

RULE NUMBER	DESCRIPTION OF REGULATORY RESTRICTION	STATUTE UNDER WHICH THE REGULATORY RESTRICTION WAS ADOPTED	IS THE REGULATORY RESTRICTION EXPRESSLY OR SPECIFICALLY REQUIRED BY STATE OR FEDERAL LAW?	IS A LAW CHANGE REQUIRED IN ORDER TO REMOVE THE RESTRICTION?
OAC 901:8-2-01(A)	(A) The commission shall hold quarterly meetings at the Ohio department of agriculture, 8995 East Main street, Reynoldsburg, Ohio. At the first quarterly meeting of each year, the chairman shall be elected and shall serve in such capacity for a period of one year:	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-01(B)	(B) The chairman may call additional meetings. The meetings shall be held at a place and time determined by a majority of the commission members.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-01(C)	(C) Notice of meetings shall be provided to each member via U.S. mail, facsimile, or electronic mail. Meeting notices will be posted on the Ohio department of agriculture's website; www.ohioagriculture.gov , and may also be placed in Gongwer or Hannah news service. All interested persons may register with the commission to receive notification of all meetings of the commission by providing the commission with self-addressed stamped envelopes for such purpose.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-01(D)	(D) Notice of emergency and special meetings shall be sent to media outlets and shall be posted at least twenty-four hours prior to the meeting on the department's website, and may also be placed in Gongwer or Hannah news service and will include the date, time, place and purpose of the emergency or special meeting.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority

OAC 901:8-2-01(E)	(E) In addition to the reimbursement of actual and necessary expenses incurred while performing the duties of the commission, each member shall receive a per diem salary in the amount of one hundred dollars for each commission meeting attended.	ORC 4707.04(D)	Yes, state law	Yes, state law
OAC 901:8-2-02(A)	(A) Application. All application materials and required proofs under sections 4707.09 and 4707.11 of the Revised Code shall be complete and submitted at least two weeks prior to an examination date in order for the applicant to be seated. Applications for the exam and license are available by mail upon request and on the department's website: www.ohioagriculture.gov . Incomplete applications will be returned.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-02(B)	(B) Financial responsibility. All forms of financial responsibility submitted to the department pursuant to section 4707.11 of the Revised Code shall be effective prior to or by the date a license will be issued and shall continue through the thirtieth day of June of the current licensing period.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-02(C)	(C) Fees. The licensing fee specified in section 4707.10 of the Revised Code and a examination fee of fifteen-dollars shall be submitted with each application. Neither the licensing fee nor the examination fee shall be prorated.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-02(D)	(D) Examination. If qualified, the applicant shall be notified of the date, time and place of the examination. Examinations shall be held monthly at the Ohio department of agriculture, 8995 East Main street, Reynoldsburg, Ohio. If the applicant fails to appear for the examination, the examination fee shall be forfeited. The application materials and license fee will be returned. If the applicant passes the examination, an apprentice auctioneer license shall be issued to the sponsor and a pocket identification card issued.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-02(E)	(E) Sponsor. An apprentice auctioneer shall work under the direct supervision of the sponsor while acting in the capacity of an apprentice auctioneer.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority

OAC 901:8-2-02(F)	(F) Identification card. Apprentice auctioneers shall carry their license identification card at all times they are engaged in any auction activity. The identification card shall be produced upon request to any person that has been solicited by the licensee, any law enforcement officer, or to any representative of the department.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-02(G)	(G) Apprentice auctioneers may apply to place their license on deposit in accordance with section 4707.091 of the Revised Code for a term not to exceed two years. The licensee shall return the wall license and pocket identification card with the application.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-02(G)(2)	(2) No licensee shall place their license on deposit in an attempt to avoid an action taken against their license under section 4707.15 of the Revised Code.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-03(B)(1)	(1) The name listed on the application shall be identical to the name under which the applicant intends to conduct all auction activities. If the applicant intends to use any name other than the applicant's personal name, the name must be registered either as a fictitious or trade name with the secretary of state pursuant to section 1329.01 of the Revised Code.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-03(B)(2)	(2) The address of applicant for licensing purposes shall be the permanent physical business address of the applicant. Post office boxes are not acceptable. All records required under Chapter 4707. of the Revised Code and the rules adopted under it shall be maintained at the business address listed on the application.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-03(C)	(C) Photograph. A photograph of the applicant, measuring two inches by two inches, taken not more than sixty days prior to the date of the examination shall be filed with each application.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-03(D)(1)	(1) If qualified, the applicant shall be notified of the date, time and place of the examination. If the applicant fails to appear for the scheduled examination, the twenty-five dollar examination fee shall be forfeited and the application materials and license fee shall be returned.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority

