

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State
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For Office
Use Only:

Effective Date _____ Code Number _____

Name of Agency _____

Department _____

Contact _____ E-mail _____ Phone _____

Statutory Authority for Promulgating Rules _____

Rule Title: _____

Intended Effective Date
(Check One)

Date

- | | | |
|----------------------------------------------------------------------------------------|---------------------------------------|-------|
| <input type="checkbox"/> Emergency (ACA 25-15-204) | Legal Notice Published | _____ |
| <input type="checkbox"/> 10 Days After Filing (ACA 25-15-204) | Final Date for Public Comment | _____ |
| <input type="checkbox"/> Other _____
(Must be more than 10 days after filing date.) | Reviewed by Legislative Council | _____ |
| | Adopted by State Agency | _____ |

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Kelli Black

Signature

Phone Number

E-mail Address

Title

Date

9.4. APPLICANT QUALIFICATIONS. Each applicant for a license shall make application to the Board upon a form and in such a manner as the Board may require at least thirty (30) days prior to the date of examination. Each applicant shall:

- 9.4.1. Be of good reputation, trustworthy, and competent to transact the business of an auctioneer, in such a manner as to safeguard the interest of the public. In furtherance of this requirement, each applicant, shall provide two letters of reference to the Board which indicates the applicant is well-known to the individual, and bears a good reputation for honesty, truthfulness and integrity;
- 9.4.2. At least 18 years of age;
- 9.4.3. Provide a completed application;
- 9.4.4. Provide a completed Individual Record Check Form;
- 9.4.5. Provide a completed FBI Fingerprint Card;
- 9.4.6. Enclose a check or money order for an examination fee of \$100.00;
- 9.4.7. Enclose a check or money order for a license fee of \$100.00 (if applying for reciprocity see Section 4 below);
- 9.4.8. Enclose a check for in the appropriate amount as provided by the Board Office made payable to Arkansas Auctioneers Licensing Board for a state background check;
- 9.4.9. Enclose a check for in the appropriate amount as provided by the Board Office made payable to the Arkansas State Police for a federal background check;
- 9.4.10. Enclose a check or money order for the Recovery Fund fee of \$100.00;

- 9.4.11. Enclose a current photograph full-face, passport-type (2"x2") of head and shoulders taken within the past six months.
- 9.4.12. Submit to a Criminal Background Check. All individuals seeking initial licensure as an auctioneer or an individual seeking reinstatement of licensure as an auctioneer in the State of Arkansas shall submit to a State and Federal Criminal Background check.
- 9.4.13. Disqualifying Conviction. If an individual has been convicted of an offense listed in A.C.A. § 17-3-102, the Board may waive disqualification of a potential applicant or revocation of a license based on the conviction if a request for a waiver is made by:
- 9.4.13.1.1. An affected applicant for a license; or
 - 9.4.13.1.2. An individual holding a license subject to revocation.
- 9.4.13.2. The Board may grant a waiver upon consideration of the following, without limitation:
- 9.4.13.2.1. The age at which the offense was committed;
 - 9.4.13.2.2. The circumstances surrounding the offense;
 - 9.4.13.2.3. The length of time since the offense was committed;
 - 9.4.13.2.4. Subsequent work history since the offense was committed;
 - 9.4.13.2.5. Employment references since the offense was committed;
 - 9.4.13.2.6. Character references since the offense was committed;

9.4.13.2.7. Relevance of the offense to the occupational license;
and

9.4.13.2.8. Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.

9.4.13.3. A request for a waiver, if made by an applicant, must be in writing and accompany the completed application and fees.

9.4.13.4. The Board will respond with a decision in writing and will state the reasons for the decision.

9.4.13.5. An appeal of a determination under this section will be subject to the Administrative Procedures Act § 25-15-201 *et seq.*

9.4.14. License Fee Waiver. The Board shall waive the initial licensing fee if the applicant: (1) Is receiving assistance through the Arkansas Medicaid Program; the Supplemental Nutrition Assistance Program; the Special Supplemental Nutrition Program for Women, Infants, and Children; the Temporary Assistance for Needy Families Program; or the Lifeline Assistance Program; (2) Was approved for unemployment within the last twelve (12) months; or (3) Has an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

9.5. Requirements for Licensing. In addition to providing a completed application and fees required by Section 9.4 herein, applicants must pass separate written and oral examinations. An applicant for an auctioneer

license must pass each exam with a score of 70% or better. An applicant for an auction house license must only take the written portion of the exam and pass it with a score of 70% or better.

