## Pre-Licensing/Pre-Education Frequently Asked Questions

What is the most important application response concern? Be thorough and honest. Incorrect or incomplete response information can and does cause license applications to be denied.

<u>What other application issue frequently creates problems?</u> Failure to realize that the word ever means **EVER**. (The exception is that subsequently expunged criminal history information does <u>not</u> need to be disclosed.)

Will a criminal record keep me from being approved for an auctioneer or auction firm license? Possibly, but each application is reviewed on its own merits, and on a case-by-case basis. Further, any criminal history-based denial decision can only come following consideration and analysis of the factors listed in N.C.G.S. 93B-8.1 (b)(b1) and N.C.G.S. 85B-3.2(d).

I happen to have some criminal record issues in my past. Prior to beginning any education or sending in a license application, is there a way that I can learn if my particular situation will preclude me from being issued a license? YES. You can see information to request a predetermination decision at <a href="http://www.ncalb.org/pdfs/Form%201%20NCA.19%20NC%20Resident%20Auctioneer%20Application%20Exam%20Package.pdf">http://www.ncalb.org/pdfs/Form%201%20NCA.19%20NC%20Resident%20Auctioneer%20Application%20Exam%20Package.pdf</a> or by contacting NCALB staff.

Do I have to complete auctioneering school before seeking a predetermination decision from the Board? No. If you suspect that your criminal history may ultimately keep you from being approved for a license, you may want to request a predetermination decision from the Board prior to investing the time, energy, and expense involved in attending auction school.

Why does the application ask about financial matters? Upon being issued a license, auctioneers are permitted to assume the fiduciary duty of being trusted with the property (and proceeds from the sale of property) of their auction clients.

Will adverse financial information in my past preclude me from being approved for a license? Possibly. The Board assesses the past and current status of applicants and may deny licensure upon determination that a demonstrated lack of financial responsibility exists.

<u>Do I have to provide a credit report?</u> The Board may require a current credit report in certain circumstances, including bankruptcies, unsatisfied judgments, and worthless check criminal convictions.

Can I get a pre-determination decision regarding financial issues from the Board regarding financial issues prior to submitting a license application? No. North Carolina law requires occupational licensing boards to make criminal history-based predetermination decisions when requested, but not for any other reason.

If my application is not approved by the Board, is there any opportunity to appeal that decision? Yes. Any applicant whose license application has initially been denied has 30 days from the date of notification to request a formal administrative hearing before the Board. This is an opportunity to challenge information, present evidence, present witnesses, and offer testimony prior to the Board reaching any final agency decision.



## North Carolina Auctioneers Licensing Board 108 Ber Creek Drive Fuquay-Varina, NC 27526

#### PREDETERMINATION OF LICENSURE

An individual with a criminal history may petition a board at any time, including before an individual starts or completes any mandatory education or training requirements, for a predetermination of whether the individual's criminal history will likely disqualify the individual from obtaining a license.

For instructions on requesting a predetermination, please contact the office at (919) 567-2844 or email info@ncalb.org.

Pursuant to House Bill 770, which was ratified on June 28, 2019, Occupational Licensing Boards have the power to deny a license due to a criminal conviction pursuant to 93B-8.1(b)(b1). However, the following factors must be considered:

- (1) The level and seriousness of the crime.
- (2) The date of the crime.
- (3) The age of the person at the time of the crime.
- (4) The circumstances surrounding the commission of the crime, if known.
- (5) The nexus between the criminal conduct and the prospective duties of the applicant as a licensee.
- The prison, jail, probation, parole, rehabilitation, and employment records of the applicant since the date the crime was committed.
- (6a) The completion of, or active participation in, rehabilitative drug or alcohol treatment.
- (6b) A Certification of Relief granted pursuant to NCGA 15A-173.2.
- (7) The subsequent commission of a crime by the applicant.
- (8) Any affidavits or other written documents, including character references.

