

TITLE 812 INDIANA AUCTIONEER COMMISSION

ARTICLE 1. GENERAL PROVISIONS

Rule 1. Powers of Commission; Permitted Activities; License Procedure; Fees

812 IAC 1-1-1 Applications and other forms; availability

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-2-5

Sec. 1. Applications and all other pertinent forms are available at the Indiana Auctioneer Commission, office of the Indiana Professional Licensing Agency, Indiana Government Center, Indianapolis, Indiana, or will be mailed upon request of person seeking to be licensed as auctioneer, auction house, or auction company. (*Indiana Auctioneer Commission; Rule 2; filed Oct 7, 1977, 3:25 p.m.: Rules and Regs. 1978, p. 166; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1950; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-2 Time for holding examinations; individual examinations not permitted

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-2-5

Sec. 2. Examinations will be held on the second Wednesday of March, July and November of each year in Indianapolis, Indiana and at such other time and places as the Commission may direct. Individual examinations are not permitted. (*Indiana Auctioneer Commission; Rule 3; filed Oct 7, 1977, 3:25 pm: Rules and Regs. 1978, p. 166; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-3 Receipt of application before examination; fee; failure to appear at examination

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-3-2

Sec. 3. Completed application forms together with the thirty-five (35) dollars non-refundable examination fee shall be received in the office of the Commission at least thirty (30) days prior to an examination date. The applicant will be advised of the time and place of the examination upon receipt of the completed application. If the applicant does not appear at the initial examination for which he has been scheduled, the applicant will be re-scheduled for the following scheduled examination. If the applicant fails to appear for the following scheduled examination, the application and fee shall be forfeited. (*Indiana Auctioneer Commission; Rule 4; filed Oct 7, 1977, 3:25 pm: Rules and Regs. 1978, p. 166; filed Mar 21, 1988, 1:30 pm: 11 IR 2869; errata, 11 IR 3921; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-3.1 Completing education prior to examination

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-3-2

Sec. 3.1. Auctioneer applicants may apply for the examination prior to completing their eighty (80) hour prelicensure education. If they do so, they must submit proof of completing the course by presenting a certificate of completion at the examination site prior to taking the examination. (*Indiana Auctioneer Commission; 812 IAC 1-1-3.1; filed Sep 17, 1998, 3:50 p.m.: 22 IR 453; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-4 Confidentiality and security of examinations

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-2-5

Sec. 4. Auctioneer license examinations are confidential tests. Examinations are designed and administered under conditions established to protect the security of the tests. (*Indiana Auctioneer Commission; Rule 5; filed Oct 7, 1977, 3:25 p.m.: Rules and Regs. 1978, p. 166; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1950; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-5 License fee

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-3-2; IC 25-6.1-3-5

Sec. 5. Upon receipt of notice of passing the examination, the applicant shall within thirty (30) days submit his biennial license fee of thirty-five dollars (\$35). Failure to submit such license fee within the above prescribed time shall be deemed sufficient reason for cancellation of said application. (*Indiana Auctioneer Commission; Rule 6; filed Oct 7, 1977, 3:25 pm: Rules and Regs. 1978, p. 166; filed Mar 21, 1988, 1:30 pm: 11 IR 2869; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-6 Review of examination by applicant; petition for review

Authority: IC 25-6.1-2-5

Affected: IC 4-21.5-3; IC 25-6.1-3-2; IC 25-6.1-3-10

Sec. 6. (a) Upon notice of denial of licensure because of failure of an examination, examinees may petition for review concerning the denial of licensure in the manner provided for in IC 4-21.5-3.

(b) Individuals whose petitions for review are granted may review their examination in the commission office (in the offices of the Indiana professional licensing agency) by scheduling an appointment for review with the agency. (*Indiana Auctioneer Commission; Rule 7; filed Oct 7, 1977, 3:25 p.m.: Rules and Regs. 1978, p. 167; filed Nov 18, 1980, 8:55 a.m.: 4 IR 52; filed Mar 21, 1988, 1:30 p.m.: 11 IR 2869; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1950; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-7 Failure to pass examination; effect (Repealed)

Sec. 7. (*Repealed by Indiana Auctioneer Commission; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1952*)

812 IAC 1-1-8 Auction house or auction company license application; forfeiture of fee when application incomplete (Repealed)

Sec. 8. (*Repealed by Indiana Auctioneer Commission; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1952*)

812 IAC 1-1-9 Renewal of license (Repealed)

Sec. 9. (*Repealed by Indiana Auctioneer Commission; filed Nov 18, 1980, 8:55 am: 4 IR 52*)

812 IAC 1-1-10 Reinstatement after expiration (Repealed)

Sec. 10. (*Repealed by Indiana Auctioneer Commission; filed Nov 18, 1980, 8:55 am: 4 IR 52*)

812 IAC 1-1-11 Lapse of year; reexamination (Repealed)

Sec. 11. (*Repealed by Indiana Auctioneer Commission; filed Nov 18, 1980, 8:55 am: 4 IR 52*)

812 IAC 1-1-12 Lapse of license due to military service; renewal

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-3-2

Sec. 12. Any licensed auctioneer who permits his license to lapse due to his entering the armed services or government service in connection with a war effort shall, upon presentation of satisfactory evidence of honorable discharge, be granted a renewal of said license at the usual cost, without the penalty and without re-examination. (*Indiana Auctioneer Commission; Rule 13; filed Oct 7, 1977, 3:25 pm: Rules and Regs. 1978, p. 167; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-13 Notice of operation or discontinuance of auction house or company by licensed auctioneer

