Alabama State Board of Auctioneers

2777 Zelda Rd

Montgomery, AL 36106

Phone: 334-420-7205

Fax: 334-263-6115

Email: auctioneers@warrenandco.com

Website: www.auctioneer.alabama.gov

RE: Licensing of Companies Engaging in the Auction Business

Dear Licensee:

This letter is to inform you that effective October 1, 2011, pursuant to the provisions of ALA. ADMIN. CODE r. 150-X-1-.02 and ALA. CODE §§ 34-4-20 and -28 (1975 as amended), companies engaging in the auction business in the State of Alabama will be required to obtain a license from the Alabama State Board of Auctioneers and to maintain that license through annual renewals.

The licensure requirement applies to any legal entity which engages in the business of auctioneering, as defined by the Auctioneers License Act and the Board's rules. An auction company ***exclusively owned and operated*** by an auctioneer licensed by this Board and in good standing therewith will be exempt from the requirement for a separate auctioneer license; however, auctioneers fitting within this exemption must still complete and file an auction company application with the Board; however, the license fee does not apply. **If your auction company is not exempt, then you must submit the application and licensure fee of $200.00.**

An individual designated as the principal auctioneer in the application and named in the license must be a licensed auctioneer in good standing with the Board and must be an officer of said auction company. Apprentice auctioneers are ineligible to satisfy these requirements.

Auction companies operating without a license after October 1, 2011, may be considered to be in violation of ALA. CODE §34-4-20 (1975 amended) and subject to the applicable penalties and provisions of the Auctioneers License Act.

Enclosed you will find an application for an auction company license. Please complete the application and submit it along with the application/license fee of $200.00 (in applicable) to your company.

Should you have any questions regarding this letter, please direct them to my office at the above-listed number. You may also consult the Board's website at www.auctioneer.alabama.gov for further information and a copy of Rule 150-X-1-.02.

Sincerely,

Keith E. Warren, Executive Director

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BEFORE YOU FILE YOUR APPLICATION FOR AN AUCTION COMPANY LICENSE, BE CERTAIN YOU HAVE ALL OF THESE DOCUMENTS COMPLETED OR PROVIDED FOR REVIEW BY THE BOARD'S EXECUTIVE DIRECTOR.

ANY INCOMPLETE APPLICATIONS WILL BE RETURNED TO YOU.

Please pay additional attention to the following items that are commonly overlooked.

Section 1: Federal Employer's ID Number or Social Security Number; whichever number coincides with your Federal Income Tax Filing.

Section 2: Type of Business – you must complete this section. If your company is anything other than a sole proprietorship (i.e., corporation, partnership, limited liability company, etc.), YOU MUST ATTACH a copy of the company's articles evidencing formation, organization or incorporation. A sole proprietorship has only one owner, who is also an Alabama licensed auctioneer.

Section 4: The Board encourages you to read its Rules and Regulations before completing this section, especially Rule 150-X-1-.02 – Application for Auctioneer's License.

For corporate entities other than sole proprietorships, the principal auctioneer must be an Alabama licensed auctioneer and be a part owner/member of the company and/or have an office/position within the company. As proof thereof, YOU MUST ATTACH a copy of the company's official meeting minutes, resolution or other official action evidencing the principal auctioneer's election to the corporate office or the auctioneer's stated position in the company. All such corporate minutes or resolutions or must be executed on behalf of the company by the appropriate corporate officers; any legal agreement between the company and the principal auctioneer must be signed by the auctioneer and all corporate owners. Alabama law also requires that you provide proof of citizenship for the licensed principal auctioneer and ALL non-auctioneer company owners.

Please be advised that the Board office cannot provide legal advice regarding the formation of an auction company. If you require assistance, you are advised to consult an attorney or certified public accountant.

Page 4: Escrow Account Form – An escrow account must be established for your auction company. The company may create such an account in its own name or utilize the principal auctioneer's escrow account. In lieu of an escrow account, the company may establish a regular checking account that will be used solely for handling all monies received at auction and disbursed to sellers. This account may not be utilized to pay the company's everyday expenses, such as utilities, cleaning services, or food purchases. If for some reason your company won't be handling funds, please provide a written explanation therefor and submit it with your application.

