

## ARTICLE 3. CONTINUING EDUCATION

### Rule 1. Continuing Education Requirements; General

#### 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 twelve (12) hours of continuing education from an auctioneer continuing education course sponsor approved by the commission, which must be obtained during the two (2) year licensure period ending February 28 of every even-numbered year. No more than eight (8) hours of continuing education may be acquired during any one (1) day.

(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. No 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 two (2) year license period is entitled to continuing education credit for that course only once.

(e) Multimedia instruction must take place in 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) The commission may verify any information concerning continuing education that is submitted by the licensee as evidence supporting the course information. 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) It is the responsibility of each licensee to retain evidence to support the courses taken for a period of twenty-four (24) months after the end of the renewal period for which the renewal application is submitted to the commission. These records shall include one (1) or more of the following:

(1) Course attendance verification by the sponsor.

(2) Certificates of course completion.

(3) Continuing education attendance history by a third party.

(4) Other evidence of support and justification.

*(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)*

#### 812 IAC 3-1-1.1 Core subjects as elective credits

Authority: IC 25-6.1-2-5

Affected: IC 25-1-11; IC 25-6.1-9-1

Sec. 1.1. When the licensee obtains more than the required six (6) hours of continuing education in subjects listed in IC 25-6.1-9-1(b)(2) as core subjects, the licensee may count the excess hours toward meeting the six (6) hour elective subject requirement in IC 25-6.1-9-1(b)(2). *(Indiana Auctioneer Commission; 812 IAC 3-1-1.1; 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)*

#### 812 IAC 3-1-2 Application for auctioneer continuing education course sponsor

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-9

Sec. 2. (a) Any request for commission approval of an auctioneer continuing education course sponsor shall be by written application on a form provided by the commission.

(b) Applicants for continuing education course sponsor shall submit the following information:

(1) Name, address, telephone number, and facsimile (FAX) number (if any) of the course sponsor.

- (2) If the ownership of the course sponsor is a partnership, the names and addresses of the partners.
- (3) If the ownership of the course sponsor is a corporation, the names and addresses of the officers and directors.
- (4) If the ownership of the course sponsor is a limited liability company, the names and addresses of the members and managers.
- (5) A course content outline describing the subjects to be offered during the approval period.
- (6) A statement that each instructor meets the qualifications required by section 7 of this rule.
- (7) A statement that the course sponsor shall provide the licensee who successfully completes an approved course a certificate of course completion that meets the requirements of section 6 of this rule.
- (8) A copy of the certificate of course completion required under section 6 of this rule.
- (9) A statement that the course sponsor shall conduct an instructor and course evaluation and that they shall be provided to the commission upon request.
- (10) A statement that any facility utilized by the course sponsor shall meet the requirements of 812 IAC 2-2-1.

(c) Notwithstanding subsection (b)(5), the Certified Auctioneers Institute and the National Auctioneer Association are not required to submit course content outlines describing the subjects to be offered during the approval period. (*Indiana Auctioneer Commission; 812 IAC 3-1-2; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3095; errata filed Aug 1, 1996, 4:00 p.m.: 19 IR 3472; filed Sep 17, 1998, 3:50 p.m.: 22 IR 454; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: 20081015-IR-812080335RFA*)

**812 IAC 3-1-3 Course sponsor approval date**

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 3. Sponsors of auctioneer continuing education courses shall be considered approved as of the date of approval by the commission, and therefore courses predating the approval date do not qualify. (*Indiana Auctioneer Commission; 812 IAC 3-1-3; 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*)

**812 IAC 3-1-4 Course outline**

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 4. A course outline shall be prepared and distributed to the attendees. The outline shall state the number of continuing education hours offered. (*Indiana Auctioneer Commission; 812 IAC 3-1-4; 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*)

**812 IAC 3-1-5 Course records**

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 5. (a) An approved auctioneer continuing education course sponsor must retain records of students who complete the course for a minimum of five (5) years. These records must include attendance records for all courses showing date, place, and attendee's name.

(b) The course sponsor may be asked to provide to the commission copies of records required by subsection (a). (*Indiana Auctioneer Commission; 812 IAC 3-1-5; 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*)

**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.

(b) Licensees must retain the certificates described in subsection (a) for at least two (2) years after the end of the two (2) 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*)

**812 IAC 3-1-7 Instructors; requirements**

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 7. Each instructor used by an approved auctioneer continuing education sponsor must have a minimum of two (2) years of experience in the field in which that instructor is to teach. (*Indiana Auctioneer Commission; 812 IAC 3-1-7; 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*)

**812 IAC 3-1-8 Instructors; prohibitions**

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 8. An auctioneer continuing education sponsor is prohibited from hiring, or retaining in its employ, an instructor who has:

- (1) had an auctioneer, auction company, or auction house license revoked or suspended by any jurisdiction;
- (2) obtained or used, or attempted to obtain or use, in any manner, Indiana auctioneer licensing examination questions to be used on future examinations unless authorized by law;
- (3) been convicted of a crime that has a direct bearing on the individual's ability to competently instruct, including, but not necessarily limited to, violations of auction laws and abuse of fiduciary responsibilities;
- (4) falsely certified hours of attendance or grades for any student; or
- (5) unless allowed by law, refused to appear and/or testify under oath at any hearing held by the commission.

