

901:8-2-03

License procedure for auctioneer applicants.

(A) ~~Application.~~ Applications shall be filed on current forms prescribed and furnished by the ~~division of licensing,~~ department of agriculture. In order for an applicant to be seated for an examination All all application materials and required proofs required under section 4707.07 of the Revised Code shall be filed ~~in~~ with the department of agriculture complete and on the correct form at least two weeks prior to any examination date, ~~in order for the applicant to be seated at that time.~~ Application for an auctioneer exam and license shall be available by mail upon request to the department of agriculture and via the internet at: www.ohioagriculture.gov.

(B) Name and address.

(1) The name listed on the application shall be identical to the name under which applicant is bonded or has its irrevocable letter of credit if required pursuant to section 4707.11 of the Revised Code, and under which ~~he~~ the applicant intends to conduct all auction activities. If the applicant intends to use any name other than ~~his~~ the applicant's personal name, the name must be registered either as a fictitious or trade name with the secretary of state pursuant to section 1329.01 of the Revised Code. Registration of a trade name gives the user exclusive use of the name; registration of a fictitious name merely identifies the owner of the business with the fictitious business name.

(2) The "address of applicant for licensing purposes" is the permanent business address, and the location of records pertaining to all auction transactions. The address of the applicant for licensing purposes shall be an actual physical location, not a post office box number.

(C) Photograph. Pursuant to the authority granted the department by section 4707.19 of the Revised Code, a photograph, measuring two inches by two inches, taken within sixty days prior to the date of the examination and showing the applicant's face only, shall be filed with each initial and new application.

(D) Verification of apprenticeship. The applicant shall file proof, signed by the sponsor, on forms provided to ~~him~~ the applicant by the ~~division~~ department of agriculture ~~when his apprentice license is first issued,~~ that the applicant conducted, as a bid caller, of helping to conduct at least twelve ~~sales~~ auctions under the direct supervision of ~~his~~ the sponsor.

(E) Length of apprenticeship. Prior to taking the examination, applicant must have served at least twelve months apprenticeship and be a graduate of an auction school approved by the Ohio auctioneer commission, as provided under section 4707.09 of the Revised Code. The school must have been attended during a time it was approved by the commission.

~~(F) Bond.~~ A bond shall be filed with each application, on forms provided by the division, in favor of the department of commerce, state of Ohio, in the penal sum of ten thousand dollars. The bond shall be effective prior to or by the date license will be issued and shall continue through at least the thirtieth day of June. Financial Responsibility: In accordance with section 4707.11 of the Revised Code, each application for an auctioneer's license by an apprentice auctioneer who was not licensed on July 1, 2003 in accordance with section 4707.09 of the Revised Code shall be accompanied by proof of financial responsibility in the form of either an irrevocable letter of credit or a cash or surety bond in the amount of twenty-five thousand dollars. If the applicant gives a surety bond the bond shall be executed by a surety company authorized to do business in Ohio. Any bonds used as financial responsibility shall be issued in favor of the department on forms provided by the department. Furthermore, any bond issued to satisfy the financial responsibility requirement shall be conditioned that the applicant shall comply with Chapter 4707 of the Revised Code and the rules adopted under it. Any of the forms of financial responsibility submitted to the department by an applicant shall be effective prior to or by the date license will be issued and shall continue through at least the thirtieth day of June of the current licensing period.

~~(G) Exceptions to bond.~~ If the applicant is bonded under the blanket bond of the auction company as provided under section 4707.11 of the Revised Code and rule 1301:4-3-05 of the Administrative Code, it shall not be necessary for him to file a bond with the application. However, any auctioneer so bonded shall not engage in any auction activity or conduct any auction sale except under the name and license of the auction company. Any auction activity under his personal name or on his own account requires that he be bonded individually.

~~(H)(G)~~ Filing fee. A filing fee, consisting of the license fee set forth in ~~Revised Code section 4707.10~~ rule 901:8-2-05 of this Chapter and a twenty-five-dollar examination fee, shall accompany each initial and new application. A full fee shall be paid for a license issued at any time during the licensing period.

~~(H)(H)~~ Investigation. The ~~division,~~ department of agriculture, upon receipt of an application, shall determine if applicant is qualified under the provisions of Chapter 4707. of the Revised Code.

~~(I)(I)~~ Examination. If qualified, applicant shall be notified of the date, time and place of a written examination pertaining to the skills, knowledge, professional practices, statutes and rules of auctioneering in Ohio. Examinations shall be held four times each year at a date, time and place designated by the ~~chief of the division,~~ department of agriculture. If applicant fails to appear for the scheduled examination, the twenty-five-dollar examination fee shall be forfeited and the application returned, unless such failure to appear is due to illness evidenced by a

doctor's certificate received by the ~~division~~ department of agriculture prior to the date of the examination. ~~If the~~ In order to pass the examination, the applicant shall answer seventy-five per cent of the questions correctly. ~~he~~ In addition to the written examination conducted by the department of agriculture, the auctioneer commission shall administer an oral examination of all applicants for licensure as auctioneers to test the applicants ability to call an auction. The oral examination shall evaluate the applicants ability to carry out each of the tasks and demonstrate the skills listed in appendix A of this rule. may be issued a license, provided he has met all other requirements of Chapter 4707. of the Revised Code. If the applicant fails the written examination, no license shall be issued and he shall not be administered the examination again until the next regularly scheduled examination. In addition to the written examination conducted by the division, the auctioneer commission shall administer an oral examination of all applicants for licensure as auctioneers. The oral examination shall be administered on the same date and at the same location as the division's department of agriculture's written examination. The commission shall grade each applicant's oral presentation and shall advise the division department of agriculture whether the applicant passed or failed the oral examination. The division may consider whether the applicant passed or failed the oral examination in order to determine whether the applicant will be licensed as an auctioneer. If the applicant passes both the written and oral examinations and meets all other requirements of chapter 4707. of the revised code he shall be issued a license. If the applicant fails either the written examination or the oral examination, no license shall be issued and the applicant shall not be administered the examination again until the next regularly scheduled examination.

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Certification

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