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-3-3; IC 25-6.1-3-4

Sec. 13. An individual who is a licensed auctioneer operating an auction house and/or auction company shall notify the Commission of such operation in duplicate on prescribed forms provided by the Commission. Said licensee shall notify the Commission in writing of the discontinuance of such operation and/or operations. (*Indiana Auctioneer Commission; Rule 14; filed Oct 7, 1977, 3:25 pm; Rules and Regs. 1978, p. 167; filed Nov 18, 1980, 8:55 am: 4 IR 53; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-14 Notice of operation or discontinuance of auction company by auction house licensee

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-3-3; IC 25-6.1-3-4

Sec. 14. An individual who is an auction house licensee operating an auction company shall notify the Commission of such operation in duplicate on prescribed forms provided by the Commission. Said licensee shall notify the Commission in writing of the discontinuance of such operation and/or operations. (*Indiana Auctioneer Commission; Rule 15; filed Oct 7, 1977, 3:25 pm; Rules and Regs. 1978, p. 167; filed Nov 18, 1980, 8:55 am: 4 IR 53; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-15 Auction company licensee operating additional auction companies or auction houses; notice to commissioner (Repealed)

Sec. 15. (*Repealed by Indiana Auctioneer Commission; filed Nov 18, 1980, 8:55 am: 4 IR 52*)

812 IAC 1-1-16 Change of licensee address or business or trade name; notice

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-3-3; IC 25-6.1-3-4

Sec. 16. All licensees shall notify the commission in writing within ten (10) days of the following:

(1) Change of address.

(2) Change of business or trade name.

(3) For auction houses and auction companies, change of ownership as described in section 16.1 of this rule.

(*Indiana Auctioneer Commission; Rule 17; filed Oct 7, 1977, 3:25 p.m.: Rules and Regs. 1978, p. 168; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1950; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-16.1 Change in ownership; auction house or auction company

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-3-2

Sec. 16.1. All changes in ownership of an auction house or auction company cause the auction house or auction company license to terminate. In order to operate the auction house or auction company, the new owner must obtain a license. Changes in ownership include:

(1) sale;

(2) changes of business organization; and

(3) changes in the identity of the partners in a partnership;

of an auction house or auction company. (*Indiana Auctioneer Commission; 812 IAC 1-1-16.1; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1950; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-17 Temporary permits

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-3-2

Sec. 17. (a) The commission may, for good cause shown, upon the receipt of an application for examination for an auctioneer license, and, for a temporary permit, issue a temporary permit for one (1) auction sale. This permit is not intended to circumvent the licensing procedure of IC 25-6.1-3-2.

(b) The applicant shall submit the following:

(1) The prescribed application and fee.

(2) A personally written letter to the Indiana auctioneer commission from the owner or owners of said property to be sold at auction, requesting and attesting to the necessity of the applicant's services as auctioneer conducting said sale.

(3) An affidavit from the owner of said property attesting to the fact that the applicant is qualified to conduct said auction.

(4) On prescribed form, the date, location, owner of property, and property to be sold at said auction sale.

(5) Evidence to the commission of applicant's intention to participate in a specific examination offered by the commission to become a duly licensed auctioneer in the state of Indiana.

(c) The application shall be presented to the Indiana auctioneer commission for its consideration. The applicant shall be advised in writing by the commission of its decision.

(d) A temporary permittee who fails to pass one (1) of the next two (2) regularly scheduled examinations may not be issued a temporary permit. (*Indiana Auctioneer Commission; Rule 18; filed Oct 7, 1977, 3:25 p.m.: Rules and Regs. 1978, p. 168; filed Mar 21, 1988, 1:30 p.m.: 11 IR 2870; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1951; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-18 Reciprocal license application

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-3-2

Sec. 18. All individuals making application for an auctioneer license per reciprocal agreement shall submit with their application a letter of certification from the state board or commission of their state of domicile, certifying that they are duly licensed in said state, stating their residency, date of issuance and expiration of license. (*Indiana Auctioneer Commission; Rule 19; filed Oct 7, 1977, 3:25 pm: Rules and Regs. 1978, p. 168; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-19 Contracts; specifications; retention of original

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-6-4

Sec. 19. All contract agreements, or any authority to sell shall show a definite date of contract and a definite date of sale, shall be in writing, made in duplicate, one copy to the owner at the time of signing and the original to be retained in the office of the auctioneer and/or auction company licensee for a period of not less than two years. (*Indiana Auctioneer Commission; Rule 20; filed Oct 7, 1977, 3:25 pm: Rules and Regs. 1978, p. 168; filed Nov 18, 1980, 8:55 am: 4 IR 53; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-20 Real estate sales; powers and duties of auctioneers

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-6

Sec. 20. A licensed auctioneer may advertise and sell real estate at auction. The licensee shall have an executed contract or agreement with the owner or seller containing the terms and conditions upon which licensee receives or accepts the real estate for sale at auction. The licensee shall conduct the bidding and announce the culmination thereof. No further acts necessary to transfer title to the real estate shall be performed by the licensee. (*Indiana Auctioneer Commission; Rule 21; filed Oct 7, 1977, 3:25 pm: Rules and Regs. 1978, p. 168; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-21 Sign on real estate to be auctioned; consent of owner

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-6-4; IC 25-6.1-6-5

Sec. 21. An auctioneer and/or auction company licensee shall not place a sign on any property, offering it for sale, without the written consent of the owner. (*Indiana Auctioneer Commission; Rule 22; filed Oct 7, 1977, 3:25 pm: Rules and Regs. 1978, p. 168; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-22 Summary of receipts and disbursements; submission to seller