## MILITARY-TRAINED APPLICANTS/MILITARY SPOUSES

**Licensure for military-trained applicants/military spouses:** If you are a military spouse or a military-trained (applies for some types of occupational licenses) applicant you may be eligible for endorsement without meeting all of the requirements described in this application. Please see <a href="http://www.ncalb.org/publications.cfm">http://www.ncalb.org/publications.cfm</a> with information about the different requirements and contact the board staff for additional information and documentation requirements at <a href="mailto:info@ncalb.org">info@ncalb.org</a> or call 919-567-2844.



North Carolina Auctioneer Licensing Board 108 Ber Creek Drive Fuquay-Varina, NC 27526 www.ncalb.org info@ncalb.org

## OUT OF STATE APPLICATION FOR APPRENTICE AUCTIONEER LICENSE

READ CAREFULLY all instructions in this application and the *North Carolina Auctioneer Laws, Rules and Regulations*. Those are available on the Board's website at <a href="https://www.ncalb.org">www.ncalb.org</a>.

The application must be properly completed, signed, notarized, accompanied by all required documents, proper fees, and dated no more than *thirty (30) days* prior to when your application is received by the office of the North Carolina Auctioneer Licensing Board (NCALB). *It must be received, not postmarked, in the NCALB Office on, or before the deadline established by the Board.* 

All fees may be combined in one check made payable to the North Carolina Auctioneer Licensing Board. The correct fees must be submitted. Please note it is a violation of 21 NCAC 4B. 0404 to submit a check to the Board in payment of required fees, which is returned unpaid.

Once the application is received and processed, the application fee is non-refundable.

FINGERPRINT RESULTS MUST BE RECEIVED BY THE NCALB PRIOR TO ANY LICENSE BEING ISSUED.

#### **Required Application Documents:**

- Required Fees. See Out of State Apprentice Auctioneer License Application Instructions for details.
- Copy of applicant's high school diploma or proof of equivalency, college diploma or transcript from high school or college. You must be 18 years old and have graduated from high school or equivalent pursuant to N.C.G.S. 85B-4(b).
- A clear "2 x 2" photograph of the applicant's head and shoulders taken within the past 6 months.
- Fingerprint Card and Authority for Release of Information Form. See Out of State Apprentice Auctioneer License Application Instructions for details.
- Supervisor Application Form as required pursuant to 21 NCAC 4B.0403(a). See Out of State Apprentice Auctioneer License Application Instructions for details.
- Letter of good standing, if applicable, from each Board/Commission where the applicant holds an active auctioneer, apprentice, and/or auction firm license. See Out of State Apprentice License Application Instructions for details.
- Written detailed statement for questions #14 through #20 if you answered "YES." Complete details must be given. Attached a separate statement.

## Out of State Apprentice Auctioneer License Application Instructions

Each applicant must carefully read and complete (Print clearly) the application in its entirety and provide the following supporting documents:

- 1. A clear, focused passport type photograph (2" x 2") of the applicant's head and shoulders, taken within the last six months, suitable for identification purposes.
- 2. Copy of the applicant's high school diploma or proof of equivalency. The NCALB will ONLY accept a GED or high school diploma issued by accredited institutions. A college diploma, high school transcript or college transcript is acceptable.
- 3. Social Security Information Form.
- 4. Employee Classification Form.
- 5. Supervisor Applicant Form. Each proposed supervisor for an apprentice applicant shall complete the Supervisor Application Form. This form details the number and types of auctions conducted annually and include a summary of his/her background and experience. Each supervisor is required to possess a current active North Carolina Auctioneer License and have a minimum of 5 (five) years of active experience in the auction profession or an equivalent combination of training and experience.
- 6. Fingerprint Card, Fee, and Authority for Release of Information Form pursuant to N.C.G.S. § 85B-3.2; Each applicant is required to complete am Authority for Release of Information Form, a fingerprint card, and pay the processing fee to this Board. The fingerprints must be obtained by a law enforcement agency, such as the Police Department or Sheriff's Office. The applicant and the official taking the fingerprints must complete the card. The fingerprint lines/ridges must be clearly visible. This card may be obtain from your local Police Department or Sheriff's Office.