(*Indiana Auctioneer Commission; 812 IAC 3-1-8; 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*)

**812 IAC 3-1-9 Monitoring continuing education courses**

Authority: IC 25-6.1-2-5

Affected: IC 25-1-11; IC 25-6.1-9

Sec. 9. (a) Continuing education courses offered by an approved course sponsor shall be monitored by that course sponsor to ensure that participants are physically present for the duration of the course.

(b) In order to monitor a continuing education course, an approved course sponsor must do the following:

- (1) Require participants to sign in and out as they enter and exit the classroom, noting the time of arrival or departure.
- (2) Designate one (1) employee to monitor the continuing education course.
- (c) The duties of the individual listed in subsection (b)(2) shall include the following:

- (1) Ensure that order is maintained throughout the duration of the course.
- (2) Maintain the attendance sheets to assure their accuracy.
- (3) Verify the participant's signature upon the participant's entrance and exit.

(4) Distribute course completion certificates to participants who have been physically present for the duration of the course.

(*Indiana Auctioneer Commission; 812 IAC 3-1-9; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3097; readopted filed Jul 18, 2002, 12:24 p.m.:*

25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: 20081015-IR-812080335RFA)

**812 IAC 3-1-10 Renewal applications**

Authority: IC 25-6.1-2-5

Affected: IC 25-1-11; IC 25-6.1-9

Sec. 10. (a) An applicant for license renewal shall certify on the application that the applicant has complied with the continuing education requirements under IC 25-6.1-9 and this article.

(b) The commission may request verification of any information submitted by the applicant and may request the applicant to submit evidence supporting the course credit claimed.

(c) It is the responsibility of each licensee to retain course attendance verification to support the courses taken by the licensee for two (2) years after the end of the biennial period for which the continuing education is claimed.

(d) The commission may request applicants to prove information as provided in subsection (c) in order to verify continuing education hours claimed in the application. Failure to do so shall subject a licensee to the sanctions provided for under IC 25-1-11. (*Indiana Auctioneer Commission; 812 IAC 3-1-10; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3097; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: 20081015-IR-812080335RFA*)

**812 IAC 3-1-11 Failure to meet continuing education provisions**

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-3-2

Sec. 11. (a) A licensee who does not obtain the required number of continuing education hours during a two (2) year licensure period may cure that deficiency by taking them in the next licensure period. However, the license shall not be renewed until the necessary hours are obtained. An individual whose license has lapsed longer than one (1) year is governed by IC 25-6.1-3-2(i).

(b) Continuing education hours obtained to cure a deficiency in a prior licensure period shall not be double-counted by also being credited toward the hours required for license renewal at the conclusion of the current licensure period. (*Indiana Auctioneer Commission; 812 IAC 3-1-11; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3097; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: 20081015-IR-812080335RFA*)

**812 IAC 3-1-12 Inactive license**

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-9-10

Sec. 12. An applicant for license renewal may request an inactive license under IC 25-6.1-9-10 by complying with that section and certifying under penalty of perjury that the applicant will not perform and does not intend to perform an act that requires an auctioneer license. (*Indiana Auctioneer Commission; 812 IAC 3-1-12; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3097; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: 20081015-IR-812080335RFA*)

**812 IAC 3-1-13 Reinstatement of inactive license; requirements**

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 13. In order to reinstate an inactive license at any time during the licensure period, the licensee must have completed twelve (12) actual hours of continuing education from course sponsors approved by the commission. (*Indiana Auctioneer Commission; 812 IAC 3-1-13; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3097; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: 20081015-IR-812080335RFA*)

**812 IAC 3-1-14 Commission review of continuing education compliance**

Authority: IC 25-6.1-2-5

Affected: IC 25-1-11; IC 25-6.1-9

## CONTINUING EDUCATION

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Sec. 14. (a) If, as the result of an audit or other review, the commission determines that continuing education hours a licensee has claimed do not meet the requirements of IC 25-6.1-9 and this article, the commission shall notify the licensee of that determination.

(b) A licensee, who has been notified under subsection (a), may within thirty (30) days submit information to the commission giving all the substantive reasons in support of the licensee's position that an adequate number of hours has been obtained.

(c) A licensee who submits false information under section 10 of this rule and this section shall be subject to the sanctions provided for under IC 25-1-11. (*Indiana Auctioneer Commission; 812 IAC 3-1-14; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3097; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221; readopted filed Sep 26, 2008, 10:48 a.m.: 20081015-IR-812080335RFA*)

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