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-6-2

Sec. 22. Every auctioneer and/or auction company licensee shall deliver to the seller in every transaction wherein he acts as an auctioneer and/or auction company licensee a complete detailed summary showing all of the receipts and disbursements handled by such auctioneer and/or auction company licensee. (*Indiana Auctioneer Commission; Rule 23; filed Oct 7, 1977, 3:25 pm: Rules and Regs. 1978, p. 168; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-23 Knowledge of current market conditions; duty of auctioneer

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-3-2; IC 25-6.1-6-1

Sec. 23. An auctioneer and/or licensee shall keep informed on current market conditions of real and personal property at all times in order to be in a position to advise and perform services for his clients to the best of his ability. (*Indiana Auctioneer Commission; Rule 24; filed Oct 7, 1977, 3:25 pm: Rules and Regs. 1978, p. 169; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-24 Unprofessional conduct

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-6-1; IC 25-6.1-6-2

Sec. 24. A licensee shall conduct his professional activities in a professional manner that will reflect credit upon himself, the auction profession and auctioneers. Unprofessional conduct includes but is not limited to the following:

(1) Failure of a licensee to account to and pay over all monies and tangible personal property coming into his possession which belong to others including buyers at auction as well as consignors no later than thirty days from the date that the obligation arises to remit or deliver the said monies or tangible personal property.

(2) A licensee's payment of compensation in money or other valuable thing to any person other than a licensee for the rendering of any service or the doing of any of the acts by this act forbidden to be rendered or performed by other than licensees.

(*Indiana Auctioneer Commission; Rule 25; filed Oct 7, 1977; 3:25 pm: Rules and Regs. 1978, p. 169; filed Nov 18, 1980, 8:55 am: 4 IR 54; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-25 Practice of law prohibited

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-6-1

Sec. 25. A licensee shall not engage in activities that constitute the practice of law and shall recommend that his clients seek the services of a lawyer when he deems it necessary. (*Indiana Auctioneer Commission; Rule 26; filed Oct 7, 1977, 3:25 pm: Rules and Regs. 1978, p. 169; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-26 Self-dealing prohibited; exemption

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-6-1

Sec. 26. A licensee shall refrain from buying or selling at his own auction for personal gain, unless disclosed to the seller. (*Indiana Auctioneer Commission; Rule 27; filed Oct 7, 1977, 3:25 pm: Rules and Regs. 1978, p. 169; readopted filed May 22, 2001,*

9:57 a.m.: 24 IR 3236)

812 IAC 1-1-27 Auctioneer-client relationship; disclosure of costs and services

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-6-1

Sec. 27. A licensee shall preserve a professional, confidential relationship with his client, revealing estimated costs and services for conducting the auction. (*Indiana Auctioneer Commission; Rule 28; filed Oct 7, 1977, 3:25 pm: Rules and Regs. 1978, p. 169; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-28 Fees for services (Repealed)

Sec. 28. (*Repealed by Indiana Auctioneer Commission; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1952*)

812 IAC 1-1-29 Advertising by auctioneer (Repealed)

Sec. 29. (*Repealed by Indiana Auctioneer Commission; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1952*)

812 IAC 1-1-30 Forms used by auctioneers (Repealed)

Sec. 30. (*Repealed by Indiana Auctioneer Commission; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1952*)

812 IAC 1-1-31 Student auctioneers; supervision of practice

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-2-5

Sec. 31. The Commission shall grant permission to auctioneer schools accredited by the Private School Accrediting Commission of Indiana, to allow their students, through the duration of the school, to practice and participate in the capacity of an auctioneer, under the supervision of their instructor. (*Indiana Auctioneer Commission; Rule 32; filed Oct 7, 1977, 3:25 pm: Rules and Regs. 1978, p. 169; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-32 Complaints

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-7-2

Sec. 32. Except for IC 25-6.1-7-2, all complaints filed concerning violations of IC 25-6.1 and this title must be filed with the office of the attorney general, consumer protection division on forms furnished by the consumer protection division. (*Indiana Auctioneer Commission; Rule 33; filed Oct 7, 1977, 3:25 p.m.: Rules and Regs. 1978, p. 169; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1951; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-33 Contract disputes; commission without jurisdiction to settle; written contracts required

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-6-5

Sec. 33. The Commission is not a commission of arbitration and has no jurisdiction to settle disputes between parties concerning such matters of contract as the rates of commission, the division of commission, and similar matters. The statute requires, to avoid differences between parties that all agreements concerning auctions be reduced to writing at the earliest practical time. (*Indiana Auctioneer Commission; Rule 34; filed Oct 7, 1977, 3:25 pm: Rules and Regs. 1978, p. 169; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-34 Auction procedure; completion of sale; sale without reserve

Authority: IC 25-6.1-2-5
 Affected: IC 25-6.1-2-5; IC 25-6.1-6-1

Sec. 34. Sale by Auction. (a) In a sale by auction if property being sold is put up in lots, each lot is the subject of a separate sale.

(b) A sale by auction is complete when the auctioneer so announces by the fall of the hammer or in any other customary manner. Where a bid is made while the hammer is falling in acceptance of a prior bid, the auctioneer may in his discretion reopen the bidding or declare the property sold under the bid on which the hammer was falling.

(c) Such a sale is with reserve unless the property being sold is in explicit terms put up without reserve. In an auction with reserve the auctioneer may withdraw the property being offered for sale at any time until he announces completion of the sale. In an auction without reserve, after an auctioneer calls for bids on property being offered for sale, such property cannot be withdrawn unless no bid is made within a reasonable time. In either case a bidder may retract his bid until the auctioneer's announcement of completion of the sale, but a bidder's retraction does not revive any previous bid.