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APPLICATION FOR AUCTION COMPANY LICENSE FOR THE YEAR 2018-2019

1. Business name in which license will be issued.

_____

Trade name or dba name, if different from business name.

_____

a) **Mailing** address _____
(Street & Number) (City) (State) (Zip Code)

b) **Physical** address (P.O. Boxes will not be accepted)

_____
(Street & Number) (City) (State) (Zip Code)

c) **Business** phone:_____ d) **Business** Fax:_____

e) **Business** email address:_____

Federal Employer's ID Number _____

2. Is applicant a corporation ____, partnership _____, association _____, company _____, limited liability company _____, or proprietorship _____ (individual).

State of formation, organization or incorporation _____
Attach copy of articles evidencing formation, organization or incorporation.

If the company is a foreign entity, provide evidence that the company is authorized to do business in this state and is registered with the Alabama Secretary of State.

3. Branch office(s) address(es), if any _____

4. Name of principal auctioneer and office or position in company. Authority to transact business as an auctioneer on behalf of the company shall be restricted to the principal auctioneer named in the license.

Name Office or Position

_____

Mailing address _____
(Street & Number) (City) (State) (Zip Code)

Social Security Number _____ Auctioneer License Number AL-_____

Attach a copy of the company's official meeting minutes, resolution or other official action evidencing the principal auctioneer's election to the corporate office named above or the auctioneer's stated position in the company.

Proof of Citizenship is required for the licensed principal auctioneer and ALL non-auctioneer company owners.

5. List all auctioneers and apprentices, other than the principal auctioneer, who are affiliated with the company. Indicate status (apprentice or auctioneer). Use additional pages as needed.

Name Address AL License No. Status

_____

_____

6. Provide names of all non-auctioneer company owners.

_____

_____

7. Has any partner, officer or director of the company ever been indicted or convicted on charges involving embezzlement, obtaining money under false pretenses, larceny or extortion? **NO** _____ **YES** _____ (If **YES**, attach all court documentation and a letter of explanation).

8. Are there any civil suits or judgments pending against any partner, officer or director of the company at this time? **NO** _____ **YES** ____(If **YES**, attach all court documentation and a letter of explanation).

9. Has any partner, officer or director of the company ever had an auctioneer's license, real estate broker's license or any other type of occupational license suspended, revoked, refused or disciplined by this State or any other State? **NO** _____ **YES** _____ (If **YES**, attach a letter of explanation).

10. Does the principal auctioneer for the company understand and accept that he/she will be held accountable for all professional actions of all members and employees of the firm when operating within the scope of their professional activities?
NO _____ **YES** _____ (If **NO**, attach a letter of explanation).

AFFIDAVIT

By submitting this application to the Alabama State Board of Auctioneers for a license to conduct the business of auctioneering under the provisions of the Auctioneer License Act, as amended, the undersigned swears or affirms that he/she has read and is thoroughly familiar with the provisions of the aforementioned Act and agrees to fully comply with them. The undersigned further swears or affirms that all of the information given in this application is true and complete to the best of his/her knowledge and belief. If granted an application by the Alabama State Board of Auctioneers, the undersigned acknowledges that he/she must employ auctioneers licensed in the State of Alabama to conduct auction business in this State.

_____ _____

Signature of Principal Auctioneer Signature of Company Owner

_____ _____

Print Name Print Name

Subscribed and sworn to before me this _____of _____, 20_____.

_____ _____

Notary Public County State

(SEAL)

My Commission expires _____.

Pursuant to Alabama Code § 34-4-29(c)(4) (1975 as amended), the Alabama State Board of Auctioneers may suspend, revoke or refuse to renew any license issued by the Board for failure to keep or maintain any money belonging to others in an escrow or trustee account. Accordingly, please complete the following:

_____ The undersigned does handle funds belonging to others or intends to do so in the future.

PLEASE HAVE YOUR BANK COMPLETE THE FOLLOWING AND RETURN TO THIS OFFICE.

Auction Company Name and Address: _____

_____

Escrow Account Number: _____

Bank name: _____

Address: _____

Telephone number: _____

_____ _____
Printed Name of Bank Officer Signature of Bank Officer

_____
Date

I hereby certify that the foregoing information is true and correct to the best of my knowledge. I further understand that I have a continuing duty to notify the Board in the event that any of the information contained herein changes. The Alabama State Board of Auctioneers or its agent/designee is hereby authorized to audit any escrow account(s) referenced above.

