

## TO BE RESCINDED

901:8-2-05

**Duration of auctioneer and special auctioneer license and notification changes.**

(A) Licensing year for auctioneers and special auctioneers:

- (1) Every person licensed as an auctioneer and special auctioneer in the state of Ohio shall be issued a license on a biennial basis according to the following schedule:
  - (a) Beginning licensing year July 1, 2005 persons who make application for a license for the first time or renewal pursuant to this chapter, and name of the business or the individuals last name begins with the letters A-J and X-Z shall, if they qualify, be issued a two year license expiring on June thirtieth of odd numbered years thereafter. Persons with the last name beginning with the letters A-J and X-Z making application for a new license within a biennium period shall, if qualified, be issued a license for the unexpired period of the biennium. The licensing fee for the biennial license shall be two hundred dollars. If a person is issued a license anytime in the first year of the biennium the person shall be required to pay the two hundred dollar licensing fee. However, if a person makes application and qualifies anytime in the second year of the biennium the licensing fee shall one hundred dollars. If a person does not renew by July first of odd numbered years, but does so before September first of that year he/she shall be required to pay the licensing fee and a late fee in the amount of one hundred dollars.
  - (b) Beginning licensing year July 1, 2005 those persons making application for the first time or renewal with the business's name or the individual's last name that begins with the letter K-W shall, if they qualify, be issued a one year license that expires on June 30, 2006, and shall pay one hundred dollars in a licensing fee. If a person is issued a license at any time in the licensing year beginning July 1, 2005 the person shall pay the one hundred dollar licensing fee. If a person does not renew by July 1, 2005 but does so before September 1, 2005 the person shall be required to pay the licensing fee and a late fee in the amount of one hundred dollars. In the licensing year beginning July 1, 2006 and even years thereafter those persons with a last name that begins with the letter K-W and making initial application or renewal application and qualifying for a license and/or renewal shall be issued a two year license which shall expire biennially on June thirtieth of even numbered years. The licensing fee for any biennial license issued to a qualified person with a last name starting with a letter of K-W shall pay a fee of two hundred dollars if licensed during the first year of the biennium. If

a person is issued a new license in the second year of the biennium than the licensing fee is one hundred dollars. If a person does not renew by July first of even numbered years, but does so before September first of that year he/she shall be required to pay the licensing fee and a late fee in the amount of one hundred dollars.

- (B) Changes requiring reapplication and new license. The changes listed below cause a license previously issued to become invalid and require that the licensee notify the department of agriculture and apply for and obtain a new license prior to conducting any further auction activities. Upon notification and payment of a ten dollar fee, the department of agriculture shall issue a new license. Change from one form of business organization to another:
- (1) Upon incorporation or change from a corporation to another form of business organization.
  - (2) Upon sale of partnership, sole proprietorship or corporation to other parties.
  - (3) Upon increase or decrease in the number of partners or change of partners in a partnership.
- (C) Changes requiring notification to the department of agriculture. The changes listed below cause a license previously issued to become invalid and require that the licensee notify the department of agriculture and return the license to the department of agriculture. A new application is not required. Upon notification and payment of a ten dollar fee, the division shall issue a new license.
- (1) Any changes in the officers or controlling interest in a corporation.
  - (2) Change in the trade name or name under which licensee is doing business.
  - (3) Change in the permanent business location.
- (D) Application procedure for new license due to change. Subject to one of the events listed in paragraph (B) of this rule, an application should be made at least ten days prior to the change in order to provide for adequate processing time by the department of agriculture and issuance of a new license. Except for the changes listed in paragraph (C) of this rule, the application shall be processed as a new application. The license previously issued shall be returned and cancelled prior to issuance of any new license.
- (E) Termination of apprentice. A sponsoring auctioneer who intends to terminate an

apprentice auctioneer serving under the sponsor shall give such apprentice written notice thereof, by certified mail, return receipt requested, at least ten days prior to the date of termination. A copy of said notice shall be mailed, by certified mail, to the department of agriculture along with the apprentice's license, at the same time that such notice has been mailed to the apprentice auctioneer.

- (F) Any partnership or association licensed as an auctioneer which intends to terminate its association with an individual auctioneer who is an agent of the partnership or association, shall notify the department of agriculture and the auctioneer by certified mail, return receipt requested, not less than thirty days prior to the date of termination.

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CERTIFIED ELECTRONICALLY

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Certification

03/10/2006

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Date

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