OAC 901:8-2-03(D)(2)	(2) The applicant must pass both the written and oral examinations to be issued a license. The applicant must answer seventy-five per cent of the questions correctly to pass the written examination. The Ohio auctioneers commission shall administer and grade the oral examination. The applicant must score seventy points in order to pass the oral examination. The commission shall notify the department if the applicant has passed or failed the examination. The oral examination grading rubric may be found in appendix A to this rule.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-03(E)	(E) Identification card. Licensees shall carry their license identification card at all times they are engaged in any auction activity. The identification card shall be produced upon request to any person that has been solicited by the licensee, any law enforcement officer, and to any representative of the department.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-03(F)	(F) The license shall be immediately returned to the department if it becomes void or invalid, for any reason.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-03(G)	(G) Licensees may apply to place their license on deposit, in accordance with section 4707.091 of the Revised Code, for a term not to exceed two years. The licensee shall return the wall license and pocket identification card with the application.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-03(G)(1)	(1) If the auctioneer is under the financial responsibility requirement, placing a license on deposit does not waive this requirement, nor does it count toward the three year requirement.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-03(G)(2)	(2) No licensee shall place their license on deposit in an attempt to avoid an action taken against their license under section 4707.15 of the Revised Code.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-3-04	Auction schools are prohibited from the following:	ORC 4707.04; ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-04(A)	(A) An applicant applying under a reciprocity agreement shall apply on forms provided on the department's website www.agri.ohio.gov .	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority

OAC 901:8-2-04(C)	(C) All applicants for reciprocal licensure must meet all other conditions of licensure, including fees, the financial responsibility requirements of section 4707.11 of the Revised Code, and all other applicable requirements of Chapter 4707. of the Revised Code.	ORC 4707.10, ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-05(A)	(A) Thirty days prior to the expiration of a license, the department shall notify the licensee of the expiration date of his license and shall forward an appropriate application to the licensee.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-05(A)(1)	(1) The licensee shall complete the application, provide all applicable documentation and return it to the department with the renewal fee. Any application received by the department that has missing information, that does not include all of the correct and necessary documentation, or does not have the correct renewal fee will be considered incomplete and will be returned.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-05(A)(2)	(2) Within thirty days of the receipt of a complete application, the department shall mail a license to each person whose application has been approved.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-05(B)	(B) All partnerships, associations, limited liability companies, or corporations to which any of the following changes occur are required to submit a reapplication for license.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-05(C)	Any sponsor that intends to terminate the sponsorship of an apprentice auctioneer shall provide the apprentice and the department with written notice, by certified mail, with return receipt, a minimum of ten days prior to the date of termination. The sponsor shall return the apprentice license with the notice mailed to the department.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-06(A)	(A) Written contracts. Licensees shall enter into a written contract with the owner or consignee of any property the licensee intends to offer for sale. Specifies contents of contract requirements	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority

OAC 901:8-2-06(A)(1)	(1) The type of auction to be conducted: The contract must clearly and specifically state if the auction is an absolute auction or a reserve auction. If the auction is an absolute auction that article or lot cannot be withdrawn after an auctioneer calls for bids on an article or lot unless no bid is made within a reasonable time.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-06(A)(2)	(2) The owner or consignor shall be paid at time of settlement, either immediately upon the completion of the auction, or within fifteen days after the date of the auction unless otherwise stated in the contract;	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-06(A)(3)	(3) All unsold property shall be returned to the owner or consignor at the time of the settlement, either immediately upon the completion of the auction or within fifteen days after the date of the auction unless otherwise stated in the contract;	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-06(A)(4)	(4) The owner or consignor shall be provided an itemized account of all property sold at the time of settlement, either immediately upon completion of the auction or within fifteen days after the date of the auction. The itemization shall include the item or lot sold, amount received for the sold item or lot, and name of the buyer.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-06(B)	(B) The wall license of the licensee shall be displayed in a location that is easily viewable by the public at the licensee's business location.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-06(C)	(C) At every auction conducted, a legible notice shall be posted in an easily viewable location for all auction attendees, which states the name of the auctioneer(s) conducting the auction, the terms and conditions of the auction and a statement which reads the auctioneer(s) and/or company is license by the department of agriculture, is bonded in favor of the state of Ohio or if applicable, participates in the auction recovery fund.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority

