

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 financial 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.

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 <http://www.ncalb.org/publications.cfm> with information about the different requirements and contact the board staff for additional information and documentation requirements at info@ncalb.org or call 919-567-2844.



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

APPLICATION FOR RECIPROCAL 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 www.ncalb.org.

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 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.

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 Reciprocal 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 Reciprocal Auctioneer 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.**
- Designation of Agent for Service Of Process Form pursuant to N.C.G.S. 85B-5(b).
- Evidence of Qualification for reciprocity. **Third party reciprocity is not allowed.** See Reciprocal Auctioneer License Application Instructions for details.

Reciprocal 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. Evidence of qualification for reciprocity: Each applicant must submit a letter of good standing (license status) from each Board/Commission where the applicant holds an active auctioneer license, including an auction firm license and/or an apprenticeship license, if applicable. **The applicant must reside in the state that they wish to reciprocate (no third party reciprocation).** This Board will accept an electronic letter of good standing if sent directly from that Reciprocate State's Board/Commission. Email address: info@ncalb.org.
4. Properly Completed Designation of Agent for Service of Process Form signed and notarized.
5. 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 an **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)

6. Social Security Information Form.
7. Employee Classification Form.
8. Proper Filing Fees as required by N.C.G.S 85B-6, which states that a reciprocal applicants be charged \$250, or the amount the applicants home state charges reciprocal applicants from North Carolina, whichever is greater. As a result, applicants will be charged the following fees:
 - (a) Regular Reciprocal States : \$250 (\$50 application fee, \$150 license fee, \$50 recovery fund fee)
 - (b) Special Reciprocal States:

Florida	\$325.00 (\$75 application fee, \$150 license fee, \$100 recovery fund fee)
Georgia	\$350.00 (\$200 application fee, \$150 recovery fund fee)
Louisiana	\$275.00 (\$75 application fee, \$150 license fee, \$50 recovery fund fee)
Mississippi	\$375.00 (\$100 application fee, \$225 license fee, \$50 recovery fund fee)
Tennessee	\$275.00 (\$50 application fee, \$175 license fee, \$50 recovery fund fee)
 - (c) Fingerprint Processing fee \$38.00

Please note the following for **AUCTION FIRM LICENSE REQUIREMENTS**

An "Auction Firm" is defined in N.C.G.S. § 85B-1(6) of the North Carolina Auctioneers Law. The requirements for auction firms are explained in N.C.G.S. § 85B-4.

Should you need a firm license in addition to your auctioneer's license depends upon how you plan to operate your business. If you are uncertain, contact the NCALB office for guidance.

Sole Proprietorship: A licensed auctioneer who is the sole owner of an auction business is not required to obtain an auction firm license, but is required to personally supervise all auction sales, sign all contracts, and review all advertisements.

Partnership: Licensed auctioneers who are partners in an auction business are required to have an auction firm license, as are all other partnerships. This requirement includes partnerships involving spouses or other family members.

Corporation: All corporations are required to obtain an auction firm license.

Note: *If you are an applicant for a reciprocal auctioneer license and are working for a business that falls into one of the above categories needing a firm license, then that business must obtain an auction firm license prior to conducting business in this state.*

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 RECIPROCAL 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	EXAM
Application Fee	_____	Date _____ Grade _____
Examination Fee	_____	_____
License Fee	_____	_____
Background Fee	_____	
Recovery Fund	_____	Hold Until July 1st
Total Fees	_____	Yes _____

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

TYPE OR PRINT (Do not use pencil) PRINT LEGIBLY

(1) Full Name

Last	First	Middle

(2) 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.

(3) Are you active military? Yes No

(4) Are you a military veteran? Yes No

(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 Birth
			Mo. Day Yr.