(d) If the auctioneer knowingly receives a bid on the seller's behalf or the seller makes or procures such a bid, and notice has not been given that liberty for such bidding is reserved, the buyer may at his option avoid the sale or take the property at the price of the last good faith bid prior to the completion of the sale. (*Indiana Auctioneer Commission; Rule 35; filed Oct 7, 1977, 3:25 pm: Rules and Regs. 1978, p. 169; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-35 Fees charged by commission

Authority: IC 25-6.1-2-5
 Affected: IC 25-6.1-3-5

Sec. 35. The following fees shall be charged by and paid to the commission by applicants and licensees:

(1) Application for examination	\$25
(2) Application for licensure as an auctioneer per reciprocal agreement	\$35
(3) Application for licensure as an auction house	\$35
(4) Application for licensure as an auction company	\$35
(5) Application for licensure as an auctioneer per temporary permit	\$25
(6) Biennial registration as auctioneer	\$35
(7) Biennial registration as an auction house	\$35
(8) Biennial registration as an auction company	\$35
(9) License renewal reinstatement fee	\$25
(10) Duplicate license, where the original license is lost or destroyed, and an affidavit thereof, submitted to the commission or reissuance of a license involving change	\$5
(11) Duplicate pocket card, where the original card is lost or destroyed and an affidavit thereof, submitted to the commission	\$5
(12) Certification of status of license	\$5

(*Indiana Auctioneer Commission; Rule 36; filed Oct 7, 1977, 3:25 p.m.: Rules and Regs. 1978, p. 170; filed Nov 18, 1980, 8:55 a.m.: 4 IR 52; filed Mar 21, 1988, 1:30 p.m.: 11 IR 2870; filed Jun 14, 1996, 3:00 p.m.: 19 IR 3098; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-36 Reconsideration of license after revocation

Authority: IC 25-6.1-2-5
 Affected: IC 25-6.1-3-2

Sec. 36. Not earlier than one (1) year after the revocation of a license, as a consideration for issuance, the Commission may consider the application of the licensee or his successor and may issue a new license for good cause and in the case of an auctioneer, shall in all cases require the examination as provided for by the Indiana Auctioneer and Auction Licensing Act (IC 25-6.1) (*Indiana Auctioneer Commission; Rule 37; filed Nov 18, 1980, 8:55 am: 4 IR 54; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-37 Investigation of trust accounts

Authority: IC 25-6.1-2-5
Affected: IC 25-6.1-6-6

Sec. 37. Each licensee shall make available for inspection and copying the detailed record required by IC 25-6.1-6-6(b) upon request by the commission for investigative and compliance purposes. (*Indiana Auctioneer Commission; 812 IAC 1-1-37; filed Sep 25, 1990, 3:25 p.m.: 14 IR 288; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-38 Advertising

Authority: IC 25-6.1-2-5
Affected: IC 25-6.1-6-5

Sec. 38. In addition to the requirements under IC 25-6.1-6-5, all advertisements of auctions shall disclose the following:

- (1) The name and license number of the principal auctioneer involved in the auction.
- (2) The name and license number of the principal auction house involved in the auction.
- (3) The name and license number of the principal auction company involved in the auction.

(*Indiana Auctioneer Commission; 812 IAC 1-1-38; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1951; filed Oct 16, 2000, 10:17 a.m.: 24 IR 687; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-39 Posting auction sign

Authority: IC 25-6.1-2-5
Affected: IC 25-6.1-2

Sec. 39. (a) Each licensee shall jointly be responsible for posting a sign at either the main entrance of the auction, the place of registration, or by the cashier that states the following:

- (1) The name and license number of all auctioneers involved in the auction.
- (2) The name and license number of all auction houses involved in the auction.
- (3) The name and license number of all auction companies involved in the auction.
- (4) That the persons identified in this subsection are licensed by the Indiana Auctioneer Commission, Indiana Government Center, Indianapolis, Indiana 46204.

(b) The sign required under subsection (a) shall be no smaller than twenty-four (24) inches by thirty (30) inches, and the letters and numbers appearing on the sign must be of adequate size so that they may be readily seen by an individual with normal vision when viewing them. (*Indiana Auctioneer Commission; 812 IAC 1-1-39; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1951; filed Oct 16, 2000, 10:17 a.m.: 24 IR 687; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-40 Auctioneer; records and accounts

Authority: IC 25-6.1-2-5
Affected: IC 25-6.1-6

Sec. 40. (a) The requirements of IC 25-6.1-6-1, IC 25-6.1-6-2, and IC 25-6.1-6-3 apply to auctioneers conducting auctions for auction houses or auction companies.

- (b) The records and accounts required under IC 25-6.1-6-3 shall include the following:
- (1) Name, license number, and address of auction company or auction house.
 - (2) Date of sale.
 - (3) Location of sale.