#### DO NOT FOLD THE FINGERPRINT CARD

(You may obtain a fingerprint card at a Sheriff's Office or Police Department) (FORM - FD-258)

7. Proper Filing Fees as required by 21 NCAC 4B .0202:

(a) Apprentice Application Fee: \$200.00 (\$50 application fee, \$100 license fee, \$50 recovery fund fee)
(b) Fingerprint Processing fee: \$38.00

8. Each applicant must submit a letter of good standing (license status) from each Board or Commission where the applicant holds an active auctioneer, including an auction firm license and/or a apprenticeship license, if applicable. This Board will accept an electronic letter of good standing if sent directly from that State's Board/Commission. Email address: info@ncalb.org.

#### APPRENTICE AUCTIONEER LICENSE REQUIREMENTS

- (1) Apprentice Auctioneers must maintain a log of the exact hours and dates on which they obtain specific apprentice ship experience, with each entry signed by their supervising auctioneer.
- (2) If the applicant's apprenticeship license is approved by the board, a log form will be sent to your supervising auctioneer. They are required to maintain this log as required by 21 NCAC 4B .0201(6)(B). The total minimum hours of 100 must be obtained during the two-year apprenticeship period.
- (3) An apprentice auctioneer license may be renewed three times. The applicant must apply and take the state auctioneer exam and obtain a minimum passing score of 75 prior to the expiration of the third renewal period.
- (4) All sales conducted by an apprentice must be done under the direct supervision of your supervisor. This means the supervising auctioneer must be on the premises whenever you are conducting an auction. You may not contract for or conduct an auction without the prior express written consent of the supervisor pursuant to N.C.G.S. 85B-4(c1) and 21 NCAC 4B .0403.

## **ESCROW ACCOUNT REQUIREMENTS**

N.C.G.S. § 85B-7.1 Handling Clients Funds of the Auctioneers Law, and 21 NCAC 4B .0603 of the Rules and Regulations specifies the requirements concerning escrow accounts. Money, which has come into your possession through an auction sale, which is payable to the auctioneer or firm, and any portion that belongs to others, may not be commingled with your own under any circumstances N.C.G.S. § 85B-8(a)(7). In addition, such funds must be deposited in a trust or escrow account in a bank or savings and loan association **located in North Carolina**, within three business days of receiving the funds. Funds, which are disbursed to the seller on auction day, are not subject to the escrow account requirements; however, the Law and Rules specify certain record keeping requirements.

If you have any questions concerning these requirements or you determine that an auction firm application is needed, you should contact this office or visit www.ncalb.org.

# NORTH CAROLINA AUCTIONEER LICENSING BOARD **APPLICATION for NON RESIDENT APPRENTICE AUCTIONEER LICENSE**

Required with each application:

#### **PHOTOGRAPH**

Attach a clear full-face, passport quality photo (2" x 2") of head and shoulders taken within the past 6 months.



108 Ber Creek Drive Fuquay-Varina, N.C. 27526 Voice (919) 567-2844 Fax (919) 567-2865 E-mail info@ncalb.org Website www.ncalb.org

FOR	BOARD USE ONLY
License Issued Date	License #
Board Initials:	
FEES	I EXAM
Application Fee	_ Date Grade
Examination Fee	-
License Fee	-
Background Fee	Hold Until July 1st Yes
Recovery Fund	-   Tes
Total Fees	_

