

# IT'S THE LAW

By

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## Continuing Education Update

This is the second year that auctioneers, apprentice auctioneers, and designated persons for auction firms are required to submit proof of continuing education. You are reminded that the North Carolina Auctioneer Licensing Board must receive proof of four (4) hours of attendance at an approved continuing education class on or before Wednesday, May 15, 2002. The Board's staff will not mail license renewal applications without first receiving documentation of completion of the required continuing education.

Licenses who submit their continuing education documentation after Wednesday, May 15, 2002, will be required to also submit a \$50.00 late fee before they will be eligible to receive an application to renew their license.

Obviously, there were licensees who did not comply with the Law and Rules as it pertained to the continuing education requirements last year, so their license status was changed from active to lapsed. This was due to the fact that they were not allowed to renew without the submission of the proper documentation.

Be advised that 21 NCAC 4B .0801(e) states: "An auctioneer, an apprentice auctioneer, or a designated person(s) in an auction firm shall complete the continuing education requirements for each renewal period that their license was lapsed or suspended." Licensees who wish to bring their licenses out of a lapsed status must show proof of four hours of continuing education for the year their license was placed into a lapsed status and they must show proof of four hours of continuing education for the year that they want to renew.

There has only been an 11% drop of total

active licensees from the license year 2000-2001 and the license year 2001-2002. This amount is much less than what both the Board and licensees expected.

After the first year of the continuing education requirement, the Board's staff have observed a decrease in the number of violations of 21 NCAC 4B .0404(a)(5) which makes it unlawful for a licensee to auctioneer at an unlicensed auction firm sale. This was a frequent problem prior to the requirement of continuing education and many auctioneers were unaware of this existing rule.

Last year the Board's Executive Director presented a topic titled "Auction Firm Licenses" at all of the continuing education classes conducted by the Auctioneer Association of North Carolina. The decrease in the above violation appears to be a direct result of the continuing education classes.

Within a two week period in the Spring of 2001, four auctioneers contacted the Board's office to report an unlicensed auction firm that was going to conduct an auction. This firm actually contacted a total of six different auctioneers and none would assist the unlicensed auction firm to conduct this illegal auction. Not only did the illegal auction not occur, but none of the auctioneers committed, or were charged with, any violations.

When the auctioneers were asked how they knew this would be an illegal auction, the majority said that they learned of these type of auctions at their continuing education classes. They said they were both educated and warned of possible violations by associating themselves with an unlicensed auction firm.

Most likely in previous years, this auction would have occurred and at least one auctioneer would have faced disciplinary action. If you do not think continuing education is worthwhile, ask the above auctioneers.