_____
Auction Company Owner and Escrow Account Holder (Please Print)

By: _____
(Authorized Signature) (Printed Name) (Date)

_____ _____

Notary Public County State
(SEAL) My Commission expires _____.

PRINCIPAL AUCTIONEER'S AFFIDAVIT

As Principal Auctioneer for _____ (the "Company"), I hereby certify my acceptance of and compliance with the following regulations governing the conducting of auction business on behalf of the Company:

1. I understand that every company conducting auction business in the state of Alabama is required to have a Principal Auctioneer.
2. I hereby certify that I am licensed as an Auctioneer in the state of Alabama and that my license is currently in good standing with the Alabama State Board of Auctioneers.
3. I understand that if I am an Apprentice Auctioneer, I do not qualify to serve as the Company's Principal Auctioneer, even if I am the Company's owner. Only a duly licensed Auctioneer may serve as the Principal Auctioneer for an auction company.
4. I also certify that I am an officer of the Company. My position with the Company is _____. I have provided a copy of the Company's official meeting minutes, resolution or other official action evidencing my election to that corporate office or my stated position in the Company.
5. I understand that if I am the sole owner and operator of the Company, I am exempt from the requirement to obtain a separate auction company license, but I must still submit a completed auction company application form to the Alabama State Board of Auctioneers for its records. I do not have to submit an application or licensure fee for the auction company license if I am the sole owner and operator of the Company.
6. I understand that as the Principal Auctioneer, I am responsible for all the auction activities conducted on behalf of the Company. I understand that the Company may also have other officers and/or employees who are licensed Auctioneers and who conduct auction business on behalf of the Company. I understand and acknowledge that only Auctioneers licensed in the state of Alabama may conduct auction business in Alabama on behalf of the Company.
7. I understand that only a licensed Auctioneer may offer, negotiate, or attempt to negotiate a contract for the sale of any goods or property, including real property, by means of public auction on behalf of the Company. I understand that it is a violation of Alabama law if an Auctioneer fails to enter into a written contract with the owner or cosignee of any property to be sold at public auction containing the terms and conditions on which the Auctioneer received the property for sale.
8. I understand that only a licensed Auctioneer may cry bids for any public auction held by the Company. I understand that once the Company obtains its auction company license, it may contract with other licensed Auctioneers to cry bids for the Company.
9. I understand that any Company advertisement for an auction sale must clearly and conspicuously identify my name and state license number, as the Principal Auctioneer, together with the name and state license number of any other Auctioneer responsible for the auction. In addition, Internet advertisements for specific auctions with online-bidding must also list my name and state license number as the Company's Principal Auctioneer.
10. I acknowledge and understand that any and all funds received from auction sales by the Company must be maintained in the Company's or the Principal Auctioneer's escrow account, as applicable.
11. I understand that the Company's owner may keep account of and disperse any and all monies from the Company's or the Principal Auctioneer's escrow account, on terms agreed to by the owner and the Principal Auctioneer.
12. I understand that I and the Company are both responsible to notify the Alabama State Board of Auctioneers if I am no longer serving as the Company's Principal Auctioneer. I understand that this information must be provided to the Alabama State Board of Auctioneers in writing within thirty (30) days of such change.

13. I acknowledge and understand that my failure to abide by these requirements and any other applicable laws or Board rules may result in disciplinary action being taken against me, including, but not limited to, the suspension or revocation of my Auctioneer license.

I hereby certify that I have read the Company's application in its entirety before signing this Affidavit and that, to the best of my knowledge, all of the information contained therein is true and correct. If asked to do so, I agree to appear in person before the Alabama State Board of Auctioneers in connection with the application.

_____
Name of Principal Auctioneer

_____
License #

_____
Business Name and Address

_____
City, State, Zip

_____
Phone/Fax

_____
Email Address

_____
Signature of Principal Auctioneer

Subscribed and sworn before me this_____ day of_____, 20__.