- 9.6. **AUCTIONEER LICENSE REQUIRED.** If the owner of an auction house or the designated person of a corporation operating as an auction house and the auctioneer are one and the same, only one auctioneer's license need be obtained.
- 9.7. **AUCTION HOUSE LICENSE.** An auction house license shall be issued in the name of one person only. An auction house license does not authorize the named individual to "call" an auction. Continuing education hours for out of state corporations owning an auction house may be obtained by the general manager or designated person.
- 9.8. **NONRESIDENT APPLICANTS.** Every nonresident applicant shall file an irrevocable consent that actions may be commenced against the applicant in any court of competent jurisdiction in the State of Arkansas in addition to all requirements listed in this section.
- 9.9. **REVIEW OF APPLICATION.** The application and supporting documentation will be reviewed by the Secretary-Treasurer. If it is determined that the application is incomplete, the Secretary-Treasurer will inform the applicant in writing and will specify why the application is incomplete. The application process will be suspended. When a completed application, a supplemental application, or the requested information is returned, the Secretary-Treasurer will reinstate action on

the application for license. If all requirements are met, the applicant will be allowed to take the licensing examination.

9.10. DURATION OF APPLICATION.

9.10.1. Applications are active for twelve (12) calendar months from the date the application is received in the Board office.

9.10.2. If the application process is not completed and the license issued in the twelve months, an applicant may request Board approval for an extension of the twelve month application window. If an extension is not requested, or is denied, the application becomes void and the individual must apply as any new applicant at any future date.

9.10.3. If new requirements have been placed for applicants in the twelve-month window the Board may require that the new requirements be met within the extension period as part of the application extension approval.

9.10.4. A second extension period will not be considered by the Board.

9.11.RECORD RETENTION. Applications for licensure and supporting documentation will be maintained by the Board office for a period of three (3) years.

9.12.WRITTEN EXAMINATION FOR LICENSURE. The Board shall establish the contents of the examinations for licensure and shall conduct an examination of applicants for licensure at least four (4) times each year at a time and place specified by the Board.

9.13.WORK PERMIT. The Board shall grant a license to an applicant who fulfills the Arkansas requirements for licensure and is a person who holds a Federal Form I-

766 United States Citizenship and Immigration Services-issued Employment Authorization Document, known popularly as a “work permit.”

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10.7.SPECIAL PROCEDURES FOR UNIFORMED SERVICES MEMBERS, UNIFORMED SERVICE VETERAN AND THEIR SPOUSES. As used in this subsection, “uniformed service veteran” means a former member of the United States Uniformed Services discharged from under circumstances other than dishonorable.

10.7.1. The Board shall grant automatic licensure to an individual who is the holder in good standing of a license with a similar scope of practice issued by another state, territory, or district of the U.S. and is:

10.7.1.1. A uniformed service member stationed in the State of Arkansas;

10.7.1.2. A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or

10.7.1.3. The spouse of: (1) A person under 10.6.1.1. or 10.6.1.2. above; (2) A uniformed service member who is assigned a tour of duty that excludes the uniformed service member’s spouse from accompanying the uniformed service member and the spouse relocates to this state; or (3) A uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.

10.7.2. The Board shall grant automatic licensure upon receipt of all the below:

- 10.7.2.1. Payment of the initial licensure fee;
- 10.7.2.2. Evidence that the individual holds a license with a similar scope of practice in another state; and
- 10.7.2.3. Evidence that the applicant is a qualified applicant under Section 10.7.1.
- 10.7.3. The expiration date of a license for a deployed uniform service member or spouse will be extended for one hundred and eighty (180) days following the date of the uniformed service member's return from deployment.
- 10.7.4. A full exemption from continuing education requirements will be allowed for a deployed uniform service member or spouse until one hundred and eighty (180) days following the date of the uniformed service member's return from deployment.