(*Indiana Auctioneer Commission; 812 IAC 1-1-40; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1952; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-41 Auction company; auction house; records and accounts

Authority: IC 25-6.1-2-5
Affected: IC 25-6.1-6-3

Sec. 41. Each auction company licensee and auction house licensee, in addition to the requirements under IC 25-6.1-6-3, shall keep and maintain for a period of not less than two (2) years the name, license number, address, and date of auction sale of all auctioneers employed to conduct such auctions. (*Indiana Auctioneer Commission; 812 IAC 1-1-41; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1952; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-42 Compliance with IC 26-1-6-107

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 42. Auctioneers shall comply with IC 26-1-6-107 [*IC 26-1-6 was repealed by P.L.144-1997, SECTION 8, effective January 1, 1998.*]. (*Indiana Auctioneer Commission; 812 IAC 1-1-42; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1952; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

812 IAC 1-1-43 Violations; professional incompetence

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-4-1.1

Sec. 43. Violations of sections 13, 14, 16, 16.1, 19 through 34, and 38 through 43 of this rule shall be considered professional incompetence under IC 25-6.1-4-1.1. (*Indiana Auctioneer Commission; 812 IAC 1-1-43; filed Apr 2, 1993, 5:00 p.m.: 16 IR 1952; readopted filed May 22, 2001, 9:57 a.m.: 24 IR 3236*)

ARTICLE 2. AUCTIONEER COURSES AND INITIAL EDUCATION COURSE PROVIDERS

Rule 1. Definitions; General Provisions

812 IAC 2-1-1 Scope

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1-3-2

Sec. 1. (a) This article establishes requirements for the education of applicants for auctioneer licensure and establishes requirements for auction instruction pursuant to IC 25-6.1-3-2.

(b) The definitions in this rule apply throughout this article. (*Indiana Auctioneer Commission; 812 IAC 2-1-1; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3088; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221*)

812 IAC 2-1-2 "Course session" defined

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 2. "Course session" means a particular course of auction instruction conducted by an approved course provider. (*Indiana Auctioneer Commission; 812 IAC 2-1-2; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3088; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221*)

812 IAC 2-1-3 Violations of statute and rules

Authority: IC 25-6.1-2-5

Affected: IC 4-21.5-3; IC 4-21.5-4; IC 25-6.1

Sec. 3. (a) Failure of an approved course provider to comply with the provisions of this article shall subject it to denial of course provider approval or revocation or suspension of course provider approval as appropriate.

(b) If an approved course provider fails to meet the requirements for course provider approval renewal established in 812 IAC 2-2-4 and 812 IAC 2-2-5, the renewal shall be denied.

(c) Under subsections (a) through (b), auction schools shall be responsible for the actions of their employees and other agents.

(d) Notices of denials of course provider approval or renewals and administrative review of such denials are governed by IC 4-21.5-3-4 and IC 4-21.5-3-7.

(e) Institution of proceedings to revoke or suspend course provider approval is governed by IC 4-21.5-3-8. Emergency suspensions may be issued, where appropriate, under IC 4-21.5-4. (*Indiana Auctioneer Commission; 812 IAC 2-1-3; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3088; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221*)

812 IAC 2-1-4 Revocation, suspension, or denial of renewal of course provider approval; completion of courses

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 4. In the event it suspends, revokes, or denies renewal of course provider approval, the commission may, at its discretion, allow any course already in progress to be completed. (*Indiana Auctioneer Commission; 812 IAC 2-1-4; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3084; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221*)

812 IAC 2-1-5 Application for course provider approval; content

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 5. (a) Any auction school seeking approval as a course provider shall make written application for approval and shall submit such documents, statements, and forms as required by the commission, and as may be reasonably necessary to establish whether the school complies with the requirements of this article.

(b) The application shall state the name and address of the school's owner.

(c) The application shall list all instructors who will be teaching the course and include evidence that they comply with the qualifications established in 812 IAC 2-3-2. (*Indiana Auctioneer Commission; 812 IAC 2-1-5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3089; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221*)

Rule 2. Approved Course Providers; General Requirements

812 IAC 2-2-1 Facilities

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 1. (a) The premises, equipment, and facilities of the approved course provider shall comply with all local, city, county, and state regulations, such as fire, building, and sanitation codes.

(b) Approved course providers shall prohibit the serving or obtaining of alcoholic beverages in the classroom and any other area that the student would have access to during the time class is in session, including breaks, such as the restroom and hallways.

(c) Subsection (b) shall not be interpreted to prohibit the use of facilities (such as hotels, motels, and convention centers) where alcoholic beverages are sold in separate rooms. (*Indiana Auctioneer Commission; 812 IAC 2-2-1; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3089; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221*)

812 IAC 2-2-2 Student fees; cancellation of course sessions

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 2. (a) An approved course provider shall not charge a fee to students for seminars or other courses offered in preparation for the state licensing examination. This applies to students who are currently enrolled in a course or have completed a course within the past thirty (30) days.

(b) The cost of textbooks, supplemental texts, and required materials shall be included in the course fee. Disclosure of the full cost of the course (including tuition, books, and required materials) must be made to the student before enrollment.

(c) Each approved course provider shall establish a refund policy, which is included in all printed material related to the offering of the course. The refund policy shall be available for review and acceptance by the student at the time of enrollment.

(d) If a course session is canceled, the course provider must notify all individuals who have enrolled in it at least three (3) days in advance of the first scheduled class. (*Indiana Auctioneer Commission; 812 IAC 2-2-2; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3089; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221*)

812 IAC 2-2-3 Course records

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 3. Each approved course provider must maintain records of students who successfully complete and pass the course of study for a minimum of two (2) years. The records must include:

(1) attendance records;

(2) examination score records;

(3) student course evaluations; and

(4) duplicate copies of completion certificates or the ability to reproduce duplicate completion certificates.

