ALABAMA STATE BOARD OF AUCTIONEERS
ADMINISTRATIVE CODE

CHAPTER 150-X-1
RULES AND REGULATIONS

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150-X-1-.01 Definitions.

(1) Auctioneer: The term auctioneer shall include any person selling real estate, goods, wares, merchandise, automobiles, livestock, or other things of value by or at public auction.

(2) Auction: Any public sale of property or goods, which includes any chattels, goods, merchandise, real or personal property or commodities of any form or type which may lawfully be kept or offered for sale in any manner, whether in person, via written offers or bids, or online, when offers or bids are made by a prospective purchaser and the property is intended to be sold to the highest bidder.

(3) 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.

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

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

(6) 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.

(7) 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.

(8) 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.

(9) Personal Auction: Any person selling his or her own goods at public or online auction.

(10) Public Sale: All members of the community (1) have an opportunity to publicly bid; (2) are sufficiently notified of the time, place, and collateral to be sold and (3) have access to the location of the sale and the collateral.

(11)Single Day Auction: A singular auction event for a fee held by a company licensed in accordance with another state's law conducted by an auctioneer licensed in accordance with another state's laws.

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 January 18, 2002; effective February 22, 2002. **Amended:** Filed January 29, 2003; effective March 5, 2003. **Amended:** Filed October 4, 2013; effective November 8, 2013. **Amended:** Filed June 19, 2019; effective August 3, 2019. **Amended:** Published February 28, 2022; effective April 14, 2022. **Amended:** Published November 27, 2024; effective January 11, 2025.

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 (1) to have been licensed in reciprocating state for two (2) years prior to application for reciprocity, or (2) to have attended auction school and/or have worked in the auction industry in the reciprocating state for the equivalent of a two (2)-year apprenticeship. 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-1icensure 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.

(j) Any person licensed by the Board as an auctioneer or as an apprentice auctioneer may elect an inactive status license by notifying the Board in writing or by properly completing and submitting the form provided on the Board's website. This notification must be received by the Board at least thirty (30) days before the license is due to expire.

1. Only active licenses may elect inactive status; an expired license is not eligible for an inactive status certificate.

2. To qualify for inactive status, a licensee must not be actively engaged in auctioneering or the auction business.

3. The fee for the issuance of an inactive status shall be determined by the Board.

4. To reinstate an inactive certificate to an active license, the licensee must pay the appropriate renewal fee and provide proof of satisfactory completion of 6 hours of approved continuing education.

(k) To conduct a single auction per calendar year in the State of Alabama, applicants must meet the following requirements:

1. The individual and company must be a licensed auctioneer or a licensed auction company or firm in another state in good standing.

2. The individual and company must meet all current requirements of an Alabama Auctioneer or Auction Company.

3. The company must not be a State of Alabama domiciled business.

4. The company may employ an Alabama Licensed Auctioneer to conduct the sale but it is not required.

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.
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Amended: Filed October 10, 2014; effective November 14, 2014.
Amended: Filed February 9, 2018; effective March 26, 2018.
Amended: Published February 28, 2022; effective April 14, 2022.

150-X-1-.02.01 Online Auction Firm.

(1) Any online auction firm applying for an online auction firm license shall furnish the following information to the Board. As defined by Administrative Rule 150-X-1-.01(2).

a. A completed and signed application form, as prescribed by the Board, accompanied by the appropriate filing fee determined by the Board.

b. 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 Secretary of State, in accordance with Article 15 of Title 10, Code of Ala., 1975;

c. Prior to the issuance of a license, each online auction firm is responsible to account for or remit funds of others that came into its possession and shall provide the name of the bank and the account number of any escrow or trustee account wherein the funds of others held are maintained.

d. The term qualifying Agent shall include a person designated by an online auction firm to bear responsibility that online auction business conducts transactions within the guidelines established by the Board of Auctioneers, as defined by Administrative Rule 150-X-1-.01(2).

e. Authority to act as qualifying agent(s) and to transact business under the license shall be designated on the application and named on the license.

f. Written notification of a change in the qualifying agent(s) authorized to transact business under the license shall be provided to the Board within thirty (30) days of such change.

g. Any advertisements for an online auction sale must identify the name and license number of the online auction firm.

h. All qualifying agents must meet the same Continuing Education requirements as a licensed auctioneer.

i. An online auction firm license is required effective 1 January, 2025, due annually by September 30th.

