

Addition to Auction Firm License Application Instructions

General Instructions– Information

READ **North Carolina Auctioneer Laws, Rules and Regulations**: N.C.G.S. 85B, 21 NCAC 4B. These are available on the Board's website at www.ncalb.org.

This application should be submitted for new principals, officers, directors, and new designated person(s) for a firm. If applicant is being added as a principal/officer/director only of a firm and he/she will not be doing business transactions as described below, no firm exam is required.

Authority to transact business under a firm license is limited to the person or persons so designated on the application. Only designated person(s) for an auction firm have the authority to transact business under the firm license. This includes arranging, managing, soliciting, and contracting auctions; the supervision of the auction staff; the supervision of the acceptance of consignments of items for sale at auction; the supervision of the advertising of an auction; and the supervision of the acceptance of payment and disbursement of monies for items sold at auction. This authority is limited to the designated person(s) only. They are not required to be principals, officers and/or directors of the firm. See 21 NCAC 4B .0606.

The designated person or persons are required to satisfactorily pass a written examination on the Auctioneer Law and Rules pursuant to N.C.G.S. 85B-4(g). The examination was designed to determine if the designated person has a working knowledge of the Auctioneer Laws and Rules. The examination involves a possible score of 100 points; with a required minimum score of 75 points to pass the examination. You are given one (1) hour to take the exam. However, certain exemptions apply.

- **Applicant—Non-auctioneer designated person.** A firm exam is required. The Board office will contact you either by email (preferred method) or phone regarding scheduling and other exam information. The firm exam is on the North Carolina Auctioneer Laws, Rules and Regulations.
- **Applicant—Auctioneer designated person.** A currently licensed North Carolina auctioneer who is the designated person is not required to take the auction firm examination.
- **Licensed real estate brokers and real estate firms** are exempt from the examination so long as they are involved in the selling of real property only (no personal property) at auction, and provided that they employ or associate themselves with a licensed auctioneer (required Firm License) to handle those aspect's of the transaction peculiar to the auctioneer professions.

The office will contact (preferred method email) you regarding the auction firm exam information upon receipt of the firm application, supporting documents, and fees.

READ CAREFULLY each provision of the application and instructions. The application must be properly completed, signed, notarized, accompanied by all required documents, proper fees, if applicable, 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 and not postmarked. If any part of the application is incorrect or incomplete, or if required attachments are not included, the application may be returned, resulting in a delay in the licensing process.

Type or print legibly in ink and mail the application package to the Board office. Application may not be submitted by email or fax.

All applications and supporting documentation are subject to the approval of the Licensing Board.

Addition to Auction Firm License Instructions

Required Application Attachments:

1. Applicants that are **currently** a North Carolina licensed auctioneer or an approved designated person or principal/officer/director must submit the following:
 - Completed application without the need to provide information for item number 21-Character Endorsement.
 - Criminal history records search by the Clerk of Superior Court (or equivalent in other jurisdictions) for each county where the applicant has resided and maintained a business within the last 5 years. Each original document must be validated by having the Clerk's official stamp or seal attached and dated not more than 30 days prior to the NCALB office receiving your application.
 - No fee is required.
2. Applicants that are **not currently** a North Carolina licensed auctioneer or an approved designated person or principal/officer/director, including real estate brokers, must submit the following:
 - Completed application.
 - Criminal history records search by the Clerk of Superior Court (or equivalent in other jurisdictions) for each county where the applicant has resided and maintained a business within the last 5 years. Each original document must be validated by having the Clerk's official stamp or seal attached and dated not more than 30 days prior to the NCALB office receiving your application.
 - Copy of 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 accept-able.
 - Fingerprint Card, Fee, and Authority of Information to Release Form. The fingerprints must be obtained by a law enforcement agency, such as the Police Department or Sherriff'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 obtained from your local Police Department or Sheriff's Office or this office, upon request, will mail you one.

DO NOT FOLD THE FINGERPRINT CARD

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

FD-259 (REV.3-1-10)

The fingerprint processing fee must be submitted with your application and payable to NCALB.

Resident fingerprint background fee \$14.00

Non-resident fingerprint background fee \$38.00

*If applicant has resided less than 5 years in NC, the applicant must pay \$38.00.

Payment should be in the form of a certified check, cashier's check, or money order payable to NCALB.

3. Auction Firm Exam Fee \$50.00, if applicable. The exam fee and fingerprint fee may be combined in one form of payment; certified check, cashier's check, or money order payable to NCALB.
4. Social Security Information Form.
5. Designation of Agent for Service of Process Form pursuant to N.C.G.S. 85B-5(b), **only if out of state applicant**.
6. Written detailed statement for questions #12 through #18 if answered **"YES."** Complete details must be given. Attached a separate statement.
7. Submit a letter of good standing (license status) from each Board or Commission where the applicant holds an active apprentice auctioneer license, auctioneer, and/or auction firm license, if applicable. (If you are licensed in North Carolina, you are exempt.)
8. If applicant is applying as a real estate broker, provide a copy of the real estate license.

