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TITLE 812 INDIANA AUCTIONEER COMMISSION

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## Final Rule

LSA Document #08-759(F)

## DIGEST

Amends [812 IAC 3-1-1](#) and [812 IAC 3-1-6](#), concerning continuing education requirements, to revise the number of continuing education hours and elective hours for renewal to bring the requirements into conformity with statutory changes, to modify the requirements for certificate of completion, and to allow instruction for an approved distance learning education course to be more than eight hours of instruction in one day. Adds [812 IAC 3-2](#) to establish distance learning continuing education requirements and procedures for auctioneers and to establish the requirements and procedures for the approval of distance learning continuing education course sponsors. Effective 30 days after filing with the Publisher.

[812 IAC 3-1-1](#); [812 IAC 3-1-6](#); [812 IAC 3-2](#)

SECTION 1. [812 IAC 3-1-1](#), AS AMENDED AT [20090826-IR-812080757FRA](#), SECTION 5, IS AMENDED TO READ AS FOLLOWS:

**[812 IAC 3-1-1](#) Continuing education requirements**

**Authority:** [IC 25-6.1-2-5](#)

**Affected:** [IC 25-1-11](#); [IC 25-6.1-9-1](#)

Sec. 1. (a) As a prerequisite to renewal of an auctioneer license, the licensee shall satisfactorily complete sixteen (16) hours of continuing education from an auctioneer continuing education course sponsor approved by the commission, which must be obtained during the four (4) year licensure period ending February 28 of every fourth year. ~~Not~~ **No** more than eight (8) hours of continuing education may be acquired during any one (1) day. **However, instruction for an approved distance learning continuing education program may be more than eight (8) hours of instruction in a one (1) day course.**

(b) Notwithstanding subsection (a), continuing education credit may be granted to an individual for instructing an auctioneer continuing education course. One (1) hour of continuing education credit may be earned per one (1) hour taught. Not more than four (4) hours of continuing education credit accumulated in this manner may be applied toward license renewal requirements. Instructors of auctioneer continuing education courses may not receive credit for repeated courses.

(c) A licensee is not entitled to continuing education credit for any classroom hours that were used for required prelicensure education under [812 IAC 2-1](#).

(d) A licensee who attends the same continuing education course more than once in the same four (4) year license period is entitled to continuing education credit for that course only once.

~~(e) Multimedia instruction must take place in a classroom setting with a qualified instructor present throughout the duration of the educational offering.~~

~~(f) Correspondence courses do not qualify for continuing education credit.~~

~~(g)~~ **(e)** The commission may do the following:

~~(1)~~ verify any information concerning continuing education that is submitted by the licensee as evidence supporting the course information.

~~(2)~~ **The commission may** require licensees to provide information regarding the continuing education hours claimed on the individual's renewal. Failure to do so may lead to disciplinary action as provided for in [IC 25-1-11](#).

~~(h)~~ **(f)** It is the responsibility of each licensee to retain evidence to support the courses taken by the licensee

for a period of ~~five (5)~~ **three (3)** years after the end of the renewal period for which the renewal application is submitted and the continuing education hours are claimed to the commission. These records shall include one (1) or more of the following:

**(1) Certificates of completion such as the following:**

- ~~(1)~~ **(A)** Course attendance verification by the sponsor.
- ~~(2)~~ **(B)** Certificates of course completion.
- ~~(3)~~ **(C)** Continuing education attendance history by a third party.

**(2) Course outline or other evidence of course content.**

- ~~(4)~~ **(3)** Other evidence of support and justification.