Author: Board of Auctioneers
Statutory Authority: Code of Ala. 1975, §34-4-4.
History: **New Rule:** Published November 27, 2024; effective January 11, 2025.

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; 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. **Amended:** Filed January 18, 2002; effective February 22, 2002. **Amended:** Filed July 24, 2007; effective August 28, 2007. **Amended:** Filed October 4, 2013; effective November 8, 2013. **Amended:** Filed June 19, 2019; effective August 3, 2019.

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, to include, but not be limited to, contract law; law of principal and agent; accounting terminology; advertising; and types of auctions.

(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 is has been graded in order to ensure the validity of the examination.

(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.
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 January 18, 2002; effective February 22, 2002. **Amended:** Filed January 29, 2003; effective March 5, 2003. **Amended (Rule Number Only):** Filed July 24, 2007; effective August 28, 2007. **Amended:** Filed June 19, 2019; effective August 3, 2019.

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 shall be made payable to the board. Cash payment will not be accepted. 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.
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 18, 2002; effective February 22, 2002. **Amended:** Filed January 29, 2003; effective March 5, 2003. **Amended:** Filed July 24, 2007; effective August 28, 2007. **Amended:** Filed June 19, 2019; effective August 3, 2019.

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 I 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 Disciplinary Actions.

(a) Proceedings to revoke or suspend a license or to take action against a licensee or non-1icensee for violations of the Auctioneer License Act, Section 34-4-1, et seq., Code of Ala. 1975, or the rules promulgated by the Board may be initiated by any person upon the filing of a complaint with the Board office. Proceedings to deny an application for licensure may be initiated by the Board without a complaint under the direction of the Executive Director.

(b) A complaint initiated by an individual or entity against a licensee or non-1icensee shall be in writing and shall contain:

(1) The name and address of the complaining party, as well as the name and address of the individual or entity against which the complaint has been filed.

(2) A plain and concise statement of the facts which indicate that the provisions of the Auctioneer License Act, Section 34-4-1, et seq., Code of Ala. 1975, or the rules promulgated by the Board have been violated.

(3) The signature of the complainant.

(c) Upon receiving a complaint, the Executive Director shall refer the complaint to one member of the Board, the Board's attorney and the Board Investigator, who together with the Executive Director, shall comprise the Investigative Committee. The Executive Director shall endeavor to assign the complaint to the Board member representing the congressional district in which the licensee or non-1icensee resides and/or the alleged violation occurred. The Board's Investigator shall investigate the complaint and issue a written report of his findings to the Investigative Committee, which shall determine appropriate action and/or whether probable cause exists that a violation of the Board's law or its rules has occurred. If charges are filed, the Board member who was a member of the Investigative Committee that made the probable cause determination shall not sit as a member of the Board at the disciplinary hearing held pursuant to the charges. In the event the Investigative Committee determines that probable cause does not exist, no further action will be taken, and the complainant will be notified that the complaint has been closed.

(d) The Board shall instruct its counsel to prepare charges once the Investigative Committee determines that probable cause exists.

(e) The charges shall be sent by certified mail, return receipt requested, to the most recent address of the respondent and shall be mailed at least twenty-one (21) days prior to the scheduled

date of the hearing. The Board's Investigator may also affect personal service on the respondent. If the applicant or licensee is an apprentice auctioneer, the Board shall also notify the apprentice's sponsor and/or non-sponsoring employer auctioneer by mailing notice by certified mail to the auctioneer's last known address of record with the Board.

(f) The charges will contain a short and plain statement of the matters asserted and give notice in compliance with the Alabama Administrative Procedure Act, Section 41-22-12(b), and Section 34-11-11, Code of Ala. 1975. If the Board is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

(g) The Board may, in its discretion, and subject to the applicable provisions of the Alabama Administrative Procedure Act, appoint a person to act as Hearing Officer at disciplinary hearings. In the event a Hearing Officer is appointed to preside at the hearing, he or she shall rule on all questions of evidence and procedure, notwithstanding any other provisions of these rules to the contrary, and shall submit a written recommendation to the Board, including recommended finding of facts and conclusions of law.