IMPORTANT
Properly answering questions on the application

The North Carolina Auctioneer Licensing Board has the authority to deny a license if there is any misrepresentation by the applicant. Accordingly, read each question carefully on the application and answer correctly.

Have you ever been **charged** or **arrested** with a criminal offense (other than minor traffic offenses; DUI/DWI are **not** minor traffic offenses)? If yes, attach a separate statement giving complete details. ***You must disclose a charge or arrest even though it was later dismissed. Note: You will be asked about convictions in the following question.***

Have you ever been **convicted** of any criminal offense (other than minor traffic offenses; DUI/DWI are **not** minor traffic offenses) or is there any criminal charge now pending against you? If yes, attach a separate statement giving complete details. ***If the final disposition of the matter is dismissal, there is no conviction. If you plead guilty, or are found guilty after trial or a fine is assessed and paid by the applicant on the initial charge or any related charge, this will be considered a conviction and must be disclosed.***

The authority for the denial of a license is found in N.C.G.S. 85B-3.1(a)(3); N.C.G.S. 85B-8(a)(1); and 21 NCAC 4B .0404(a)(2) and (6), that state as follows:

N.C.G.S. 85B-3.1(a)(3)

(a) The Commission shall have the following powers and duties: ... (3) To deny, suspend, and revoke licenses pursuant to N.C.G.S. 85B-8 ...

N.C.G.S. 85B-8(a)(1)

(a) The following shall be grounds for the assessment of a civil penalty in accordance with N.C.G.S. 85B-3.1(b) or the denial, suspension, or revocation of an auctioneer, auctioneer apprentice or auction firm license: (1) Any violation of this Chapter or any violation of a rule or regulation duly adopted by the Commission...; and

21 NCAC 4B .0404(a)(2) and (6)

(a) The Board may assess a civil penalty in accordance with N.C.G.S. 85B-3.1(b) or deny, suspend, or revoke a license, or issue a letter of reprimand to a licensee, upon any of the following grounds: (2) violation of any provision of the Rules under 21 NCAC, Subchapter 4B ... (6) failure to properly, completely and fully complete an application or making any false statement or giving any false information in connection with an application for a license, renewal or reinstatement of a license...

NORTH CAROLINA AUCTIONEER LICENSING BOARD

APPLICATION FOR ADDITION TO FIRM LICENSE



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

Office Use Only	
Exam Needed:	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____ Date	_____ Grade
_____ Date	_____ Grade
Fees	Approval Date
Exam Fee _____	_____
Fingerprint Fee _____	_____
Total _____	_____

APPLICANTS MUST READ THE ACCOMPANYING INSTRUCTION MATERIALS AND THE NORTH CAROLINA AUCTIONEER LAW AND RULES BEFORE FILING THEIR APPLICATION.

TYPE OR PRINT IN BLACK INK (Do not use pencil)

(1) Indicate type of addition desired: (Check all that apply)

- Principal as it pertains to auction firms shall mean director(s), officer(s) and /or partner(s).
- Designated person—Non-auctioneer
- Designated person—Auctioneer
- Designated person—Real Estate Broker

(2) Name of Firm (3) Firm #

(4) Firm's Address

Street Address	City	State	Zip
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(5) New Designated Person or Principal

First	Middle or Maiden	Last	(6) Email <input style="width: 100%; height: 25px;" type="text"/>
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(7) Address

Street Address	City	State	Zip	(8) Date of Birth <input style="width: 100%; height: 25px;" type="text"/>
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(9) Home Phone (10) Business Phone (11) Cell Phone