OAC 901:8-2-07(A)	(A) Applications are available by mail upon request and on the department's website: www.ohioagriculture.gov . All application forms must be complete, all applicable administrative fees and license fees must be received by the department, pursuant to section 4707.10 of the Revised Code, and any supporting documentation must be submitted with the application. Incomplete applications will be returned.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-07(B)(1)	(1) The name listed on the application shall be name under which the business is registered with the secretary of state and under which the business intends to conduct all auction activities.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-08(B)	(B) The department may assess a civil penalty up to one hundred dollars for the first minor offense and up to two hundred dollars for each subsequent minor offense. If a licensee should commit a minor offense found in paragraph (A) of this rule more than five times in a twelve month period each subsequent offense shall be considered a major offense according to paragraph (C)(2) of this rule.	ORC 4707.19	Yes, state law	Yes, state law
OAC 901:8-2-08(G)	(G) All money received from civil penalties collected under this section shall be equally divided and deposited to the auctioneer education fund created in section 4707.171 of the Revised Code and to the auctioneer recovery fund created in section 4707.25 of the Revised Code.	ORC 4707.19	Yes, state law	Yes, state law
OAC 901:8-2-09(A)	(A) If the balance of the recovery fund is four hundred thousand dollars or less, the state treasurer shall deposit two dollars and fifty cents from each licensing fee into the auctioneer recovery fund. If the balance of the fund is four hundred thousand dollars and greater, no fees shall be deposited into the fund.	ORC 4707.19	Yes, state law	Yes, state law
OAC 901:8-2-09(B)	(B) In order to initiate a claim, the aggrieved party shall file a complaint and an application for recovery with the department in accordance with section 4707.16 of the Revised Code. The application shall specify the nature of the act or transaction on which the claim for recovery is being made, and shall include documentation of the actual and direct losses incurred.	ORC 4707.19; ORC 4707.25	Yes, state law	Yes, state law

OAC 901:8-2-09(C)	(C) If the department determines as a result of an investigation that the licensee has violated Chapter 4707. of the Revised Code or the rules adopted thereunder, and the aggrieved party has incurred actual and direct losses, the department shall notify the bond company or banking institution to compensate the aggrieved party for the actual and direct losses.	ORC 4707.19; ORC 4707.26-.31	Yes, state law	Yes, state law
OAC 901:8-2-09(D)	(D) If the licensee is also eligible under the auction recovery fund, the aggrieved party must comply with the requirements of sections 4707.26 to 4707.29 of the Revised Code as applicable, to receive any additional funds.	ORC 4707.19; ORC 4707.26-.31	Yes, state law	Yes, state law
OAC 901:8-2-10(A)	(A) Applications are available by mail upon request and on the department's website: www.ohioagriculture.gov . All application forms must be complete, all applicable administrative fees and license fees must be received by the department pursuant to section 4707.10 of the Revised Code, and any supporting documentation must be submitted with the application. Incomplete applications will be returned.	ORC 4707.19; ORC 4707.074; ORC 4707.32	Yes, state law	Yes, state law
OAC 901:8-2-10(B)	(B) If the firm manager is not licensed pursuant to section 4707.07 of the Revised Code, the firm manager shall take and pass a written examination before the firm license will be issued.	ORC 4707.19; ORC 4707.074	Yes, state law	Yes, state law
OAC 901:8-2-10(B)(1)	(1) An application, application fee pursuant to section 4707.10 of the Revised Code and an examination fee of fifteen dollars must be received two weeks prior to the examination date.	ORC 4707.19; ORC 4707.074	Yes, state law	Yes, state law
OAC 901:8-2-10(B)(4)	(4) If the firm manager does not pass the examination on the second attempt, the firm manager may not take the examination again for at least thirty days.	ORC 4707.19; ORC 4707.08	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-2-10(B)(5)	(5) If the firm manager does not pass the examination on the third attempt, the firm manager may not take the examination for at least one year.	ORC 4707.19; ORC 4707.08	Yes, state law	Yes, state law