## APPLICANTS MUST READ THE ACCOMPANYING INSTRUCTION MATERIALS AND THE NORTH

## TYPE OR PRINT (Do not use pencil) PRINT LEGIBLY\*\*PRINT ONE-SIDED\*\*DO NOT STAPLE

Apprentice Auction	neer License Fee	: \$200.00 (\$:	50.00 application	on; \$100	.00 Apprenti	ce License; \$50	.00 Recovery Fund)	
(1) Are you an active military-trained auctioneer or a military spouse seeking licensure as an North Carolina Auctioneer under the provisions of N.C.G.S. 93B-15.1?  Yes No If you answered yes, contact the office prior to submission of application for additional information and documentation requirements.								
(2) Are you active military?								
(4) Full Name	First		Full Name			Last		
(5) Residence Address	Street Address				City	State	Zip (9-digit if known)	
(6) Mailing Address (if different)	Street Address or PO Box				City	State	Zip (9-digit if known)	
(7) Legal Resident of	State	County		Country		(8) Date of Bir	th Mo. Day Yi	r.
(9) Home Phone (	)		(	10) Cell	Phone (	)		
(11) Business (	)		(12) Email					
(13) Website				(14) H	igh School Gra	aduate or GED	(yes or no	))

	Name	Type of License	License Number	State	From mo./yr.	To mo.	/yr.
		-		•		Yes	No
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2)	(If "yes", provide	n discharged in bankruptcy of a copy of the bankruptcy ovide a complete explanation	order discharging you			n if	
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Form 4 NRAP.19 Page 2 of 4

i.	Street Address		ring past seven years – <b>list prese</b> Number	City	State		m mo./yr.	To mo./yr.
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Des	scribe all emp	oloyment duri	ng the past seven years – list pre	sent employment fi	i <b>rst</b> – (attach	additi	onal sheets	if needed).
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tion		Duties				From !	Mo./Yr.	To Mo./Yr.
ľ	name, trade n	ame, or assur	individual applicant's name. If ned name, you must file such nars an LLC, a Corporation, a Partn	ne(s) with the Board	d. If this nai	ne is f	or a differen	nt entity other
			hould indicate the name (if know					
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vie	ewed at the ne	ext regularly	o <sup>th</sup> each year, regardless of the oscheduled monthly meeting of the lately after that meeting. Applica	e Board (following	examination	, if app	olicable) and	

Form 4 NRAP.19 Page 3 of 4

#### (29) This affidavit to be executed by applicant before a Notary Public:

The undersigned, in making this application to the North Carolina Auctioneer Licensing Board, swears (or affirms):

- 1. That he/she is the applicant named herein;
- 2. That he/she has read and understands the North Carolina Auctioneer Licensing Law and the Rules and Regulations of the Licensing Board;
- 3. That he/she agrees to abide by the North Carolina Auctioneers Law and Rules;
- 4. That the answers and information contained herein are true to the best of his/her knowledge and belief;
- 5. That he/she understands that any omissions, inaccuracies or failure to make full disclosures may be deemed sufficient reason to deny permission to take an examination or to deny a license or to withhold renewal of or suspend or revoke a license issued by the Board;
- 6. That he/she understands that the Board may make such inquiry and investigation concerning the applicant's character, record and background as the Board deems necessary, and said applicant further agrees to furnish any additional information or documentation requested by the Board.

	Signature of applicant:				
	Sworn and Subscribed to before me this	_ day of		, 20	
	(Name of Notary Public)		(Signature of N	Notary Po	ublic)
		My Comn	nission Expires		
		County			State
	(AFFIX SEAL)				
(30)	Proposed Supervising Auctioneer's Endorsement of whom the applicant will be associated must submit a which includes the number and types of auctions condument:  This is to certify that the above named applicant we me in the capacity of an apprentice auctioneer; that I we for his/her acts as an apprentice auctioneer while associates on of honesty, truthfulness and integrity; that I will per this application if requested to do so. I further certify that	orief written sum ucted annually, a vill, when proper ill exercise prope ted with me; that sonally appear b	amary of his/her and must person by licensed, be a er supervision ov to the best of mefore the Licens	backgroally sign ssociated yer and a ny knowl ing Boar	the following state- d with or engaged by assume responsibility ledge he/she is a per- d in connection with
	Supervising Auctioneer's Signature			Date	
	Supervising Auctioneer's Printed Name			License Num	uber
	Business Name (printed)				
	Business Address (printed)	City		State	Zip
	Mailing Address (printed)	City		State	Zip