- | | YES | NO |
|--|--------------------------|--------------------------|
| (12) Have you ever denied an auctioneer or auction firm license or any other business or professional license of any type in N.C. or any other state or jurisdiction? (If "yes", attach a separate statement giving complete details.) | <input type="checkbox"/> | <input type="checkbox"/> |
| (13) Have you ever had an auctioneer or auction firm license suspended, revoked or surrendered, or have you ever been disciplined by the licensing authorities in N.C. or any other state or jurisdiction, or is there any such action pending against you in connection with any auctioneer or auction firm license you hold? (If "yes", provide a copy of the licensing agency's order, if applicable, and attach a separate statement giving complete details.) | <input type="checkbox"/> | <input type="checkbox"/> |
| (14) Have you ever had any other business or professional license suspended, revoked, or surrendered in N.C. or any other state or jurisdiction, or is there any disciplinary action pending against you in connection with any other license that you hold? (If "yes", attach a separate statement giving complete details.) | <input type="checkbox"/> | <input type="checkbox"/> |
| (15) Have you ever been charged or arrested with a criminal offense (other than minor traffic offenses: DUI/DWI are not minor traffic offenses)? (If "yes", attach a separate statement fiving complete details.) | <input type="checkbox"/> | <input type="checkbox"/> |
| (16) Have you ever been convicted of any criminal offense (other than minor traffic offenses; DUI/DWI are not minor traffic offenses) or is there any criminal charge now pending against you? (If "yes", attach a separate statement giving complete details.) | <input type="checkbox"/> | <input type="checkbox"/> |
| (17) Are there any unpaid judgements of debt now outstanding against you? (if "yes". provide name of creditor, amount, date, current balance, and a complete explanation.) | <input type="checkbox"/> | <input type="checkbox"/> |

- (18) Have you ever been discharged in bankruptcy or are currently a debtor in a bankruptcy proceeding? (If “yes”, provide a copy of the bankruptcy order discharging you from debts, or bankruptcy petition if pending. Also, provide a **complete** explanation.) YES NO
- (19) Have you ever held any type of auction or real estate license in any state, including North Carolina? (If “yes”, indicate below and attach additional sheets if needed.)

Type of License	License Number	State	From mo./yr.	To mo./yr.
Type of License	License Number	State	From mo./yr.	To mo./yr.

(20) 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, any principal’s and any designated person’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 Notary Public)

My Commission Expires _____

County _____ State _____

(AFFIX SEAL)

(21) Character Endorsement – We, the undersigned, do hereby certify to the North Carolina Auctioneer Licensing Board that we reside in the community in which the applicant resides (or has resided); that we are not related to the applicant; that we are not presently nor do we propose to be associated with the applicant in the auction business; that the applicant is well known to us individually; and that he or she is of good moral character and bears a good reputation for honesty, truthfulness and integrity.

1 _____
(Printed name of endorser)

(Signature of endorser)

(Address) (City) (State)

(Phone) (Occupation)

(Company)

How long have you known the applicant? _____

In what capacity? _____

2 _____
(Printed name of endorser)

(Signature of endorser)

(Address) (City) (State)

(Phone) (Occupation)

(Company)

How long have you known the applicant? _____

In what capacity? _____

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!



NORTH CAROLINA AUCTIONEER LICENSING BOARD

CHAIRMAN:

LISA D. YORK
NEW HILL, NC

VICE CHAIRMAN:

BUCK LATTIMORE
RALEIGH, NC

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

CHARLES F. DIEHL, EXECUTIVE DIRECTOR

BOARD MEMBERS:

DANIEL H. DEVANE
GARNER, NC

WILLIE A. JOHNSON
GREENSBORO, NC

ALLISON H. PANT
RALEIGH, NC

AUTHORITY OF INFORMATION TO RELEASE FORM

I authorize the North Carolina Department of Justice through the State Bureau of Investigation, Division of Criminal Information to perform a fingerprint search of the State's criminal history record file and/or the Federal Bureau of Investigation for a national criminal history record check in connection with my fitness to be an auctioneer licensed by the North Carolina Auctioneers Commission pursuant to N.C.G.S. 114-19.8 and N.C.G.S.85B-3.2.

LAST NAME	FIRST	MIDDLE	MAIDEN
_____	_____	_____	_____
(Print or Type)			
SOCIAL SECURITY NUMBER	DOB	SEX	RACE
_____	_____	_____	_____

I understand that the North Carolina State Bureau of Investigation, Division of Criminal Information, and its officials and employees shall not be held legally accountable in any way for providing this information to the North Carolina Auctioneers Commission and I hereby release said agency and persons from any and all liability which may be incurred as a result of furnishing such information. I further understand that the North Carolina Auctioneers Commission cannot release the results of this criminal history record check to me.

Applicant's Signature

Date

Office use:

ORR #NCAUCT000 – NC AUCTIONEERS COMMISSION
FINGERPRINT CARD STATE CHECK - \$14.00 _____
FINPERPRINT CARD FEDERAL CHCK - \$24.00 _____

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)
Principal or Designated Person of Applicant Firm

Print Name of Auction Firm
(if applicable)

State of _____ **County of** _____

This will certify that _____

(Type or Print Applicant's, Principal's, or Designated Person's Name)

personally appeared before the undersigned Notary in and for the above-named County and State on this date and acknowledged the execution of the foregoing instrument to be the voluntary act and deed of such applicant for the purposes therein set forth.

Sworn and Subscribed to before me this _____ day of _____ 20 _____ .

