



Alabama State Board of Auctioneers
2740 Zelda Rd, Box #5 (Mailing)
Montgomery, AL 36106
Phone: 334-420-7235
Fax: 334-263-6115

Email: auctioneers@alstateboard.com

Website: www.auctioneer.alabama.gov

RE: Licensing of Companies Engaging in the Online Auction Business

Dear Licensee:

This letter is to inform you that effective January 11, 2025, pursuant to the provisions of ALA. ADMIN. CODE r. 150-X-1-.02, ALA. ADMIN. CODE r. 150-X-1-.02.01 and ALA. CODE §§ 34-4-20 and -28 (1975 as amended), companies engaging in the online auction business in the State of Alabama will be required to obtain a license from the Alabama State Board of Auctioneers and to maintain that license through annual renewals.

The licensure requirement applies to any legal entity which engages in the business of auctioneering, as defined by the Auctioneers License Act and the Board's rules. 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; however, auctioneers fitting within this exemption must still complete and file an auction company application with the Board; however, the license fee does not apply. **If your online auction company is not exempt, then you must submit the application and licensure fee of \$200.00.**

Online auction companies operating without a license after September 30, 2025, may be considered to be in violation of ALA. CODE §34-4-20 (1975 amended) and subject to the applicable penalties and provisions of the Auctioneers License Act.

Enclosed you will find an application for an online auction firm license. Please complete the application and submit it along with the application/license fee of \$200.00 (if applicable) to your company. Depending on the number of owners, please submit one ONLINE AUCTION COMPANY OWNER'S AFFIDAVIT per owner, along with one SIGNED CITIZENSHIP FORM and one FORM OF ID.

Should you have any questions regarding this letter, please direct them to my office at the above-listed number. You may also consult the Board's website at www.auctioneer.alabama.gov for further information and a copy of Rule 150-X-1-.02 and Rule 150-X-1-.02.01 or <https://admincode.legislature.state.al.us/administrative-code/150-X-1-.02.01>.

Sincerely,

Keith E. Warren, Executive Director

**BEFORE YOU FILE YOUR APPLICATION FOR AN ONLINE AUCTION FIRM LICENSE,
BE CERTAIN YOU HAVE ALL OF THESE DOCUMENTS COMPLETED OR PROVIDED FOR REVIEW
BY THE BOARD'S EXECUTIVE DIRECTOR.**

ANY INCOMPLETE APPLICATIONS WILL BE RETURNED TO YOU.

Please pay additional attention to the following items that are commonly overlooked.

Section 1: Federal Employer's ID Number or Social Security Number; whichever number coincides with your Federal Income Tax Filing.

Section 2: Type of Business – you must complete this section. If your company is anything other than a sole proprietorship (i.e., corporation, partnership, limited liability company, etc.), YOU MUST ATTACH a copy of the company's articles evidencing formation, organization, or incorporation. A sole proprietorship has only one owner.

Section 4: The Board encourages you to read its Rules and Regulations before completing this section, especially Rule 150-X-1-.02 – Application for Auctioneer's License and Rule 150-X-1-.02.01 – Online Auction Firm.

For corporate entities other than sole proprietorships, the qualifying Agent must be a part owner/member of the company and/or have an office/position within the company. As proof thereof, YOU MUST ATTACH a copy of the company's official meeting minutes, resolution or other official action evidencing the qualifying Agent's election to the corporate office or the auctioneer's stated position in the company. All such corporate minutes or resolutions or must be executed on behalf of the company by the appropriate corporate officers; any legal agreement between the company and the qualifying Agent must be signed by the auctioneer, if you have a licensed auctioneer on staff and all corporate owners. Alabama law also requires that you provide proof of citizenship for the qualifying Agent and ALL other company owners.

Please be advised that the Board office cannot provide legal advice regarding the formation of an auction company. If you require assistance, you are advised to consult an attorney or certified public accountant.