OAC 901:8-2-10(C)(1)	(C) A person who asserts they have been aggrieved by the actions of an auction firm shall: Initiate a claim against the letter of credit, cash bond, or surety bond of the auction firm by filing a complaint in accordance with section 4707.16 of the Revised Code with the department with an application for recovery. The application for recovery shall specify the nature of the act or transaction on which the applicant claims recovery, include documentation and/or evidence of the actual and direct losses associated with the licensee, and explain what activities have been pursued to recover the losses. The application for recovery is available on the department's website: www.ohioagriculture.gov .	ORC 4707.19; ORC 4707.074; ORC 4707.32	Yes, state law	Yes, state law
OAC 901:8-2-10(C)(1)	(2) Upon receipt of the application for recovery the department shall conduct an investigation to determine if the licensee engaged in conduct described in section 4707.15 of the Revised Code or has otherwise violated Chapter 4707. of the Revised Code or the rules adopted thereunder.	ORC 4707.19; ORC 4707.074; ORC 4707.32	Yes, state law	Yes, state law
OAC 901:8-2-10(C)(3)	(3) If the department determines that the licensee has violated Chapter 4707. of the Revised Code or the rules adopted thereunder and the aggrieved party has incurred actual and direct losses the department shall contact the bonding company or banking institution to have the aggrieved party compensated for the losses claimed.	ORC 4707.19; ORC 4707.074; ORC 4707.32	Yes, state law	Yes, state law
OAC 901:8-2-10(C)(4)	(4) If there are multiple claimants to the licensee's bond or letter of credit and the actual and direct losses exceed the amount of financial coverage available the department shall distribute to each aggrieved party a pro rata share.	ORC 4707.19; ORC 4707.074; ORC 4707.32	Yes, state law	Yes, state law
OAC 901:8-2-11(A)	(A) If held in conjunction with a live auction, the licensee shall enter into a contract with the owner or consignee of any property the licensee intends to offer for sale online. The contract shall meet the requirements set forth in section 4707.20 of the Revised Code .	ORC 4707.19; ORC 4707.02	No, general rulemaking authority	No, general rulemaking authority

OAC 901:8-2-11(B)	(B) If held in conjunction with a live auction, the licensee shall maintain records related to the online auction, including but not limited to, advertisements, contracts, online catalogs, bid history, and expenses and/or fees for a period of two years.	ORC 4707.19; ORC 4707.02	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-3-02(B)	(B) Auction schools shall be responsible for the actions of their employees and other agents.	ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-3-03(A)	(A) Any school seeking approval from the commission to operate as an auction school shall apply in writing and shall submit such documents, statements, and forms as required by the commission	ORC 4707.04; ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-3-05(A)	(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.	ORC 4707.04; ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-3-05(B)	(B) Auction schools shall prohibit the serving or obtaining of alcoholic beverages in the classroom and any other areas that students would have access to during the time class is in session and during breaks, including restrooms and hallways.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.	ORC 4707.04; ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-3-05(C)	(C) The auction school shall disclose the full cost of the course including tuition, books, and required materials to all students before enrollment.	ORC 4707.04; ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-3-05(D)	(D) Each approved auction school shall establish a refund policy, which shall be included in all printed materials related to the offering of the course. The refund policy shall be available for review and acceptance by the student at the time of enrollment.	ORC 4707.04; ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-3-05(E)	(E) If a course session is canceled, the auction school must make reasonable efforts to notify all individuals who have enrolled in it at least three days in advance of the first scheduled class.	ORC 4707.04; ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority

OAC 901:8-3-05(F)	(F) Each auction school shall maintain records for each enrollee that attends an approved course offered by the school. The records shall be maintained for a minimum of ten years.	ORC 4707.04; ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-3-06	All auction schools and instructors employed or contracted with an auction school shall meet the requirements of this rule.	ORC 4707.04; ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-3-06(A)	(A) Auction schools shall maintain documentation of the qualifications of every instructor who taught a course session at their school for a period of ten years.	ORC 4707.04; ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-3-06(B)	(B) Each instructor shall possess at least one of the following minimum requirements	ORC 4707.04; ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-3-06(D)	(D) The department shall notify an auction school of any disciplinary action it takes against an instructor within thirty days of the completion of all administrative proceedings and appeals arising therefrom.	ORC 4707.04; ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-3-06(E)	(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.	ORC 4707.04; ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority
OAC 901:8-3-07(A)	(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.	ORC 4707.04; ORC 4707.19	Yes, state law	No, general rulemaking authority
OAC 901:8-3-07(B)(1)	The total number of hours required for each course is encapsulated in parenthesis. The remaining classroom hours shall be 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:	ORC 4707.04; ORC 4707.19	Yes, state law	No, general rulemaking authority
OAC 901:8-3-07(C)	(C) Students shall have the opportunity to practice after classroom hours if they wish. The required hours shall be spread over the entire period of the required ten days. Participation in a live auction is permitted under Ohio law and may be implemented as part of an approved school's curriculum.	ORC 4707.04; ORC 4707.19	No, general rulemaking authority	No, general rulemaking authority