(Name of Notary Public)

(Signature of Notary Public)

My Commission Expires _____

(AFFIX SEAL)

ADDITIONAL REQUIREMENT FOR AUCTION FIRMS IF APPLICATION IS FOR A CORPORATION:

(Corporate Secretary's Name)

(Corporate Secretary's Signature)

(AFFIX CORPORATE SEAL)

North Carolina Auction Firm Examination Information

INFORMATION THAT MAY BE HELPFUL IN PREPARING FOR THE EXAMINATION

1. Be thoroughly familiar with the North Carolina Auctioneers Law and the North Carolina Auctioneer Licensing Board Rules and Regulations. There are available on the Board's website at www.ncalb.org.
2. On the Board's website under Resources is a video titled "**Tips for Taking the Designated Person/Auction Firm Exam**" that is very helpful as well as other information.
3. An applicant should have sufficient educational background to be able to read with comprehension.
4. Prior experience as an apprentice auctioneer, or any experience gained by working at auctions as a clerk, cashier, or groundman will be helpful.

Persons experienced in the sale of goods or real estate at auction may be a helpful source of information.

EXAMPLES OF QUESTIONS ON THE AUCTION FIRM EXAMINATION

THE EXAMINATION INCLUDES MULTIPLE CHOICE AND LISTING QUESTIONS AS FOLLOWS:

Darken the appropriate letter on the answer sheet that represents your choice. Examples:

1. The Auctioneer Licensing Board may deny, suspend, or revoke a license upon which of the following grounds?
 - a) violation of any provision of Chapter 85B of the General Statutes
 - b) failure to possess truth, honesty and integrity
 - c) violation of any federal or state statute or rule relating to the auctioneering profession
 - d) any of these grounds
2. The annual fee to renew an auction firm license is:
 - a) \$100.00
 - b) \$150.00
 - c) \$175.00
 - d) \$200.00
3. In order to conduct an auction in North Carolina, a licensee must first have a written agreement with the owner of the property to be sold. The licensee is required to do which of the following:
 - a) the agreement must contain the terms and conditions upon which the auctioneer received the goods for sale
 - b) provide the owner with a signed copy of the agreement
 - c) keep at least one copy of the agreement for his own records for two years from the date of the agreement
 - d) all of the above are required by the licensee
4. If an auction is conducted "with reserve":
 - a) the auctioneer must sell to the highest bidder, regardless of price
 - b) a retraction of a bid automatically revives a previous bid
 - c) the auctioneer may withdraw the goods at any time prior to the announcement of completion of sale
 - d) the auctioneer must announce the "reserve" amount

Listing:

Place the correct answer in the appropriate space on your answer sheet. Examples:

1. The Auctioneer Law requires that written agreements of auction sales be maintained by the licensee for what period of time?
2. List two violations of the Auctioneers Law or Rules that can serve as grounds for suspension or revocation of an auctioneer's/auction firm's license.
3. Licenses that have been lapsed for more than how many months may not be renewed?
4. The Auctioneer Recovery Fund must maintain a minimum level of what amount for recovery and guaranty purposes?

Answers will be found in the NC Auctioneers Law and North Carolina Auctioneer Licensing Board Rules and Regulations, N.C.G.S. 85B, 21 NCAC 4B, and Uniform Commercial Code (UCC) § 25.2.328 Sale by Auction.



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

Be advised that all applications are presented to the Auctioneer Licensing Board for review and approval. The Board meets only once each month, therefore, in order to have your application considered at a specific meeting, the application and all other required documents and information must be received in this office by the deadline date indicated. Licenses are not issued until approval by the Board. Individuals taking the auctioneer licensing exam should follow the examination filing schedule when making application.

Board Meeting Dates:

January 14, 2019 (Monday)

February 11, 2019 (Monday)

March 11, 2019 (Monday)

April 9, 2019 (Tuesday)

May 13, 2019 (Monday)

June 10, 2019 (Monday)

July 8, 2019 (Monday)

August 12, 2019 (Monday)

September 9, 2019 (Monday)

October 14, 2019 (Monday)

November 12, 2019 (Tuesday)

December 9, 2019 (Monday)

Application Deadline Dates:

January 2, 2019 (Wednesday)

January 30, 2019 (Wednesday)

February 27, 2019 (Wednesday)

March 27, 2019 (Wednesday)

May 1, 2019 (Wednesday)

May 29, 2019 (Wednesday)

June 26, 2019 (Wednesday)

July 31, 2019 (Wednesday)

August 28, 2019 (Wednesday)

October 2, 2019 (Wednesday)

October 31, 2019 (Thursday)

November 27, 2019 (Wednesday)

All Application materials are required to be submitted on or before this Application deadline, which is, seven (7) working days prior to the Board Meeting date.