015.

CONTACT PERSON AT AGENCY: Keith E. Warren
Executive Director
2777 Zelda Road
Montgomery, AL 36106
(334) 420-7235

Keith E. Warren, *Executive Director*
Alabama State Board of Auctioneers

REC'D & FILED
AUG 20 2015
LEGISLATIVE REF SERVICE

APA-1
11/96

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control_____Department or Agency: Alabama State Board of Auctioneers
Rule No.: Appendices II
Rule Title: Forms Associated With These Rules and Regulations
_____New _X___Amend _____Repeal _____Adopt by Reference

Would the absence of the proposed rule significantly Harm or endanger the public health, welfare, or safety? ____Yes_____

Is there a reasonable relationship between the state's Police power and the protection of the public health, Safety, or welfare? ____Yes_____

Is there another, less restrictive method of regulation Available that could adequately protect the public? ____No_____

Does the proposed rule have the effect of directly or Indirectly increasing the costs of any goods or services Involved and, if so, to what degree? ____No_____

Is the increase in cost, if any, more harmful to the public Than the harm that might result from the absence of The proposed rule? ____No_____

Are all facets of the rulemaking process designed solely For the purpose of, and so they have, as their primary Effect, the protection of the public? ____Yes_____

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Does the proposed rule have an economic impact? ____No_____

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama, 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer _____

Date: ____August 20, 2015

REC'D & FILED

AUG 20 2015

(DATE FILED)
(STAMP)

LEGISLATIVE REF SERVICE

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

Author: State Board of Auctioneers
Statutory Authority: Code of Ala. 1975
History: New Rule: Filed May 31, 2002; effective July 5, 2002.

APPRENTICE AUCTIONEER'S AFFIDAVIT

As an Apprentice Auctioneer, I hereby certify my acceptance of and compliance with the following regulations governing my apprenticeship:

1. I understand that my Sponsoring Auctioneer must directly supervise any auction sale that I conduct and that he/she must be present at the auction sale site. In the event my 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 at that sale in compliance with the Board's requirements and file the appointment with the Board office in advance of the sale.
2. I understand that I may not call bids at an auction unless my Sponsoring Auctioneer or his/her designee is present at the auction.
3. I understand that I may not enter into an agreement to conduct an auction without my Sponsoring Auctioneer's express written consent noted on the document; I may sign a contract in order to indicate that I procured the client and the auction.
4. I understand that any advertisement for an auction sale must clearly and conspicuously identify the name and ASBA license number of my Sponsoring Auctioneer in equal prominence with my name and state license number, if I will be conducting auction business.
5. I acknowledge and understand that any and all funds I receive from auction sales must be maintained in my Sponsoring Auctioneer's escrow account and that the Sponsoring Auctioneer is solely responsible for keeping the account of and dispersing any and all monies received at auction. I further understand that I may not sign a closing statement or have an escrow account in my name as a depository for auction proceeds; however, I may take part in the closing and settlement proceedings of an auction.
6. I understand that both I and my Sponsoring Auctioneer are required to maintain current bonds as required under Alabama law.
7. I understand that my license must remain in my Sponsoring Auctioneer's possession and that my license remains valid only so long as I remain under my Sponsoring Auctioneer's employment or supervision. In the event I am discharged/terminated from my employment with my Sponsoring Auctioneer, I understand that my Sponsoring Auctioneer will immediately deliver my license to the Board office or mail it to the Board office by First Class or Certified Mail, together with the written notice of termination, within thirty days of the termination of my sponsorship. I understand that I may not conduct any auction business or perform any acts under my license until I obtain a new Sponsoring Auctioneer and a new license bearing the name and address of the new Sponsoring Auctioneer.
8. I understand that in order to meet the requirements for licensure as an Auctioneer, I must serve at least two years under the Sponsoring Auctioneer and have been the principal auctioneer in at least ten auctions of real or personal property during my apprenticeship. If I completed the prescribed course of study at an accredited auctioneer school approved by the Board, I must serve a one-year apprenticeship and must have been the principal auctioneer in at least five or more auctions of real or personal property during my apprenticeship.
9. When I have completed the required number of months as an Apprentice and conducted the required number of sales, I understand that, along with the list of required auctions, I must submit proof that my Sponsoring Auctioneer's name was included on the advertisements for all such auctions and copies of cancelled checks showing that the auction funds went through the escrow account of my Sponsoring Auctioneer.
10. I understand that an Apprentice Auctioneer cannot be named as the principal auctioneer for any auction company.

11. I understand that while I am an Apprentice, I may be employed by another licensed auctioneer (other than the Sponsoring Auctioneer) if I notify the Board of such employment, as required by the Board office. The notification must include my Sponsoring Auctioneer's written agreement and the agreement of the non-sponsoring employer auctioneer to assume the duties of the Sponsoring Auctioneer during the term of employment. The form must be signed by me, the Sponsoring Auctioneer and the non-sponsoring employer auctioneer. The non-sponsoring employer auctioneer must meet the same requirements as the Sponsoring Auctioneer, including being currently licensed as an auctioneer in good standing in the state of Alabama and a resident of this state.

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 and/or my Sponsoring Auctioneer, including, but not limited to, the suspension or revocation of either license.

13. I understand that the revocation of my Sponsoring Auctioneer's license will automatically suspend my Apprentice Auctioneer license. I may retain my license by transferring to the employment of another licensed Auctioneer within twenty-one days.