(h) Upon application to the Hearing Officer, or the person appointed to act as Hearing Officer, the Board's attorney or the respondent may seek the deposition upon oral examination of any person or an order for production and copying of documents and things against any person. The discovery must be had in accordance with any terms and conditions imposed by the Hearing Officer, or the person appointed to act as Hearing Officer. The Hearing Officer, or the person appointed to act as Hearing Officer, may impose any such terms and conditions as are just upon discovery in order to protect a person from annoyance, embarrassment, oppression, or undue burden or expense.

(i) The procedure and format of the hearing shall be the same as that utilized in non-jury civil matters in the circuit courts of this state and shall comply with the provisions of the Alabama Administrative Procedure Act. Additionally, the Board is allowed the right to examine any witness called by either party. Evidence shall be admitted in accordance with Section 41-22-13, Code of Ala. 1975. If the respondent fails or refuses to appear, the Board may proceed to hear and determine the validity of the charges in the respondent's absence upon submission of proof that the respondent has been duly notified of the charges against him or her and of the date, time and place of the hearing, in accordance with Section 41-22-12(d), Code of Ala. 1975.

(j) The Board will consider the Hearing Officer's recommendations and shall issue an appropriate administrative order approving,

modifying or rejecting the Hearing Officer's recommendation within thirty (30) days after the recommendation is submitted to the Board. An affirmative vote of a majority of the Board is required to suspend or revoke a license. In addition to denying, revoking or suspending a license, the Board may levy and collect administrative fines for violations of the Auctioneer License Law or the Board's rules of not less than Two Hundred Dollars ($200.00) or more than Five Hundred Dollars ($500.00) for each violation, and may separately impose the cost of the administrative proceeding against the respondent, if found in violation.

(k) The Board's final order shall include findings of fact, official notice taken, and conclusions of law stated separately. A copy of the final order shall be delivered by certified mail, return receipt requested, and first-class mail, postage prepaid, to the respondent or, if represented by counsel, to his or her counsel of record.

(l) The Board's attorney, in cooperation with the Investigative Committee, is hereby authorized to negotiate settlements with any respondent wishing to do so. In the event that the Investigative Committee and the respondent have reached tentative agreement on a negotiated settlement of the charges prior to the date set for hearing, such agreement shall be presented to the Board at the first available opportunity. The Board may either accept or reject the tentative agreement of negotiated settlement, and if accepted, the respondent shall be notified and no hearing held. If the Board rejects the tentative agreement of negotiated settlement, the charges shall be heard by the Board within a reasonable time.

(m) The decision of the Board may be appealed to the Circuit Court of Montgomery County within thirty (30) days after the date of the final order of the Board.

(n) The record on appeal shall be certified by the Executive Director of the Board, and shall include the entire record including a transcript of the hearing, if a transcript is made.
Author: Dana H. 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 August 10, 2016; effective September 24, 2016.

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 be an Alabama Licensed Auctioneer in good standing with the Board.

(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. 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 signature of his/her sponsor.

2. may not sign a settlement statement or have an escrow or trust account in his/her name. An apprentice's sponsoring auctioneer is responsible for keeping the account of and dispersing money received at an auction.

3. may not conduct an auction without the direct supervision 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. **Amended**: Filed December 9, 1998; effective January 13, 1999. **Amended**: Filed January 18, 2002; effective February 22, 2002. **Amended**: Filed January 29, 2003; effective March 5, 2003. **Amended**: Filed July 24, 2007; effective August 28, 2007. **Amended**: Filed April 16, 2014; effective May 21, 2014. **Amended**: Published February 28, 2022; effective April 14, 2022.

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 that 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.

23. Failure to abide by or comply with any stipulated terms and conditions of any Board order or consent agreement.

(d) The board may also levy and collect administrative fines against non-1icensees 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. **Amended:** Filed January 29, 2003; effective March 5, 2003. **Amended:** Filed July 24, 2007; effective August 28, 2007.

Amended: Filed January 21, 2009; effective February 25, 2009.
Amended: Filed October 4, 2013; effective November 8, 2013.
Amended: Filed February 9, 2018; effective March 26, 2018.

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-1arge.

(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

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. Contract Auctioneering to include livestock and automobiles

9. Real estate auctions

10. Auction house, estate and antique auctions

11. Machinery & equipment auctions

12. Business liquidations

13. Benefit Auctions

14. Internet Auctions to include:

(i) Cataloging

(ii) Check Out

(iii) Load Out

(iv) Data collection

(h) Academic excellence is as appropriate to an auction school as it is to any institution of learning. In view of the required subjects, a minimum of at least three instructors is required and any auction course must be taught by a licensed auctioneer.