**(g) For distance learning courses, licensees shall in addition to the requirements in subsection (f) retain proof of examination grades.**

*(Indiana Auctioneer Commission; [812 IAC 3-1-1](#); filed Jul 3, 1996, 5:00 p.m.: 19 IR 3095; filed Sep 17, 1998, 3:50 p.m.: 22 IR 453; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: [20081015-IR-812080335RFA](#); filed Jul 31, 2009, 8:37 a.m.: [20090826-IR-812080757FRA](#); filed Jul 31, 2009, 8:40 a.m.: [20090826-IR-812080759FRA](#))*

SECTION 2. [812 IAC 3-1-6](#), AS AMENDED AT [20090826-IR-812080757FRA](#), SECTION 7, IS AMENDED TO READ AS FOLLOWS:

**[812 IAC 3-1-6](#) Approved auctioneer continuing education sponsor; certificate requirements**

**Authority:** [IC 25-6.1-2-5](#)

**Affected:** [IC 25-6.1](#)

Sec. 6. (a) Upon completion of a continuing education course, the approved auctioneer continuing education sponsor shall provide all attendees a course completion certificate that must include the following information:

- (1) The name of the participant.
- (2) The license number of the participant.
- (3) The name, address, and signature of the sponsor.
- (4) The course title.
- (5) The course topic, if not reflected in the course title.
- (6) The date and location of the course.
- (7) The number of approved actual course hours.

**(8) Distance learning certificates must include the instructional delivery method.**

(b) The approved auctioneer continuing education sponsors must retain the certificates described in subsection (a) for at least five (5) years after the end of the four (4) year renewal period in which the course was taken.

*(Indiana Auctioneer Commission; [812 IAC 3-1-6](#); filed Jul 3, 1996, 5:00 p.m.: 19 IR 3096; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: [20081015-IR-812080335RFA](#); filed Jul 31, 2009, 8:37 a.m.: [20090826-IR-812080757FRA](#); filed Jul 31, 2009, 8:40 a.m.: [20090826-IR-812080759FRA](#))*

SECTION 3. [812 IAC 3-2](#) IS ADDED TO READ AS FOLLOWS:

**Rule 2. Distance Learning Continuing Education**

**[812 IAC 3-2-1](#) "Distance learning continuing education" defined**

**Authority:** [IC 25-6.1-2-5](#)

**Affected:** [IC 25-6.1](#)

**Sec. 1. "Distance learning continuing education" means a course in which instruction does not take place in a traditional classroom setting but rather through other means where the instructor and licensed professional learners are separated by distance and sometimes tome [sic]. The instruction:**

- (1) is:
- (A) presented in a sequential and logical order; and
  - (B) offered wholly or primarily by distance study, through virtually any media; and
- (2) may incorporate or make use of various media formats, including, but not limited to, the following:
- (A) Printed materials.
  - (B) Video or DVD.
  - (C) Internet based delivery systems.

(Indiana Auctioneer Commission; [812 IAC 3-2-1](#); filed Jul 31, 2009, 8:40 a.m.: [20090826-IR-812080759FRA](#))

### **[812 IAC 3-2-2](#) Distance learning continuing education requirements**

Authority: [IC 25-6.1-2-5](#)

Affected: [IC 25-1-4-0.2](#); [IC 25-6.1](#)

Sec. 2. (a) Distance learning continuing education courses must meet the requirements of section 3 of this rule and at least one (1) of the following:

- (1) Courses that meet the requirements of section 4 of this rule and offered by approved organizations as defined in [IC 25-1-4-0.2](#).
- (2) Courses offered by organizations other than those approved organizations defined in [IC 25-1-4-0.2](#) provided that the course meets the requirements of section 4 of this rule.

(b) A licensee must complete the distance learning continuing education course or courses within one (1) year of the date of enrollment.

(c) Mandatory and nonmandatory classes may be taken through distance learning continuing education courses.

(Indiana Auctioneer Commission; [812 IAC 3-2-2](#); filed Jul 31, 2009, 8:40 a.m.: [20090826-IR-812080759FRA](#))

### **[812 IAC 3-2-3](#) Distance learning continuing education courses**

Authority: [IC 25-6.1-2-5](#)

Affected: [IC 25-6.1-9-1](#)

Sec. 3. The commission shall approve a distance learning continuing education course if the commission determines to its satisfaction the following:

- (1) The distance learning continuing education course is designed to enhance the auctioneer's knowledge and skill in providing auctioneer services relevant to the practice of auctioneering.
- (2) An appropriate and complete application has been filed with the commission.
- (3) The distance learning continuing education course meets the content requirements as prescribed in [IC 25-6.1-9-1\(b\)\(1\)](#) and [IC 25-6.1-9-1\(b\)\(2\)](#).
- (4) The course complies with sections 5 through 7 of this rule, as applicable.
- (5) The distance learning continuing education course meets all other requirements as prescribed in [IC 25-6.1-9](#) and this article.