_____
Notary Public
My Commission Expires _____

(Notary Seal)

AUCTION COMPANY OWNER'S AFFIDAVIT

As Owner of _____ (the "Company"), I hereby certify my acceptance of and compliance with the following regulations governing the conducting of auction business on behalf of the Company:

1. I understand that every company conducting auction business in the state of Alabama is required to have a Principal Auctioneer.
2. I understand that the Principal Auctioneer must be licensed as an Auctioneer in the state of Alabama and that his/her license must be in good standing with the Alabama State Board of Auctioneers. I understand that the Principal Auctioneer must also be an officer of the Company. I have provided a copy of the Company's official meeting minutes, resolution or other official action evidencing the Principal Auctioneer's election to that corporate office or his/her stated position in the Company.
3. I understand that if I am an Apprentice Auctioneer, I do not qualify to serve as the Company's Principal Auctioneer, even if I am the Company's owner. Only a duly licensed Auctioneer may serve as the Principal Auctioneer for an auction company.
4. I understand that if I am the sole owner and operator of the Company and a licensed Auctioneer in the state of Alabama, I am exempt from the requirement to obtain a separate auction company license, but I must still submit a completed auction company application form to the Alabama State Board of Auctioneers for its records. I do not have to submit an application or licensure fee for the auction company license if I am the sole owner and operator of the Company and a duly licensed Auctioneer in the state of Alabama.
5. I understand that the Principal Auctioneer is responsible for all the auction activities conducted on behalf of the Company. I understand that the Company may also have other officers and/or employees who are licensed Auctioneers and conduct auction business on behalf of the Company. I understand and acknowledge that only Auctioneers licensed in the state of Alabama may conduct auction business in Alabama on behalf of the Company.
6. I understand that only a licensed Auctioneer may offer, negotiate, or attempt to negotiate a contract for the sale of any goods or property, including real property, by means of public auction on behalf of the Company. I understand that it is a violation of Alabama law if an Auctioneer fails to enter into a written contract with the owner or cosignee of any property to be sold at public auction containing the terms and conditions on which the Auctioneer received the property for sale.
7. I understand that only a licensed Auctioneer may cry bids for any public auction held by the Company. I understand that once the Company obtains its auction company license, it may contract with other licensed Auctioneers to cry bids for the Company.
8. I understand that any Company advertisement for an auction sale must clearly and conspicuously identify the Principal Auctioneer's name and state license number, together with the name and state license number of any other Auctioneer responsible for the auction. In addition, Internet advertisements for specific auctions with online-bidding must also list the name and state license number of the Company's Principal Auctioneer.
9. I acknowledge and understand that any and all funds received from auction sales by the Company must be maintained in the Company's or the Principal Auctioneer's escrow account, as applicable.
10. I understand that as the Company's owner, I may keep account of and disperse any and all monies from the Company's or the Principal Auctioneer's escrow account, on terms agreed to by me, as the owner, and the Principal Auctioneer.
11. I understand that the Company and the Principal Auctioneer are both responsible to notify the Alabama State Board of Auctioneers if there is a change in the Company's Principal Auctioneer. I understand that this information must be provided to the Alabama State Board of Auctioneers in writing within thirty (30) days of such change.

12. I acknowledge and understand that my failure to abide by these requirements and any other applicable laws or Board rules may result in disciplinary action being taken against me, including, but not limited to, the suspension or revocation of my Company's auction license.

I hereby certify that I have read the Company's application in its entirety before signing this Affidavit and that, to the best of my knowledge, all of the information contained therein is true and correct. If asked to do so, I agree to appear in person before the Alabama State Board of Auctioneers in connection with the application.

_____
Name of Owner

_____
License # (if applicable)

_____
Business Name and Address

_____
City, State, Zip

_____
Phone/Fax

_____
Email Address

_____
Signature of Owner

Subscribed and sworn before me this_____ day of _____, 20__.

_____
Notary Public
My Commission Expires _____

(Notary Seal)

This form is required of all non-licensed auctioneer owner(s) and the principal licensed auctioneer. Please make copies as needed.

CITIZENSHIP OR LAWFUL PRESENCE

This supplement to the Application/Renewal form is to be completed in compliance with Ala. Code §§ 31-13-7 and 34-4-21(b) (1975 as amended).

This section must be completed by the individual Applicant, or, if the Applicant is a business entity engaging in the business of auctioneering in Alabama, as defined in *Ala. Code* § 34-4-1, *et seq.*, by the Principal Auctioneer to be named in the company license. **The Board requires proof of citizenship from each person listed on your application.