If asked to do so, I agree to appear in person before the Alabama State Board of Auctioneers in connection with my application.

_____

Name of Apprentice Auctioneer Applicant

_____

Business Name and Address

_____

City, State, Zip

_____

Phone/Fax

_____

Email Address

_____

Signature of Apprentice Auctioneer Applicant

Subscribed and sworn before me this_____ day of_____, 20__.

_____

Notary Public

My Commission Expires _____

(Notary Seal)

SPONSORING AUCTIONEER'S AFFIDAVIT

As Sponsoring Auctioneer, I hereby certify my acceptance of and compliance with the following regulations governing the sponsorship of _____, as an Apprentice Auctioneer:

1. I hereby certify that I am a resident of the state of Alabama, that I have been licensed as an Auctioneer in this state for at least two years and that my license is currently in good standing with the Alabama State Board of Auctioneers.
2. I agree to assume responsibility for the acts of the Apprentice in the conduct of auction business and sales, and I agree to be present at the sale site and directly supervise any auction sale conducted by the Apprentice. In the event I cannot attend a particular sale, I agree to make a written appointment of a qualified, licensed Auctioneer to act in my stead at that sale in compliance with the Board's requirements and file the appointment with the Board office in advance of the sale.
3. I understand that the Apprentice may not call bids at an auction unless I, or, if I am unable to be present, my designee are present at the auction.
4. I acknowledge my responsibility as Sponsoring Auctioneer to execute any legal document relating to conducting or offering to conduct any auction. I understand that the Apprentice may not enter into an agreement to conduct an auction without my express written consent noted on the document. The Apprentice may sign a contract in order to indicate that he/she procured the client and the auction.
5. I understand that any advertisement for an auction sale must clearly and conspicuously identify my name and ASBA license number, as the Sponsoring Auctioneer, in equal prominence with the name and state license number of the Apprentice, if he/she will be conducting auction business.
6. I acknowledge and understand that any and all funds received from auction sales by the Apprentice must be maintained in my escrow account as the Sponsoring Auctioneer and that I am solely responsible for keeping the account of and dispersing any and all monies received at auction. I further understand that the Apprentice may not sign a closing statement or have an escrow account in his/her name as a depository for auction proceeds; however, the Apprentice may take part in the closing and settlement proceedings of an auction.
7. I understand that both I, as Sponsoring Auctioneer, and the Apprentice are required to maintain current bonds, as required under Alabama law.
8. I understand that the Apprentice's license must remain in my possession and that the Apprentice's license remains valid only so long as the Apprentice remains under my employment or supervision. In the event I discharge/terminate my employment with the Apprentice, I agree to immediately deliver the Apprentice's license to the Board office or mail it to the Board office by First Class or Certified Mail, together with the written notice of termination, within thirty days of the termination of the sponsorship. I understand that the Apprentice may not conduct any auction business or perform any acts under his/her license until he/she obtains a new Sponsoring Auctioneer and a new license bearing the name and address of the new Sponsoring Auctioneer.
9. I understand that in order to meet the requirements for licensure as an Auctioneer, the Apprentice must serve at least two years under the Sponsoring Auctioneer and have been the principal auctioneer in at least ten auctions of real or personal property during his/her apprenticeship. An Apprentice who has completed the prescribed course of study at an accredited auctioneer school approved by the Board must serve a one-year apprenticeship and must have been the principal auctioneer in at least five or more auctions of real or personal property during his/her apprenticeship.

10. When the Apprentice has completed the required number of months as an Apprentice and conducted the required number of sales, he/she must submit, along with the list of required auctions, proof that the Sponsoring Auctioneer's name was included on the advertisements for all such auctions and copies of cancelled checks showing that the auction funds went through the escrow account of the Sponsoring Auctioneer.

11. I understand that an Apprentice Auctioneer cannot be named as the principal auctioneer for any auction company.

12. I understand that the Apprentice may be employed by another licensed auctioneer (other than the Sponsoring Auctioneer) if the Apprentice notifies the Board of such employment as required by the Board office. The notification must include my written agreement as the Sponsoring Auctioneer and the agreement of the non-sponsoring employer auctioneer to assume the duties of the Sponsoring Auctioneer during the term of employment. The form must be signed by me as the Sponsoring Auctioneer, the Apprentice and the non-sponsoring employer auctioneer. The non-sponsoring employer auctioneer must meet the same requirements as the Sponsoring Auctioneer, including being currently licensed as an auctioneer in good standing in the state of Alabama and a resident of this state.

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 and/or the Apprentice, including, but not limited to, the suspension or revocation of either license.

14. I understand that revocation of my Auctioneer license will automatically suspend the Apprentice's Auctioneer license. The Apprentice may retain his/her license by transferring to the employment of another licensed Auctioneer within twenty-one days.

I hereby certify that I have read _____'s completed Apprentice Auctioneer application in its entirety before signing this Affidavit and that, to the best of my knowledge, _____ is a person of honesty, truthfulness and integrity. 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 Sponsoring Auctioneer

_____

License #

_____

Business Name and Address

_____

City, State, Zip

_____

Phone/Fax

_____

Email Address

_____
Signature of Sponsoring Auctioneer

Subscribed and sworn before me this_____ day of_____, 20__.

_____
Notary Public
My Commission Expires _____

(Notary Seal)