(9) Home Phone () _____

(10) Cell Phone () _____

(11) Business () _____

(12) Email _____

(13) Website _____

(14) High School Graduate or GED _____ (yes or no)

(15) Have you ever held any type of auction license in any state, including N.C.? Yes No
 If "yes", indicate below and provide a Letter of Good Standing from each state(s) in which you are **currently** licensed. (attach additional sheets if needed):

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

Yes No

(16) Have you ever been 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? Yes No
 (If "yes", attach a separate statement giving **complete** details.)

(17) 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? Yes No
 (If "yes", provide a copy of the licensing agency's order, if applicable, and attach a separate statement giving **complete** details.)

(18) 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? Yes No
 (If "yes", attach a separate statement giving **complete** details.)

(19) Have you ever been **charged or arrested** with a criminal offense (other than **minor** traffic offenses; DUI/DWI **are not** minor traffic offenses)? Yes No
 (If "yes", attach a separate statement giving **complete** details.)

(20) 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? Yes No
 (If "yes", attach a separate statement giving **complete** details.)

(21) Are there any unpaid judgements of debt now outstanding against you? Yes No
 (If "yes", provide name of creditor, amount, date, current balance, and a **complete** explanation.)

(22) Have you ever been discharged in bankruptcy or are you currently a debtor in a bankruptcy proceeding? Yes No
 (If "yes", provide a copy of the bankruptcy order discharging you from debts, or bankruptcy petition if pending. Also, provide a **complete** explanation.)

(23) **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? _____

(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 Notary Public)

My Commission Expires _____

County _____ State _____

(AFFIX SEAL)

SOCIAL SECURITY NUMBER INFORMATION

The purpose of the Board collecting your number is to positively identify you among credit history documents and other documents and records where the social security number has been used for identification. This is a requirement pursuant to N.C.G.S.93B-14.

Applicant's Printed Name	Applicant's Signature	Applicant's Social Security Number — —
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If you are applying for an auction firm license, please provide this form to each Director, Officer, Partner, and/or Designated Person for their disclosure of their social security number.

Applicant's Printed Name	Applicant's Signature	Applicant's Social Security Number — —
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Applicant's Printed Name	Applicant's Signature	Applicant's Social Security Number — —
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Applicant's Printed Name	Applicant's Signature	Applicant's Social Security Number — —
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Applicant's Printed Name	Applicant's Signature	Applicant's Social Security Number — —
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Applicant's Printed Name	Applicant's Signature	Applicant's Social Security Number — —
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Applicant's Printed Name	Applicant's Signature	Applicant's Social Security Number — —
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Applicant's Printed Name	Applicant's Signature	Applicant's Social Security Number — —
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Applicant's Printed Name	Applicant's Signature	Applicant's Social Security Number — —
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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: _____

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)

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*)			
_____	_____	_____	_____

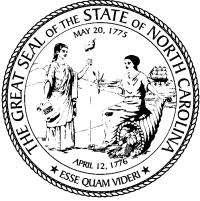
I understand that the North Carolina State Bureau of Investigation, and its officials and employees shall not be held legally accountable in any way for providing this information to the above named agency, and I hereby release said agency and persons from any and all liability which may be incurred 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)



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 9, 2023 ((Monday)

February 13, 2023 (Monday)

March 13, 2023 (Monday)

April 10, 2023 (Monday)

May 8, 2023 (Monday)

June 12, 2023 (Monday)

July 10, 2023 (Monday)

August 14, 2023 (Monday)

September 11, 2023 (Monday)

October 9, 2023 (Monday)

November 13, 2023 (Monday)

December 11, 2023 (Monday)

Application Deadline Dates:

December 27, 2022 (Tuesday)

February 1, 2023 ([Wednesday](#))

March 1, 2023 (Wednesday)

March 28, 2023(Tuesday)

April 26, 2023 (Wednesday)

May 31, 2023 (Wednesday)

June 27, 2023 (Tuesday)

August 2, 2023 (Wednesday)

August 29, 2023 (Tuesday)

September 27, 2023 (Wednesday)

October 31, 2023 (Tuesday)

November 29, 2023 (Wednesday)