Form 4 NRAP19 Page 4 of 4

# APPRENTICE SUPERIVSOR APPLICATION FORM

The following information must be comple Auctioneer package.	eted by the proposed super	rvising auctioneer and submitted with the Apprentice
Name of Apprentice Applicant:		
Name of Supervising Auctioneer:		
Address of Supervising Auctioneer:		
Supervising Auctioneer license number:		
Issue date of Supervising Auctioneer licen (Rules require at least 5 years of active exp		nbination of training and experience)
Number of sales conducted annually:		
Types of sales conducted annually:		
Signature of Proposed Supervisi	ing Auctioneer	Signature of Applicant
EOD CTAFE LICE ONLY		
FOR STAFF USE ONLY Proposed Supervising Auctioneer does	does not	possess required training and experience/verified by



## North Carolina Auctioneer Licensing Board

# Public Notice Statement

Required by N.C.Gen. Stat. § 143-764(a)(5), effective December 31, 2017

Any worker who is defined as an employee by N.C. Gen. Stat. §§ 95-25.2(4)(NC Department Of Labor), 143-762(a) (3)(Employee Fair Classification Act), 96-1(b)(10)(Employment Security Act), 97-2(2)(Workers' Compensation Act), or 105-163.1(4)(Withholding; Estimated Income Tax for Individuals) shall be treated as an employee unless the individual is an independent contractor. Any employee who believes that the employee has been misclassified as an independent contractor by the employee's employer may report the suspected misclassification to the Employee Classification Section with the North Carolina Industrial Commission.

Employee Classification Section North Carolina Industrial Commission 1233 Mail Service Center Raleigh, NC 27699-1233 Telephone: (919) 807-2582 Fax: (919) 715-0282

Email: emp.classification@ic.nc.gov

Employee misclassification is <u>defined</u> as avoiding tax liabilities and other obligations imposed by Chapter 95, 96, 97, 105, or 143 of the North Carolina General Statues by misclassifying an employee as an independent contractor. [N.C. Gen. Stat. § 143-762(5)]

(Check one of the following)
I have not been investigated \_\_\_\_\_ / I have been investigated \_\_\_\_\_ for employee misclassification and have attached the results of the investigation to this application/renewal.

Signature of Applicant:

I certify that I have read the Public Notice Statement above and that I understand it.

Date:

Printed Name of Applicant:

#### **IMPORTANT**

All information must be completed on the fingerprint card in order for the card to be processed by the State Bureau of Investigation. Any omission will result in the card being returned to the applicant for completed information and having to be resubmitted!

#### AUTHORITY FOR RELEASE OF INFORMATION FORM

I authorize the North Carolina Department of Justice through the STATE BUREAU OF INVESTIGATION to perform a fingerprint search of the State's criminal history record file and, if applicable, a fingerprint search of the FEDERAL BUREAU OF INVESTIGATION'S files for a national criminal history record check in connection with my application for licensure by the **North Carolina Auctioneer Licensing Board - State and Federal - NCGS143B-937 and 85B-3.2.** I understand my rights to complete or challenge the accuracy of the information contained in the FBI identification record. The procedures for obtaining a change, correction, or update of an FBI identification records are set forth in Title 28, CFR, 16.34.