(*Indiana Auctioneer Commission; 812 IAC 2-2-3; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3089; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221*)

812 IAC 2-2-4 Renewal of course provider approval

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 4. The approval of course providers expires on February 28 of each even-numbered year. To obtain renewal of course provider approval, the school must submit a letter requesting such renewal to the commission by January 1 of each even-numbered year. (*Indiana Auctioneer Commission; 812 IAC 2-2-4; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3090; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221*)

812 IAC 2-2-5 Review and investigation of approved course providers

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 5. (a) As a requirement for renewal, an approved course provider may be required to provide specific information, answer questions, and/or appear before the commission or its designee for the purpose of determining compliance with this article.

(b) The commission or its designee may, at any time, review and/or investigate any matter concerning any course, or applicant for course provider approval to determine compliance with this article.

(c) The method of review shall be determined by the commission in each case and will generally consist of the following:

(1) Consideration of information available from federal, state, and/or local agencies, private organizations or agencies, or interested persons.

(2) Conferences with the school director and other representatives of the school involved or with former students of the school.

(d) The commission may require a background check on school personnel, including a criminal history check. (*Indiana Auctioneer Commission; 812 IAC 2-2-5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 2090; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221*)

Rule 3. Instructors

812 IAC 2-3-1 Instructors; compliance with rule required

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 1. All instructors employed by approved course providers must meet the requirements of this rule. (*Indiana Auctioneer Commission; 812 IAC 2-3-1; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3090; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221*)

812 IAC 2-3-2 Instructors; qualifications

Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 2. Each instructor shall possess at least one (1) of the following minimum requirements:

- (1) A minimum of five (5) years of experience as an instructor in an establishment that offered auction instruction prior to July 1, 1996, or an auction school approved by the commission, or a combination of both.
- (2) A bachelor's degree from an accredited college or university and a minimum of two (2) years of experience in the auction business.
- (3) A minimum of five (5) years of experience as an auctioneer.
- (4) A juris doctor or equivalent from an accredited law school, and a minimum of two (2) years of experience in the subject matter to be taught in the course.
- (5) Two (2) years of experience as a qualified instructor or professor in the business, finance, or economics department of an accredited college or university.

(Indiana Auctioneer Commission; 812 IAC 2-3-2; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3090; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221)

812 IAC 2-3-3 Instructors; prohibitions

Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 3. An approved course provider is prohibited from hiring, or retaining in its employ, an instructor who:

- (1) has had his or her auctioneer license revoked or suspended by any jurisdiction;
- (2) has 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) has been convicted of a crime, which 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) has falsely certified hours of attendance or grades for any student; or
- (5) unless allowed by law, has refused to appear and/or testify under oath at any hearing held by the commission.

(Indiana Auctioneer Commission; 812 IAC 2-3-3; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3090; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221)

Rule 4. Conduct of Courses

812 IAC 2-4-1 Auctioneer courses; hours of classroom instruction

Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 1. (a) An auctioneer course shall consist of at least eighty (80) hours of classroom instruction.

(b) Each auctioneer course shall be conducted on at least ten (10) different days with a maximum of eight (8) hours of instruction per day.

(c) The examinations required under section 4(a) of this rule may not count toward the hours required by subsection (a).

(Indiana Auctioneer Commission; 812 IAC 2-4-1; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3090; errata filed Sep 23, 1996, 3:00 p.m.: 20 IR 333; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221)

812 IAC 2-4-2 Breaks

Authority: IC 25-6.1-2-5
Affected: IC 25-6.1-3-2

Sec. 2. Any amount of time allotted to breaks may not be counted toward the eighty (80) hours of actual instruction required by IC 25-6.1-3-2. *(Indiana Auctioneer Commission; 812 IAC 2-4-2; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3091; readopted filed Jul*

18, 2002, 12:24 p.m.: 25 IR 4221)

812 IAC 2-4-3 Attendance

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 3. (a) All attendance shall be in the same course session and may not be cumulative.

(b) A student may not receive attendance credit for attending more than one (1) class meeting of a class other than a class in the course session to which the student is assigned. The one (1) class must cover the same material as the class missed, the make up class must be completed during the regular class session, and must be sponsored by the school in which the student is enrolled. (*Indiana Auctioneer Commission; 812 IAC 2-4-3; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3091; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221*)

812 IAC 2-4-4 Examinations

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 4. (a) Each auctioneer course shall be required to have three (3) written examinations with each examination consisting of one hundred (100) questions. A total of two hundred twenty-five (225) points from the three (3) examinations is required to pass the course.

(b) Dates of all examinations must be announced to the students at least one (1) day in advance, and examinations shall be evenly spaced throughout the course.

(c) All examinations must be administered in the scheduled class session under the supervision of the course instructor. Take home examinations may not be credited toward the required passing score in the course.

(d) The total score to pass a course must be based only on scores earned on the required in-class examinations. Class recitations and quizzes may not be used to supplement or take the place of examination grades.

(e) Total security shall be provided for all examinations prior to, during, and after administration. Questions may not be distributed to students or discussed in class in advance. Students shall be prohibited from copying an examination after it has been administered.

(f) An examination booklet and all answer sheets shall be retained by the sponsoring school for at least one (1) year. Examinations may be made available to students only for personal review in a supervised situation after the examinations have been graded and scores recorded.

(g) Examinations administered in the auction course shall not be taken from the school premises under any circumstances.

(h) Administration of make up examinations shall be at the discretion of the course instructor. If make up examinations are permitted, and the student is taking the examination prior to other students in the class, the same examination that will be used for the class shall be administered. If the student will be taking a make up examination after other students in the class, a different examination shall be used, however, the examination must cover the same subject content.