1) Are you a citizen of the United States?

___ Yes ____ No If "yes" please read the declaration below, sign and provide the requested proof of citizenship.
If "no," see question 2 below.

YOU MUST PROVIDE PROOF OF CITIZENSHIP BY SUBMITTING A COPY OF ONE OF THE FORMS OF IDENTIFICATION INCLUDED ON THE ATTACHED LIST WITH YOUR LICENSE APPLICATION OR RENEWAL

I hereby declare that I am a citizen of the United States of America. *I sign this declaration under penalty of perjury; making a false, fictitious, or fraudulent statement or representation in this declaration is perjury in the second degree, pursuant to Ala. Code § 13A-10-102.*

_____
Signature

_____
Date

2) If you are not a citizen of the United States, are you an alien who is lawfully present in the United States of America?

____ Yes ____ No If "yes" please read the declaration below, sign and provide the requested proof of lawful presence.

YOU MUST PROVIDE PROOF OF LAWFUL PRESENCE IN THE UNITED STATES BY SUBMITTING A COPY OF ONE OF THE FORMS OF IDENTIFICATION INCLUDED ON THE ATTACHED LIST WITH YOUR LICENSE APPLICATION OR RENEWAL

I hereby declare that I am an alien lawfully present in the United States of America. *I sign this declaration under penalty of perjury; making a false, fictitious, or fraudulent statement or representation in this declaration is perjury in the second degree, pursuant to Ala. Code § 13A-10-102.*

_____
Signature
Date:_____

This form is required of all non-licensed auctioneer owner(s) and the principal licensed auctioneer. Please make copies as needed.

PROOF OF CITIZENSHIP

Ala. Code § 31-13-29(g)

1. A driver's license or nondriver's identification card issued by the Alabama Department of Public Safety or the equivalent governmental agency of another state within the United States, provided that the governmental agency of another state within the United States requires proof of lawful presence in the United States as a condition of issuance of the driver's license or nondriver's identification card.

2. A birth certification indicating birth in the United States or one of its territories.

3. Pertinent pages of a United States valid or expired passport identifying the person and the person's passport number, or the person's United States passport.

4. United States naturalization documents on the number of certificate of naturalization.

5. Other documents or methods of proof of United States citizenship issued by the federal government pursuant to the Immigration and Nationality Act of 1952, as amended.

6. Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number.

7. A consular report of birthday abroad of a citizen of the United States of America.

8. A certification of citizenship issued by the United States Citizenship and Immigration Services.

9. A certification of report of birth issued by the United States Department of State.

10. An American Indian card, with KIC classification, issued by the United States Department of Homeland Security.

11. Final adoption decree showing the person's name and United States birthplace.

12. An official United States military record of service showing the applicant's place of birth in the United States.

13. An extract from a United States hospital record of birth created at the time of the person's birth indicating the place of birth in the United States.

14. AL-Verify.

15. A valid Uniformed Services Privileges and Identification Card.

16. Any other form of identification that the Alabama Department of Revenue authorizes through administrative rule promulgated pursuant to the Alabama Administrative Procedure Act, to be used to demonstrate or confirm a person's United States citizenship or lawful presence in the United States, provided that the identification requires proof of lawful presence in the United States as a condition of issuance.

This form is required of all non-licensed auctioneer owner(s) and the principal licensed auctioneer. Please make copies as needed.

PROOF OF LAWFUL PRESENCE OF NON-CITIZEN

Ala. Code § 31-13-3(10)

1. A valid, unexpired Alabama driver's license.

2. A valid, unexpired Alabama nondriver's identification card.

3. A valid tribal enrollment card or other form of tribal identification bearing a photograph or other biometric identifier.

4. Any valid United States federal or state government issued identification document bearing a photograph or other biometric identifier, if issued by an entity that requires proof of lawful presence in the United States before issuance.

5. A foreign passport with an unexpired United States Visa and a corresponding stamp or notation by the United States Department of Homeland Security indicating the bearer's admission to the United States.

6. A foreign passport issued by a visa waiver country with the corresponding entry stamp and unexpired duration of stay annotation or an I-94W form by the United States Department of Homeland Security indicating the bearer's admission to the United States.