

*** DRAFT - TO BE RESCINDED ***

901:8-3-01

Definitions.

- (A) "Auction school" means an institution approved by the Ohio auctioneer commission to provide instruction of the mandatory curriculum.
- (B) "Commission" means the Ohio auctioneer commission.
- (C) "Course session" means a particular course of mandatory curriculum conducted by an approved auction school.
- (D) "Instructor" means a person who teaches a subject that is a part of the approved curriculum at an approved auction school.

901:8-3-02

Violations of statute and rules.

- (A) Failure of an approved auction school to comply with the provisions of this chapter may result in the denial, revocation, or suspension of auction school approval or application.
- (B) Auction schools shall be responsible for the actions of the auction schools' employees and other agents.
- (C) Notices of denials of auction school approval or renewals and administrative review of such denials are governed by Chapter 119. of the Revised Code.
- (D) Institution of proceedings to revoke or suspend an auction school approval is governed by Chapter 119. of the Revised Code.
- (E) In the event the Ohio auctioneer commission suspends, revokes, or denies renewal of auction school approval, the commission may, at the commission's discretion, allow any course session already in progress to be completed.

901:8-3-03

Auction school application school approval; content.

(A) Any school seeking approval from the commission to operate as an auction school shall apply in writing and submit such documents, statements, and forms as required by the commission including at least all of the following:

- (1) State the name and address of the school's owner;
- (2) State the contact information for the school;
- (3) List all instructors who will be teaching a course session;
- (4) Include evidence that all instructors comply with the qualifications established in rule 901:8-3-05 of the Administrative Code;
- (5) Include a statement indicating the auction school will provide a letter, signed by an official of the school, which specifically states that the student has successfully completed the course session. A certificate from the auctions school will not be considered as a substitute for the letter.
- (6) Include a statement indicating the auction school will permit a student who is unable to complete the full number of days of classroom study at the time of initial enrollment, to return to the auction school within the twelve-month period from initial enrollment to complete the course of study.

(B) For renewal approval, the commission or the commission's designee may:

- (1) Require an approved school to provide specific information, answer questions, and appear before the commission or the commission's designee for the purpose of determining compliance with this chapter;
- (2) Review and investigate any matter concerning any course or applicant for auction school approval to determine compliance with this chapter;
- (3) Determine the method of review in each case. The method of review may generally consist of the following:
 - (a) Consideration of information available from federal, state, and local agencies, private organizations, or interested persons;
 - (b) Conferences with the school director and other representatives of the school involved or with former students of the school; and

(c) A review of the records.

(C) The commission may require a background check on the owner, principals, manager, agents, or instructors, including but not limited to a criminal background check for either an initial approval or a renewal of operation.

901:8-3-04

Prohibitions.

Auction schools are prohibited from the following:

- (A) Giving inaccurate or misleading information in an application for school approval or triennial renewal;
- (B) Deliberately falsifying or misrepresenting information supplied to the commission or public;
- (C) Failing to allow the commission or the commission's designee to inspect the school, the school's records, or failing to make available such information as required by this rule;
- (D) Operating an auction school if an owner, principal, manger, or agent of the auction school has within the preceding ten years been convicted of a crime involving theft, fraud, or a crime that has a direct bearing on the auction school's ability to conduct an auction course, including, but not limited to, violation of auction laws and abuse of fiduciary responsibilities;
- (E) Violating Chapter 4707. of the Revised Code or the rules adopted thereunder;
- (F) Failing to notify the commission within fifteen days of the termination of the relationship with an instructor for failing to meet rule 901:8-3-06 of the Administrative Code; and
- (G) Failing to notify the commission within fifteen days of hiring a new instructor and providing evidence that the instructor complies with the qualifications of rule 901:8-3-06 of the Administrative Code.

901:8-3-05

Facilities, fees, and records.

- (A) The premises, equipment, and facilities of the approved school shall comply with all local, city, country, and state regulations, such as fire, building, and sanitation codes.
- (B) Auction schools shall prohibit the serving or obtaining of alcoholic beverages in the classroom and any other areas, including restrooms and hallways, that students would have access to during the time class is in session and during breaks. No part of this rule shall be construed to prohibit the use of facilities such as hotels, motels, and convention centers as school premises, so long as those venues do not serve alcohol in rooms where auction school instruction is taking place.
- (C) The auction school shall disclose the full cost of the course including tuition, books, and required materials to all students before enrollment.
- (D) Each approved auction school shall establish a refund policy, to be included in all printed materials related to the offering of the course. The refund policy will be available for review and acceptance by the student at the time of enrollment.
- (E) If a course session is canceled, the auction school must make reasonable efforts to notify all individuals who have enrolled in the course session at least three days in advance of the first scheduled class.
- (F) Each auction school shall maintain records for each enrollee that attends an approved course offered by the school. The following records shall be maintained for a minimum of ten years:
 - (1) Attendance records;
 - (2) Examination score records;
 - (3) Student course evaluations;
 - (4) Duplicate copies of the letter of completion or the ability to produce a duplicate completion letter; and
 - (5) Student transcripts.