(Indiana Auctioneer Commission; [812 IAC 3-2-3](#); filed Jul 31, 2009, 8:40 a.m.: [20090826-IR-812080759FRA](#))

### **[812 IAC 3-2-4](#) Approval of distance learning continuing education**

Authority: [IC 25-6.1-2-5](#)

Affected: [IC 25-6.1](#)

Sec. 4. In order for a distance learning continuing education course to meet the requirements of section 2(a)(1) of this rule, the course sponsor shall submit the following information:

- (1) Mission and objectives, as follows:
  - (A) A statement that clearly defines the mission of the provider's educational programs.

- (B) The specific curricular objectives for the course.
- (C) A plan for periodic review of the following:
  - (i) The mission statement.
  - (ii) Curricular objectives.
- (2) Course design, as follows:
  - (A) A course outline that clearly states the following:
    - (i) The course objectives.
    - (ii) The desired student outcomes.
  - (B) A plan to ensure that the course content is:
    - (i) updated in a timely manner; and
    - (ii) distributed to:
      - (AA) licensees who are currently enrolled; and
      - (BB) future registrants.
  - (C) A plan for submitting substantial changes in the course to the commission. Substantial changes include, but are not limited to, the following:
    - (i) Expanded or reduced course content.
    - (ii) Changes in the time allotments for portions of the course.
    - (iii) Changes or redirected learning objectives.
    - (iv) A change of instructor.
    - (v) Changes in the course delivery method.
  - (D) The course disk or CD-ROM, if applicable.
  - (E) A list of reference materials provided to the licensees.
  - (F) A list of any prerequisites for the course and evidence that licensees are properly advised of the prerequisites before registration.
  - (G) Evidence that the course is structured in a mastery learning format that ensures mastery accomplishment.
  - (H) Evidence that the number of hours claimed is the number of hours it takes the average student to complete the course. This requirement can be met by submitting the results of the studies or field tests, or both, that will verify the claims.
- (3) Interactivity, as follows:
  - (A) A description of how interaction is accomplished in the course.
  - (B) An explanation of how:
    - (i) interactivity is evaluated; and
    - (ii) feedback is gathered from licensees; throughout the course.
- (4) Course delivery, as follows:
  - (A) A plan that shows evidence that technical support will be available when needed.
  - (B) Evidence that instructor-licensee ratios are acceptable for the delivery method used.
  - (C) The name or names and qualifications of the instructor or instructors of the course, submitting their credentials, including any specific training for teaching, via the specified delivery method, and a plan for their continued professional development. The instructor or instructors of the course must meet the requirements in [812 IAC 3-1-7](#).
  - (D) A list of remote sites if applicable. "Remote site" means one that receives a broadcast whether by:
    - (i) satellite; or
    - (ii) teleconferencing.
  - (E) A list of any site facilitators and the qualifications and credentials for each.
- (5) Equipment and learning environment, as follows:
  - (A) A list of equipment that the licensee will need and evidence that this information is made available to the licensee before registration.
  - (B) An acceptable plan for dealing with equipment failures.
- (6) Student support services, as follows:
  - (A) A copy of a licensee information package that contains all the necessary information about the course. This information includes, but is not limited to, the following:
    - (i) Information about broadcasts and distance site locations.
    - (ii) Faculty contact information.
    - (iii) The course outline and learning objectives.
    - (iv) Guidelines regarding what constitutes successful completion of the course.
    - (v) Homework assignments.
    - (vi) Deadlines.
    - (vii) Fees and refunds.