(i) Each approved course provider shall establish a written policy against cheating in its auctioneer courses. (*Indiana Auctioneer Commission; 812 IAC 2-4-4; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3091; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221*)

812 IAC 2-4-5 Course evaluations

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 5. (a) Course providers are required to survey their students at the end of each course session and/or after the students have taken the state licensing examination.

(b) The survey shall include information regarding:

(1) the quality of instruction;

(2) appropriateness of materials; and

(3) other information that will properly evaluate the course.

(c) Evaluations must be made available for inspection by the commission upon request. (*Indiana Auctioneer Commission; 812 IAC 2-4-5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3091; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221*)

Rule 5. Course Providers; Miscellaneous Prohibitions

812 IAC 2-5-1 Advertising

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 1. No course provider conducting a course of study shall advertise or make any reference in its advertising, promotional material, brochures, and/or registration forms that it is endorsed, recommended, or accredited by, or affiliated with the commission. (*Indiana Auctioneer Commission; 812 IAC 2-5-1; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3091; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221*)

812 IAC 2-5-2 Advertising; requirements

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 2. (a) Course providers are prohibited from engaging in false or misleading advertising.

(b) If a course provider's advertisement contains representations concerning the number or percentage of its students who pass the commission's auctioneer examination, the course provider shall retain information, including the raw data and the calculation substantiating the accuracy of the representations, and make it available to the commission upon request.

(c) The method of calculation of passing percentage under subsection (b) shall be as follows:

(1) Advertisement must state the period for which passing percentages are reported.

(2) Percentages must be based on first-time candidates taking the state licensing examinations for the period reported.

(*Indiana Auctioneer Commission; 812 IAC 2-5-2; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3092; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221*)

812 IAC 2-5-3 Course providers; prohibitions

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 3. Course providers are prohibited from the following:

(1) Giving materially inaccurate or misleading information in an application for course provider approval or an annual report.

(2) Deliberately falsifying or misrepresenting any information supplied to the commission or the public.

(3) Possessing, claiming to possess, revealing, or distributing any questions used in the commission's auctioneer examination.

(4) Having substantially failed to comply with the provisions of any contract or agreement entered into with a student.

(5) Failing to allow the commission or its designee to inspect the school or its records or failing to make available such information as required by this article.

(6) Having been convicted, or one (1) of its owners having been convicted, of a crime that has a direct bearing on the course provider's ability to conduct an auction course, including, but not necessarily limited to, violation of auction laws and abuse of fiduciary responsibilities.

(7) Violating IC 25-6.1 or this title.

(8) Failing to notify the commission within thirty (30) days of the termination of its relationship with an instructor for cause.

(*Indiana Auctioneer Commission; 812 IAC 2-5-3; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3092; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221*)

Rule 6. Auctioneer Course; Subject Area Emphasis

812 IAC 2-6-1 Subject areas; number of course hours

Authority: IC 25-6.1-2-5
 Affected: IC 25-6.1

Sec. 1. (a) Auctioneer courses offered by an approved course provider must include no fewer than the minimum number of hours in each of the subject areas as listed in subsection (b).

(b) The subject areas and corresponding minimum hourly requirements for an auctioneer course are as follows:

(1) A minimum of sixty (60) hours must be accrued in the following subjects with the minimum hourly requirement for each subject being equal to the number of course hours listed:

Subject Area	Number of Course Hours
Bid calling/public speaking	8
Ethics	3
Sale advertising	5
Accounting procedures/mathematics	3
Sale summary/closing statements	3
Firearms	2
Auction law, including sales tax law and environmental law pertaining to auctioneering	15
UCC and bulk transfers	2
Contracts and legal matters	5
Bankruptcy	2
Appraising	5
Sale preparation, set-up, and clean-up	7
	60

(2) A minimum of eleven (11) hours must be accrued in the following subjects, with a minimum of one (1) hour in each subject listed:

- Antiques
- Art, rugs, and jewelry
- Automobiles
- Cattle and livestock
- Computers
- Estate sales
- Farm machinery
- Furniture
- Heavy equipment
- Insurance
- Tobacco

(3) A minimum of nine (9) hours must be accrued in the following subjects, with a minimum of three (3) hours in each subject listed:

- Auction house operation
- Real estate
- Ring work

(Indiana Auctioneer Commission; 812 IAC 2-6-1; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3092; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221)

Rule 7. Auctioneer Course; Outline

812 IAC 2-7-1 Bid calling; public speaking

Authority: IC 25-6.1-2-5
 Affected: IC 25-6.1

Sec. 1. The following are concepts that must be emphasized when teaching bid calling and/or public speaking:

- (1) Individual poise.
- (2) Command of the podium.
- (3) Body language.
- (4) Eye contact.
- (5) Voice control.
- (6) Auction chant.
- (7) Clarity and timing.

(Indiana Auctioneer Commission; 812 IAC 2-7-1; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3093; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221)

812 IAC 2-7-2 Ethics

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 2. The following are concepts that must be emphasized when teaching auctioneering ethics:

- (1) Proper conduct related to advertising.
- (2) Cooperation between auctioneers.
- (3) Opening statements.
- (4) Client relationships.

(Indiana Auctioneer Commission; 812 IAC 2-7-2; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3093; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221)

812 IAC 2-7-3 Sale advertising

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 3. The following are concepts that must be emphasized when teaching the advertisement of sales:

- (1) Setting an advertising budget.
- (2) The use of sale bills, brochures, and electronic media.

(Indiana Auctioneer Commission; 812 IAC 2-7-3; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3093; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221)

812 IAC 2-7-4 Accounting procedures/mathematics

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 4. The following are concepts that must be emphasized when teaching accounting procedures and/or mathematics:

- (1) General record keeping for auctioneers, auction companies, and auction houses.
- (2) Escrow accounting.
- (3) Real estate math.