Page 4: Escrow Account Form – An escrow account must be established for your online auction company. The company shall create such an account in its own name. In lieu of an escrow account, the company may establish a regular checking account that will be used solely for handling all monies received at auction and disbursed to sellers. This account may not be utilized to pay the company's everyday expenses, such as utilities, cleaning services, or food purchases. If for some reason your company won't be handling funds, please provide a written explanation therefore and submit it with your application.

Any application that is incomplete will be returned to the applicant to the mailing address stated on this application, along with payment submitted.



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APPLICATION FOR ONLINE AUCTION FIRM LICENSE FOR THE YEAR 2025-2026

1. Business name in which license will be issued.

Trade name or dba name, if different from business name.

a) **Mailing** address _____

(Street & Number) (City) (State) (Zip Code)

b) **Physical** address (P.O. Boxes will not be accepted)

(Street & Number) (City) (State) (Zip Code)

c) **Business** phone: _____ d) **Business** Fax: _____

e) **Business** email address: _____

Federal Employer's ID Number _____

2. Is applicant a corporation _____, partnership _____, association _____, company _____, limited liability company _____, or proprietorship _____ (individual).

State of formation, organization or incorporation _____

Attach copy of articles evidencing formation, organization or incorporation.

If the company is a foreign entity, provide evidence that the company is authorized to do business in this state and is registered with the Alabama Secretary of State.

3. Branch office(s) address(es), if any _____

4. Name of qualifying Agent and office or position in company. **Authority to transact business on behalf of the company shall be restricted to the qualifying Agent named in the license.**

Name

Office or Position

Mailing address _____

(Street & Number) (City) (State) (Zip Code)

Social Security Number _____

Attach a copy of the company's official meeting minutes, resolution or other official action evidencing the agent's election to the corporate office named above.

Proof of Citizenship is required for the qualifying Agent and ALL other company owners.

5. If applicable, list all auctioneers and apprentices who are affiliated with the company. Indicate status (apprentice or auctioneer). Use additional pages as needed.

Name

Address

AL License No.

Status

6. Provide names of all non-auctioneer company owners.

7. Has any partner, officer or director of the company ever been indicted or convicted on charges involving embezzlement, obtaining money under false pretenses, larceny or extortion? **NO** _____ **YES** _____ (If **YES**, attach all court documentation and a letter of explanation).

8. Are there any civil suits or judgments pending against any partner, officer or director of the company at this time? **NO** _____ **YES** _____ (If **YES**, attach all court documentation and a letter of explanation).
9. Has any partner, officer or director of the company ever had an auctioneer's license, real estate broker's license or any other type of occupational license suspended, revoked, refused or disciplined by this State or any other State? **NO** _ **YES** _____ (If **YES**, attach a letter of explanation).
10. Does the qualifying Agent for the company understand and accept that he/she will be held accountable for all professional actions of all members and employees of the firm when operating within the scope of their professional activities?
- NO** _____ **YES** _____ (If **NO**, attach a letter of explanation).

AFFIDAVIT

By submitting this application to the Alabama State Board of Auctioneers for a license to conduct the business of auctioneering under the provisions of the Auctioneer License Act, as amended, the undersigned swears or affirms that he/she has read and is thoroughly familiar with the provisions of the aforementioned Act and agrees to fully comply with them. The undersigned further swears or affirms that all of the information given in this application is true and complete to the best of his/her knowledge and belief.

Signature of Qualifying Agent

Signature of Company Owner

Print Name

Print Name

Subscribed and sworn to before me this _____ of _____, 20____.

Notary Public

County State

(SEAL)

My Commission expires _____.

Pursuant to Alabama Code § 34-4-29(c)(4) (1975 as amended), the Alabama State Board of Auctioneers may suspend, revoke or refuse to renew any license issued by the Board for failure to keep or maintain any money belonging to others in an escrow or trustee account. Accordingly, please complete the following:

_____ The undersigned does handle funds belonging to others or intends to do so in the future.

PLEASE HAVE YOUR BANK COMPLETE THE FOLLOWING AND RETURN TO THIS OFFICE.