- (viii) Prerequisites.
- (ix) Illness policy.
- (x) A list of required licensee materials, including required software.
- (B) An explanation of how licensee orientation sessions are accomplished. Each licensee is required to have an orientation before the licensee begins the course.
- (C) An acceptable list of other support services made available to the licensees.
- (7) Evaluation and assessment, as follows:
  - (A) An evaluation form that solicits licensee feedback on the following:
    - (i) The delivery approach.
    - (ii) The equipment.
    - (iii) Suggestions for class improvement.
    - (iv) The licensee's overall satisfaction with the course.
  - An evaluation form is required to be given to every licensee in a distance learning continuing education course at the conclusion of the course.
  - (B) A plan for verifying licensee identity. The course sponsor of any distance learning continuing education course must have an acceptable plan in place that verifies that the licensee enrolled in the course is the one that completes the following:
    - (i) The course.
    - (ii) Any required tests.
- (8) Commitment to support, as follows:
  - (A) A copy of the course sponsor's business plan that shows ongoing commitment to provide adequate financial and technical resources to support the distance learning continuing education course.
  - (B) A statement of how long the course sponsor has been offering distance learning continuing education courses.

(Indiana Auctioneer Commission; [812 IAC 3-2-4](#); filed Jul 31, 2009, 8:40 a.m.: [20090826-IR-812080759FRA](#))

#### **[812 IAC 3-2-5](#) Correspondence distance learning continuing education courses**

Authority: [IC 25-6.1-2-5](#)

Affected: [IC 25-6.1](#)

**Sec. 5. Licensees may take distance learning continuing education courses by correspondence so long as the courses meet the following criteria:**

- (1) All courses must provide a test, and the participant must score at least seventy-five percent (75%) to pass and receive credit for the course.
- (2) Tests must have multiple choice questions with at least twenty (20) questions per two (2) hours of instruction. The following types of questions are not allowed:
  - (A) True or false.
  - (B) Essay.
- (3) The organization and presentation of the instructional materials shall be in accord with sound principles of learning.
- (4) Correspondence courses must have sufficient security to assure against fraudulent practices.

(Indiana Auctioneer Commission; [812 IAC 3-2-5](#); filed Jul 31, 2009, 8:40 a.m.: [20090826-IR-812080759FRA](#))

#### **[812 IAC 3-2-6](#) Video or DVD instruction distance learning continuing education**

Authority: [IC 25-6.1-2-5](#)

Affected: [IC 25-6.1](#)

**Sec. 6. Licensees may take distance learning continuing education courses by video or DVD instruction so long as the courses meet the following criteria:**

- (1) All courses must provide a test, and the participant must score at least seventy-five percent (75%) to pass and receive credit for the course.
- (2) Tests must have multiple choice questions with at least twenty (20) questions per two (2) hours of instruction. The following types of questions are not allowed:
  - (A) True or false.

**(B) Essay.**

**(3) The organization and presentation of the instructional materials shall be in accord with sound principles of learning.**

**(4) Video or DVD instruction classes must have a monitor in the room at all times to assure proper attendance.**

*(Indiana Auctioneer Commission; [812 IAC 3-2-6](#); filed Jul 31, 2009, 8:40 a.m.: [20090826-IR-812080759FRA](#))*

**[812 IAC 3-2-7](#) Internet distance learning continuing education**

**Authority: [IC 25-6.1-2-5](#)**

**Affected: [IC 25-6.1](#)**

**Sec. 7. Licensees may take continuing education courses via the Internet so long as the courses meet the following criteria:**

**(1) All courses must provide a test, and the participant must score at least seventy-five percent (75%) to pass and receive credit for the course.**

**(2) Tests must have multiple choice questions with at least twenty (20) questions per two (2) hours of instruction. The following types of questions are not allowed:**

**(A) True or false.**

**(B) Essay.**

**(3) The organization and presentation of the instructional materials shall be in accord with sound principles of learning.**

**(4) Internet courses must have sufficient security to assure against fraudulent practices.**

*(Indiana Auctioneer Commission; [812 IAC 3-2-7](#); filed Jul 31, 2009, 8:40 a.m.: [20090826-IR-812080759FRA](#))*

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