(Indiana Auctioneer Commission; 812 IAC 2-7-4; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3093; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221)

812 IAC 2-7-5 Sale summary; closing statements

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 5. The following are concepts that must be emphasized when teaching sale summarization and closing statements:

- (1) Settlement procedures.
- (2) Required forms.

(Indiana Auctioneer Commission; 812 IAC 2-7-5; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3093; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221)

812 IAC 2-7-6 Firearms

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 6. The following are concepts that must be emphasized when teaching about firearms:

(1) Local, state, and federal laws pertaining to the sale of firearms.

(2) Procedures for handling firearms in an auction setting.

(Indiana Auctioneer Commission; 812 IAC 2-7-6; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3093; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221)

812 IAC 2-7-7 Auction law

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 7. The following must be emphasized when teaching auction law:

(1) Local, state, and federal law as it pertains to conducting auctions.

(2) Indiana license law (IC 25-6.1 and 812 IAC).

(3) Sales tax law as it pertains to auctions.

(4) Environmental law and environmental concerns pertaining to auctions or auctioneering.

(5) Procedures for due diligence.

(Indiana Auctioneer Commission; 812 IAC 2-7-7; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3093; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221)

812 IAC 2-7-8 Contracts and legal matters

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 8. The following must be emphasized when teaching contracts and legal matters:

(1) Procedures and forms used when drawing up a contract.

(2) Recent case law decisions involving the auction profession.

(3) Contractual responsibilities.

(Indiana Auctioneer Commission; 812 IAC 2-7-8; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3093; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221)

812 IAC 2-7-9 Bankruptcy

Authority: IC 25-6.1-2-5

Affected: IC 25-6.1

Sec. 9. The following must be emphasized when teaching about bankruptcy:

(1) Chapter 7 bankruptcy as it pertains to auctions.

(2) Chapter 11 bankruptcy as it pertains to auctions.

(3) Chapter 13 bankruptcy as it pertains to auctions.

(4) Procedures for conducting auctions involving Chapter 7, Chapter 11, or Chapter 13 bankruptcy.

(Indiana Auctioneer Commission; 812 IAC 2-7-9; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3094; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221)

812 IAC 2-7-10 Appraising

Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 10. The following concepts must be emphasized when teaching appraising:

- (1) Requirements for personal property appraisers and real estate appraisers.
- (2) Appraising procedures.
- (3) Appraising formats.
- (4) Valuation techniques.

(Indiana Auctioneer Commission; 812 IAC 2-7-10; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3094; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221)

812 IAC 2-7-11 Sale preparation, set-up, and clean-up

Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 11. The following concepts must be emphasized when teaching sale preparation, set-up, and clean-up:

- (1) Practical applications.
- (2) "How to" procedures.

(Indiana Auctioneer Commission; 812 IAC 2-7-11; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3094; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221)

812 IAC 2-7-12 Auction house operation

Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 12. The following concepts must be emphasized when teaching auction house operation:

- (1) Accounting and bookkeeping requirements.
- (2) Consignor requirements.
- (3) Auction procedures.
- (4) Liability concerns.

(Indiana Auctioneer Commission; 812 IAC 2-7-12; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3094; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221)

812 IAC 2-7-13 Computers

Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 13. Knowledge and proper use of computer hardware and software specifically designed for auction purposes must be emphasized when teaching computers. *(Indiana Auctioneer Commission; 812 IAC 2-7-13; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3094; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221)*

812 IAC 2-7-14 Insurance

Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 14. The following concepts must be emphasized when teaching insurance:

- (1) Policy types.
- (2) Determining adequate coverage for auctions.
- (3) Case studies involving recent insurance claims involving auctions, auction companies, or auction houses.

(Indiana Auctioneer Commission; 812 IAC 2-7-14; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3094; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221)

p.m.: 25 IR 4221)

812 IAC 2-7-15 Real estate

Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 15. The following concepts must be emphasized when teaching real estate:

- (1) Identification of potential auction property.
- (2) Listing procedures.
- (3) Required forms.
- (4) Proper pricing.
- (5) Advertising.
- (6) Signage.

(Indiana Auctioneer Commission; 812 IAC 2-7-15; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3094; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221)

812 IAC 2-7-16 Ring work

Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 16. The following concepts must be emphasized when teaching ring work:

- (1) Practical application.
- (2) Accepted procedures.
- (3) Communication techniques.
- (4) Proper conduct.

(Indiana Auctioneer Commission; 812 IAC 2-7-16; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3094; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221)

812 IAC 2-7-17 Other subjects; emphasis

Authority: IC 25-6.1-2-5
Affected: IC 25-6.1

Sec. 17. General categorical information, procedures pertaining to the auction of the items, and the methods of positive identification of the items must be emphasized when teaching the following subjects:

- (1) Antiques.
- (2) Art, rugs, and jewelry.
- (3) Automobiles.
- (4) Cattle and livestock.
- (5) Estate sales.
- (6) Farm machinery.
- (7) Furniture.
- (8) Heavy equipment.
- (9) Tobacco.

(Indiana Auctioneer Commission; 812 IAC 2-7-17; filed Jul 3, 1996, 5:00 p.m.: 19 IR 3094; readopted filed Jul 18, 2002, 12:24 p.m.: 25 IR 4221)

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)

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)*

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*)

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*)

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*)

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*)

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*)

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*)

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*)

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*)

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*)

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*)

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*)

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*)

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

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

INDIANA AUCTIONEER 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*)

*