(i) Schools shall furnish each student 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.

(j) 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.

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 January 18, 2002; effective February 22, 2002. **Amended:** Filed January 29, 2003; effective March 5, 2003. **Amended:** Filed July 24, 2007; effective August 28, 2007. **Amended:** Filed June 19, 2019; effective August 3, 2019. **Amended:** Published February 28, 2022; effective April 14, 2022.

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.

(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.
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. **Amended**: Filed June 19, 2019; effective August 3, 2019.

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. 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)

(h) An apprentice auctioneer applying for an apprentice license that has recently completed school and passed the examination in the 4th quarter, meeting all requirements, will be issued a license that will expire the next license year and not the current license year. This will allow the apprentice to have a longer

initial license year than subject to renewal immediately following the issuance of their license.
Author: State Board of Auctioneers
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. **Amended:** Published February 28, 2022; effective April 14, 2022. **Amended:** Published October 31, 2025; effective December 15, 2025.

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

150-X-1-.15 Application For Spouses Of Active Duty Military Personnel.

(1) Per the Military Family Jobs Opportunity Act (Act 2018-540), an applicant shall be issued a license, pending approval, if the requirements of the original issuing state or governing body are substantially equivalent to that required by the Board.

(2) Per the Military Family Jobs Opportunity Act (Act 2018-540), if an applicant is approved for licensure, the board will waive the initial licensing fee.

(3) Per the Military Family Jobs Opportunity Act (Act 2018-540), temporary licenses shall be issued to applicants for a 180-day period, so that the applicant can begin practice while completing any and all requirements for full licensure.
Author: John L. Keating
Statutory Authority: Code of Ala. 1975, §34-4-21.
History: **New Rule:** Published April 29, 2022; effective June 13, 2022.

150-X-1-.16 Jurisdiction.

(a) The board's jurisdiction shall extend to all auctioneers, auctions, auctioneer or the conducting of auction business, that either occurs within and/or is located in this state and that are not either exempt from licensure by rule or statute.

(b) In this state: means that an auction satisfies one of the following criteria:

(1) An auction was conducted within the borders of the state of Alabama;

(2) The auctioneer is auctioning real or personal property located in the state of Alabama.

Author: Cameron W. Elkins
Statutory Authority: Code of Ala. 1975, §34-4-4.
History: **New Rule:** Published November 27, 2024; effective January 11, 2025.

150-X-1-A1 **Appendix I Fees.**

APPENDIX I

FEES

$350	Reciprocal Licensure Fee
$100	Apprentice Annual Licensure Fee (due September 30th each year)
$200	Auctioneer (Individual) Annual Licensure Fee (due September 30th each year)
$200	Auctioneer (Company) Annual Licensure Fee (due September 30th each year)
$150	Auctioneer and Apprentice Examination Fee charged each time the exam is taken.
$750	Single Auction License
$100	Auctioneer Inactive Fee
$ 50	Apprentice Inactive Fee
$ 25	Fine for late renewal of Apprentice License if renewed by November 30th of expiration year. If not renewed by November 30th of expiration year, the license is considered expired.
$ 50	Fine for late renewal of Auctioneer License if renewed by November 30th of expiration year. If not renewed by November 30th 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.
Amended: Filed June 19, 2019; effective August 3, 2019. **Amended:** Publication October 31, 2019; effective December 15, 2019.
Amended: Published February 28, 2022; effective April 14, 2022.

150-X-1-A2 **Appendix II Forms Associated With These Rules And Regulations.**

APPENDIX II

FORMS ASSOCIATED WITH THESE RULES AND REGULATIONS

Application for Approved Auction School

Application for Continuing Education Provider

Application for Licensed Apprentice Auctioneer

Application for Licensed Apprentice Auctioneer Renewal

Application for Licensed Auctioneer

Application for Licensed Auctioneer Renewal

Application for Reciprocal Licensure

Apprentice Auctioneer’s Affidavit

Auction Company Owner’s Affidavit

CEU Reporting Form

Change of Address Form

Complaint Form

Principal Auctioneer’s Affidavit

Sponsoring Auctioneer’s Affidavit

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)

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)

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)

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.
Amended: Filed August 10, 2016; effective September 24, 2016.