	LAST NAME	FIRST	MIDDLE	MAIDEN
	(Print or Type)			
	SOCIAL SECURITY NUMBER (Optional*)	DOB	SEX	RACE
accou person that th *Disc	erstand that the North Carolina State Buntable in any way for providing this in as from any and all liability which may be agency cannot provide a HARD COP closure of social security number is entire	formation to the a be incurred as a in Y of the results of rely voluntary and	bove named agency, and I result of furnishing such in this criminal history record not required. If disclosed	hereby release said agency and aformation. I further understand the check to me.  the social security number will
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Аррп	cant's Signature			
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			ard use only: A #NCAUCT0000—NC Auc	tioneer Licensing Board
		FIN	GERPRINT PROCESSING	FEE — \$38.00

(State & Federal)

## **DESIGNATION OF AGENT FOR THE SERVICE OF PROCESS**

#### KNOW ALL MEN BY THESE PRESENTS:

The undersigned, being an applicant for licensure as a non-resident Auctioneer, Apprentice Auctioneer, a principal or designated person for an Auction Firm, or an Auction Firm, of the State of North Carolina, does hereby irrevocably designate and appoint the Executive Director, North Carolina Auctioneer Licensing Board, State of North Carolina, as his, her, or its agent for the purpose of accepting service of any and all processes issued by any court located within the State of North Carolina, as well as service of all pleadings and other papers, relating in any way to any action, suit or legal proceeding arising out of or pertaining to his, her, or its duties or responsibilities as a non-resident Auctioneer, Apprentice Auctioneer, a principal or designated person for an Auction Firm, or an Auction Firm, in the State of North Carolina. The undersigned further consents, stipulates and agrees that any lawful process served upon the aforesaid agent shall have the same legal force and validity as if served upon the undersigned personally within the State of North Carolina, and that the authority contained herein shall continue in force and effect so long as any liability against the undersigned remains outstanding in the State of North Carolina.

Signature of Applicant (or)  Print Name of Auction Firm  Principal or Designated Person of Applicant Firm  (if applicable)		Firm
State of	County of	
This will certify that	, Principal's, or Designated Person's Name)	
personally appeared before the undersigned Notary and acknowledged the execution of the foregoing inster the purposes therein set forth.		
Sworn and Subscribed to before me this	day of	20
(Name of Notary Public)	(Signature of Notary Publi	c)
My Commissio	Expires	
(AFFIX SEAL)		
ADDITIONAL REQUIREMENT APPLICATION IS FOR		
(Corporate Secretary's Name)	(Corporate Secretary	s Signature)

(AFFIX CORPORATE SEAL)



# **Board Meeting Dates**

# North Carolina Auctioneer Licensing Board

108 Ber Creek Drive, Fuquay-Varina, North Carolina 27526 Voice (919) 567-2844 Fax (919) 567-2865

www.ncalb.org

All Application materials are required to be submitted prior to the Application deadline. Be advised that all completed applications are presented to the Auctioneer Licensing Board for review and approval. Licenses are <u>not</u> issued until approval by the Board. Individuals taking the auctioneer licensing exam should follow the examination filing schedule when making application. Board meeting dates are subject to change.

**Application Deadline Dates:** 

#### **Board Meeting Dates:**

January 13, 2025 ((Monday) December 31, 2024 (Tuesday)

February 10, 2025 (Monday) January 29, 2025 (Wednesday)

March 10, 2025 (Monday) February 26, 2025 (Wednesday)

April 14, 2025 (Monday) April 2, 2025 (Wednesday)

May 12, 2025 (Monday) April 30, 2025 (Wednesday)

June 9, 2025 (Monday) May 28, 2025 (Wednesday)

July 14, 2025 (Monday) July 1, 2025 (Tuesday)

August 11, 2025 (Monday) July 30, 2025 (Wednesday)

September 8, 2025 (Monday) August 26, 2025 (Tuesday)

October 13, 2025 (Monday) October 1, 2025 (Wednesday)

November 10, 2025 (Monday) October 29, 2025 (Wednesday)

December 8, 2025 (Monday) November 24, 2025 (Monday)