Auction Company Name and Address: _____

Escrow Account Number: _____

Bank name: _____

Address: _____

Telephone number: _____

Printed Name of Bank Officer

Signature of Bank Officer

Date

I hereby certify that the foregoing information is true and correct to the best of my knowledge. I further understand that I have a continuing duty to notify the Board in the event that any of the information contained herein changes. The Alabama State Board of Auctioneers or its agent/designee is hereby authorized to audit any escrow account(s) referenced above.

Auction Company Owner and Escrow Account Holder (Please Print)

By: _____

(Authorized Signature)

(Printed Name)

(Date)

Notary Public

County

State

(SEAL)

My Commission expires _____.

QUALIFYING AGENT'S AFFIDAVIT

As qualifying Agent 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 online auction business in the state of Alabama is required to have a qualifying Agent that shall be designated by an online auction business to bear responsibility for the online auction business to conduct transactions within the guidelines established by the Board of Auctioneers,.
2. I hereby certify that I am the designated qualifying Agent who shall transact all business under this license, and I bear all responsibility that this online auction business shall conduct transactions within the guidelines established by the Board of Auctioneers.
3. 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.
4. I understand that if I am the sole owner and operator of the Company and I am licensed as an Auctioneer in the state of Alabama, I am exempt from the requirement to obtain a separate online auction company license, but I must still submit a completed online 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 online auction company license if I am the sole owner and operator of the Company.
5. I understand that as the designated qualifying Agent, 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 other than the designated qualifying Agent, only Auctioneers licensed in the state of Alabama may conduct auction business in Alabama on behalf of the Company.
6. I understand that only the designated qualifying Agent or 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 a qualifying Agent or 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 qualifying Agent or Auctioneer received the property for sale.
7. I understand that any Company advertisement for an online auction sale must clearly and conspicuously identify the name and state license number of the online auction firm, together with the name and state license number of any other Auctioneer responsible for the auction if applicable.
8. I acknowledge and understand that any and all funds received from auction sales by the Company must be maintained in the Company's escrow account.
9. I understand that the Company's owner shall keep account of and disperse any and all monies from the Company's escrow account.
10. 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 designated qualifying Agent. I understand that this information must be provided to the Alabama State Board of Auctioneers in writing within thirty (30) days of such change.
11. I acknowledge and understand that my or my Company's failure to abide by these requirements and any other applicable laws or Board rules may result in disciplinary action being taken against me or the Company, including, but not limited to, the suspension or revocation of my Online Auction Firm 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 Qualifying Agent

License # (if applicable)

Business Name and Address

City, State, Zip

Phone/Fax

Email Address

Signature of Qualifying Agent

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

Notary Public

My Commission Expires _____

(Notary Seal)

ONLINE 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 online auction business on behalf of the Company:

1. I understand that every company conducting online auction business in the state of Alabama is required to have a designated qualifying Agent.
2. I understand that the designated qualifying Agent must 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 designated qualifying Agent's election to that corporate office or his/her stated position in the Company.
3. 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 online auction company license, but I must still submit a completed online 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 online auction company license if I am the sole owner and operator of the Company and a duly licensed Auctioneer in the state of Alabama.
4. I understand that the designated qualifying Agent 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 the designated qualifying Agent or Auctioneers licensed in the state of Alabama may conduct auction business in Alabama on behalf of the Company.
5. I understand that only the designated qualifying Agent or 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 the designated qualifying Agent or 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 designated qualifying Agent or Auctioneer received the property for sale.
6. I understand that any Company advertisement for an online auction sale must clearly and conspicuously identify the name and state license number of the online auction firm, together with the name and state license number of any other Auctioneer responsible for the auction if applicable.
7. I acknowledge and understand that any and all funds received from auction sales by the Company must be maintained in the Company's escrow account.
8. I understand that as the Company's owner, I shall keep account of and disperse any and all monies from the Company's escrow account, on terms agreed to by me, as the owner.
9. I understand that the Company and the designated qualifying Agent are both responsible to notify the Alabama State Board of Auctioneers if there is a change in the Company's designated qualifying Agent. I understand that this information must be provided to the Alabama State Board of Auctioneers in writing within thirty (30) days of such change.
10. 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)

CITIZENSHIP *This section to be completed in compliance with Ala. Code § 34-14A-7 and Ala. Code § 41-13-7.*

This section must be completed by the individual responsible in charge or if the responsible in charge is incorporation, limited Liability Company, or partnership by the responsible in charge.