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Instructors.

- (A) Auction schools shall maintain documentation of the qualifications of every instructor who taught a course session at the school for a period of ten years.
- (B) Each instructor shall possess at least one of the following minimum requirements:
- (1) A minimum of five years of experience as an instructor at an auction school approved by the commission prior to the first effective date of this rule;
 - (2) A degree from an accredited college or university with a minimum of two years' experience in the subject matter to be taught;
 - (3) A minimum of five years' experience in the auction business or related field of expertise;
 - (4) A minimum of five years as an auctioneer in good standing with licensing authority;
 - (5) A juris doctor from an accredited law school, and a minimum of two years' experience in the subject matter to be taught; or
 - (6) A representative from any state, local, or federal agency having jurisdiction of an auction related matter.
- (C) An auction school is prohibited from hiring or employing an instructor who:
- (1) Has had a professional license that has been revoked or is currently in a suspended status by any jurisdiction; or
 - (2) In the past ten years, has been convicted of a crime involving theft, fraud, or a crime which has a direct bearing on the individual's ability to competently instruct, including, but not limited to, violations of auction laws and regulations or abuse of fiduciary responsibilities.
- (D) The department will notify an auction school of any disciplinary action the department takes against an instructor within thirty days of the completion of all administrative proceedings and appeals arising therefrom.
- (E) The auction school shall notify the commission within fifteen days of the termination of any instructor who no longer meets the qualifications established in this rule.

901:8-3-07

Mandatory curriculum for approved auction schools.

- (A) Actual classroom hours must consist of a minimum of eighty hours over a period of no less than ten days. Sale observation time shall not be considered actual classroom hours.
- (B) The mandatory courses required by the commission total sixty-five hours. The total number of hours required for each course is encapsulated in parenthesis. The remaining classroom hours are courses of the school's choice; however, the commission shall be informed as to what those courses will be. The following courses are the mandatory curriculum for all auction schools:
- (1) Ohio laws pertaining to auctions (ten hours):
 - (a) Resources: how and where to obtain specific information; and
 - (b) Ohio laws, including, but not limited to, section 1302.41 of the Revised Code, Chapter 4707. of the Revised Code, and Chapter 901:8-2 of the Administrative Code.
 - (2) Federal and local laws pertaining to auctions (four hours), including two hours specific to firearms law:
 - (a) Resources: how and where to obtain specific information; and
 - (b) Federal law and local laws including, but not limited to, firearms.
 - (c) Bureau of alcohol, tobacco, firearms, and explosives (ATF) investigators and ATF approved programs shall be used to instruct class, wherever available.
 - (3) Ethics and professionalism (four hours):
 - (a) Developing a positive reputation;
 - (b) Auctioneer's agency relationship with owners, consignors, and bidders;
 - (c) How to execute a bid including absentee bids, bid rigging, and reserves;
and
 - (d) Personal image including professional appearance, posture and body language, and maintaining a professional auction staff.

(4) Auction marketing and promotion (nine hours):

- (a) Developing professional contacts, including attorneys, bankers, and others;
- (b) Marketing techniques and self-promotion, including websites, brochures, and fliers; and
- (c) Auction advertising.

(5) Contracts and legal (four hours):

- (a) Statutory requirements of the auction contract;
- (b) Contractual relationships associated with auctions;
- (c) Legal documents, including bills of sale, deeds, and other conveyances; and
- (d) Uniform Commercial Code and tax liens.

(6) Evaluating real or personal property (two hours):

- (a) Types of evaluations and respective techniques;
- (b) Obtaining and understanding evaluation resources;
- (c) Evaluation formats; and
- (d) Development of product knowledge.

(7) Consignment auction (two hours):

- (a) Location and zoning requirements;
- (b) How to obtain consignments, including, telephone and personal visits;
- (c) Inventory controls; and

(d) Legal requirements pertaining to consignment auctions.

(8) General business practices (two hours):

(a) Understanding different types of business entities;

(b) Employee and employer responsibilities;

(c) Independent contractors;

(d) Tax implications;

(e) Liability;

(f) Insurance; and

(g) Reporting requirements.

(9) Real estate at auction (two hours):

(a) Required licenses and applicable laws;

(b) Advantages of auction versus private listing;

(c) Auction types; and

(d) Required documents.

(10) Public speaking and public address system, including correct use of the public address system (one hour).

(11) Accounting procedures (three hours):

(a) Record keeping, both manually and electronically;

(b) Cashiering and clerking an auction, both manually and electronically; and

(c) Settlement sheets.

(12) Working the ring and the responsibilities and limitations of the ring personnel (one hour).

(13) Bid calling (twenty hours):

(a) Techniques;

(b) Lip exercises;

(c) Breathing exercises;

(d) Filler words;

(e) Practice; and

(f) Power of persuasive selling.

(14) Internet auctions (one hour):

(a) Difference between internet and live auctions; and

(b) How to conduct a live auction in conjunction with internet auction.

(C) The auction school may offer students the opportunity to practice after classroom hours. Participation in a live auction is permitted under Ohio law and may be implemented as part of an approved school's curriculum.