

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.

What other application issue frequently creates problems? Failure to realize that the word ever means **EVER**. *(The exception is that subsequently expunged criminal history information does not 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 <http://www.ncalb.org/pdfs/Form%201%20NCA.19%20NC%20Resident%20Auctioneer%20Application%20Exam%20Package.pdf> 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 fiscal responsibility exists.

Do I have to provide a credit report? 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.
- (6) 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.

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 broker and real estate firm.** A broker is 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. The application cannot be dated more than 30 days prior to the NCALB office receiving the 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. The application cannot be dated more than 30 days prior to the NCALB office receiving the 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 for Release of Information 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.

DO NOT FOLD THE FINGERPRINT CARD

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

- Fingerprint Processing Fee: \$38.00. A check payable to the NCALB.
3. Auction Firm Exam Fee \$50.00, if applicable. The exam fee and fingerprint fee may be combined in one check made payable to NCALB. Please note that 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.
 4. Social Security Information Form.
 5. Written detailed statement for questions #12 through #18 if answered **“YES.”** Complete details must be given. Attached a separate statement.
 6. 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.)**
 7. If applicant is applying as a real estate broker designated person, provide a copy of the real estate license.

NORTH CAROLINA AUCTIONEER LICENSING BOARD

APPLICATION FOR ADDITION TO FIRM LICENSE

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 _____	_____

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



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
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 (6) Email

(7) Address

Street Address	City	State	Zip
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 (8) Date of Birth

(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 giving 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!

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

DOB

SEX

RACE

(Optional*)

I understand that the North Carolina State Bureau of Investigation, and its officials and employees shall not be held legally accountable in any way for providing this information to the above named agency, 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 agency cannot provide a **HARD COPY** of the results of this criminal history record check to me.

*Disclosure of social security number is entirely voluntary and not required. If disclosed, the social security number will be utilized to assist with accurate identification/exclusion of possible criminal history records.

Applicant’s Signature

Date

Board use only:

OCA #NCAUCT0000—NC Auctioneer Licensing Board

FINGERPRINT PROCESSING FEE — \$38.00 _____

(State & Federal)



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

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

(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.

Printed Name of Applicant: _____

Signature of Applicant: _____

Date: _____

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

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 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 are subject to change.

Board Meeting Dates:

January 11, 2021 ((Monday)

February 8, 2021 (Monday)

March 8, 2021 (Monday)

April 12, 2021 (Monday)

May 10, 2021 (Monday)

June 14, 2021 (Monday)

July 12, 2021 (Monday)

August 9, 2021 (Monday)

September 13, 2021 (Monday)

October 11, 2021 (Monday)

November 8, 2021 (Monday)

December 13, 2021 (Monday)

Application Deadline Dates:

December 30, 2020 (Wednesday)

January 27, 2021 (Wednesday)

February 24, 2021 (Wednesday)

March 31, 2021 (Wednesday)

April 28, 2021 (Wednesday)

June 2, 2021 (Wednesday)

June 30, 2021 (Wednesday)

July 28, 2021 (Wednesday)

September 1, 2021 (Wednesday)

September 29, 2021 (Wednesday)

October 27, 2021 (Wednesday)

December 1, 2021 (Wednesday)