1) Are you a citizen of the United States?

___ Yes ___ No If "yes" please read the declaration below and sign.

If "no," see question 2 below.

PROVIDE PROOF BY SUBMITTING ONE OF THE ITEMS LISTED ON ATTACHMENT

I hereby declare that I am a citizen of the United States of America and, I sign this declaration under penalties of perjury; making a false, fictitious, or fraudulent statement or representation in this declaration is perjury in the second degree pursuant to Ala. Code § 13A-10-102.

Signature

Date

2) If you are not a citizen of the United States, are you an alien who is lawfully present in the United States of America?

___ Yes ___ No If "yes" please read the declaration below and sign.

PROVIDE PROOF BY SUBMITTING ONE OF THE ITEMS LISTED ON ATTACHMENT

I hereby declare that I am an alien lawfully present in the United States of America. I sign this declaration under penalties of perjury; making a false, fictitious, or fraudulent statement or representation in this declaration is perjury in the second degree pursuant to Ala. Code § 13A-10-102.

Signature

Date

PROOF OF CITIZENSHIP
Code of Alabama 1975, Section 31-13-29(g)
From Act 2012-491

1. A driver's license or nondriver's identification card issued by the Alabama Department of Public Safety or the equivalent governmental agency of another state within the United States, provided that the governmental agency of another state within the United States requires proof of lawful presence in the United States as a condition of issuance of the driver's license or nondriver's identification card.
2. A birth certification indicating birth in the United States or one of its territories.
3. Pertinent pages of a United States valid or expired passport identifying the person and the person's passport number, or the person's United States passport.
4. United States naturalization documents on the number of certificate of naturalization.
5. Other documents or methods of proof of United States citizenship issued by the federal government pursuant to the Immigration and Nationality Act of 1952, as amended.
6. Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.
7. A consular report of birthday abroad of a citizen of the United States of America.
8. A certification of citizenship issued by the United States Citizenship and Immigration Services.
9. A certification of report of birth issued by the United States Department of State.
10. An American Indian card, with KIC classification, issued by the United States Department of Homeland Security.
11. Final adoption decree showing the person's name and United States birthplace.
12. An official United States military record of service showing the applicant's place of birth in the United States.
13. An extract from a United States hospital record of birth created at the time of the person's birth indicating the place of birth in the United States.
14. AL-Verify.
15. A valid Uniformed Services Privileges and Identification Card.
16. Any other form of identification that the Alabama Department of Revenue Authorizes, through administrative rule promulgated pursuant to the Alabama Administrative Procedure Act, to be used to demonstrate or confirm a person's United States citizenship or lawful presence in the United States, provided that the identification requires proof of lawful presence in the United States as a condition of issuance.

PROOF LAWFUL PRESENCE OF NON-CITIZEN

Code of Alabama 1975, Section 31-13-3-(10)

1. A valid, unexpired Alabama driver's license.
2. A valid, unexpired Alabama nondriver's identification card.
3. A valid tribal enrollment card or other form of tribal identification bearing a photograph or other biometric identifier.
4. Any valid United States federal or state government issued identification document bearing a photograph or other biometric identifier, if issued by an entity that requires proof of lawful presence in the United States before issuance.
5. A foreign passport with an unexpired United States Visa and a corresponding stamp or notation by the United States Department of Homeland Security indicating the bearer's admission to the United States.
6. A foreign passport issued by a visa waiver country with the corresponding entry stamp and unexpired duration of stay annotation or an I-94W form by the United State Department of Homeland Security indicating the bearer's admission to the United States.